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Kazakh National Security Committee neutralizing *Takfir wal-Hijra* religious extremist organization

Interfax (21.12.2016) - <http://www.interfax-religion.com/?act=news&div=13494> - The Kazakh National Security Committee has launched a special operation to neutralize cells of the *Takfir wal-Hijra* religious extremist organization (banned in Russia) on the national territory, the committee said.

The operation is in progress in the Alma-Ata, Aktobe and Atyrau regions and the city of Alma-Ata.

"Sixteen persons have been detained on suspicion of the incitement of religious discord and the engagement in activities of an outlawed organization," the committee website said in a report on Wednesday.

Residences of the detainees are being searched, and other investigative and procedural measures are being taken, it said.

According to the Kazakh National Security Committee, members of the organization are advocating the principle of the so-called 'branding of infidel' (Takfir), which is the foundation of the ideology of *Al-Qaeda*, ISIL (both are terrorist organizations banned in Russia) and a number of other extremist groups.

Takfir wal-Hijra followers approve of the activities of terrorists in Syria and Iraq and totally reject the secular form of government and constitutional laws of the country.

The organization was branded extremist by a court in 2014, and its activity in Kazakhstan was outlawed. It is listed as terrorist in the United States, Russia, China, Egypt, Libya, Morocco, Tajikistan, Uzbekistan and some other countries.

"The National Security Committee will be reporting progress of the operation and results of the investigative proceeding," the report said.

Muslim jailed and fined, books banned

By Felix Corley

Forum 18 (10.11.2016) - <http://bit.ly/2gbQKVV> - Rustam Musayev has been imprisoned for two years in a labour camp in East Kazakhstan Region, for talking to others about his Islamic faith during meetings. What he said was recorded by the National Security Committee (KNB) secret police and the meetings may have been set up by them. The 31-year-old Muslim was sentenced in Almaty Region on 1 June to two years' ordinary regime labour camp. He was convicted under Criminal Code Article 174, Part 1 for allegedly inciting religious hatred, even though an "expert analysis" commissioned by the KNB did not find any incitement in the recorded conversations.

That February analysis, and a second one in March, both claimed that two of the Muslim books Musayev allegedly offered contained passages which incite religious hatred. Musayev was also fined the cost of producing two "expert analyses". One of these books

- together with one that was not claimed to incite religious hatred - was subsequently banned throughout Kazakhstan at a hearing on 22 September (see below).

There is no evidence independent of the state's claims either that Musayev possessed and offered the books to others, or that the books contain the statements the state attributed to them. Evidence has in the past apparently been planted by the state on other prisoners, for example on Sunni Muslim Saken Tulbayev. He was convicted of Tabligh Jamaat membership in Almaty in July 2015, being sentenced to 4 years and 8 months' imprisonment and banned from exercising freedom of religion and belief for three years after his release.

Broadly-framed Criminal Code Article 174, Part 1

Rustam Imenzhanovich Musayev (born 17 April 1985) is among a growing number of people imprisoned under the broadly-framed Criminal Code Article 174, Part 1. This Article punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with a prison term of two to seven years.

Two of the 41 Sunni Muslims known to have been convicted of alleged membership of the Tabligh Jamaat Muslim missionary movement since December 2014 - Saken Tulbayev and Khalambakhi Khalym - were also convicted and imprisoned under Article 174, Part 1.

Also convicted under the same Article was Seventh-day Adventist prisoner of conscience Yklas Kabduakasov. He was given a two-year prison term in December 2015 to punish him for talking to others of his faith. As with all the Muslim prisoners of conscience jailed for their beliefs, the KNB secret police was also heavily involved in Kabduakasov's case, including with the use of informers.

Criminal Code Article 174 is also used against human rights defenders and peaceful protests. Almaty-based free speech organisation Adil Soz (Free Word) identified two human rights defenders convicted in 2015 (in addition to Kabduakasov) and five others convicted between January and August 2016. Article 174 is also being used against Maks Bokayev of the NGO Arlan and lawyer Talgat Ayan, who in May were arrested when they along with thousands of others protested against the government's plans to lease land to foreigners. Their trial, which human rights defenders have condemned as unfair, began in Atyrau on 12 October.

Human rights defenders have repeatedly called for Article 174 to be reworded or abolished. "We have more than once criticised it [Article 174] because it does not contain a precise and clear formulation of what constitutes social, national or other hatred," Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law told a press conference in Almaty in January.

Twelve Kazakh human rights organisations, including Adil Soz and the Kazakhstan International Bureau for Human Rights and the Rule of Law, strongly criticised the government's human rights record to the United Nations Human Rights Committee. The Committee in July strongly criticised Kazakhstan's record, including on Article 174 "the use of broadly formulated crimes and administrative offences in the Criminal Code .. and the legislation on combating extremism to punish individuals exercising their freedom of religion and belief".

Financial blacklist

In early August, Musayev was added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts he might have. Convicted individuals can be added to the list without being informed of it and without separate legal process. "The only way

they would know is when they go to the bank and find their account is blocked and the bank then tells them," a Ministry Financial Monitoring Committee official told Forum 18 in June. All financial transactions by an individual on the List are under tight restrictions. Family members who live in the same household without any separate source of income are allowed to apply for access to funds for subsistence.

Thirty individuals convicted of exercising freedom of religion and belief have already been added to the Financial Monitoring Committee blacklist. Of these, 29 are Sunni Muslims accused of Tabligh Jamaat membership, while the other is the Adventist prisoner of conscience Kabduakasov.

Detained for offering religious books

KNB secret police officers from Zhambyl District of Almaty Region detained Musayev during "operational/investigative measures" on 7 December 2015, according to the subsequent Prosecutor's Office suit for two Muslim books confiscated from him to be banned. It said he had been offering religious literature on the road just outside the village of Abai in Karasai District of Almaty Region.

According to the KNB, Musayev gave the books to a man identified in case documents with the pseudonym "Nurik". The KNB secret police recorded the 16-minute conversation between the two and a third name identified with the pseudonym "Zhandos". The documents do not make clear whether or not "Nurik" and "Zhandos" were undercover KNB secret police officers.

The KNB secret police recorded two further conversations between the three, a 14-minute conversation on 11 December 2015 and a conversation of 1 hour 55 minutes on 22 December 2015. The KNB also confiscated several Muslim books from Musayev.

"Expert" analyses started

On 18 January 2016, senior KNB secret police investigator Major Kuanish Mildokhodzhayev sent the confiscated books, together with CDs of the three recorded conversations and transcripts to Almaty's Centre for Judicial "Expert" Analysis. Major Mildokhodzhayev asked to what religious trend the materials belonged, whether they contain "incitement of social, national, clan, racial, or religious hatred or antagonism" or whether they promote or call for terrorism. The Centre handed the analysis to Dinara Musina and Gulnara Mukhatayeva.

"Expert" analyses: February analysis of two books

Musina and Mukhatayeva concluded that one of the two Russian-language books allegedly confiscated from Musayev – "Explanation of the Last Tenth of the Noble Quran Followed By Rulings that Concern Every Muslim" – contained "incitement of religious hatred, propaganda of exclusivity and the superiority of individuals because of their religious affiliation".

An extract of what Musina and Mukhatayeva say is from "Explanation of the Last Tenth of the Noble Quran Followed By Rulings that Concern Every Muslim" states that anyone who denies Resurrection is a kafir [unbeliever]. So too is anyone who performs Muslim prayers but does not abide by the pillars of Islam. Musina and Mukhatayeva quote the book as declaring that "it is permitted to kill the kafir".

Musina and Mukhatayeva's 12-page analysis – completed on 5 February and seen by Forum 18 – concludes that the books and CDs follow the ideas of Wahhabi Islam. They found that the second book – "An Explanation of the Book of Monotheism" – did not contain "incitement of social, national, clan, racial, or religious hatred or antagonism".

"Expert" analyses: February analysis of CDs

KNB senior operational officer E. Amantaiuli produced transcripts of the three conversations from the CDs. According to the February "expert" analysis, the man on the recordings which it identifies as Musayev discussed "observing the canons of monotheism, and explained the significance and forms of sinful acts (shirk [idolatry], bidah [innovation])." The man also recommended reading the two books to help understand "what is shirk and what is forbidden in Islam (honouring the dead, baking shelpeki – traditional cakes among the Kazakh people)".

Shelpeki consist of dough fried in oil. The "expert" analysis does not explain why Musayev appears to have considered these unacceptable in Islam.

The man on the recordings also insisted that Muslims should not go to mosques to pray the namaz as "they do not do it there correctly. They commit shirk [idolatry]..".

(All non-state controlled and non Sunni Hanafi mosques have been closed, and all mosques must give 30 per cent of their income to the state-controlled Muslim Board which appoints all imams.

Musina and Mukhatayeva's analysis concludes that Musayev made no comments in the three conversations inciting any form of hatred or terrorism.

"Expert" analyses: March analysis

A second analysis – which looked at a third book "Violations of Monotheism" – was completed on 24 March. This concluded that the book contained negative views of Jews and Christians, as well as of Muslims who cease praying the Koran. However, the two short passages quoted in the Prosecutor's Office suit do not call for any actions by Muslims against such people.

Nevertheless, the "expert" analysis found that this book too contained "incitement of social, national, clan, racial, or religious hatred or antagonism".

"We don't make comments on our analyses"

Musina declined to discuss the analysis which she and Mukhatayeva completed. "We don't make comments on our analyses," she told Forum 18 from Almaty on 9 November. "Put your questions to the organs." She declined to say whether she was referring to the KNB secret police which had handled the case initially or to the Prosecutor's Office, which led the criminal prosecution of Musayev and the suit to court to ban the two books.

KNB secret police investigator Mildokhodzhayev confirmed that he had investigated Musayev's case. However, he declined to discuss any aspect of it. "Don't call me," he told Forum 18 on 9 November. "I won't give any comments." He then put the phone down.

Almaty Region KNB told Forum 18 on 9 November they had no senior operational officer named Amantaiuli

Pre-trial imprisonment

Following the "expert" analyses, Musayev was arrested on 4 April. Karasai District Court then ordered that he be held in pre-trial imprisonment, a court official confirmed to Forum 18 on 9 November. He was held in Investigation Prison LA-155/18 in Almaty's Turksib District, the court official added.

The Prosecutor's Office suit to have the two books confiscated from Musayev banned claims that Musayev distributed them "knowing full well that the ideas expressed in the given literature propagandise religious extremism". It claimed that he had warned the two men in conversation in December 2015 that he knew they were banned in Kazakhstan. Neither of the two books were then banned in Kazakhstan.

Karasai District Prosecutor's Office assistant Dastan Myrzagali completed the criminal case and handed it to Karasai District Court on 15 April, according to court records. It was assigned to Judge Amangeldi Makhanbetov.

Two-year labour camp sentence

The full trial began on 28 April and on 1 June, the seventh day of hearings, Judge Makhanbetov found Musayev guilty of inciting religious hatred under Criminal Code Article 174, Part 1. He sentenced him to two years' imprisonment in a general regime labour camp. The sentence is deemed to run from 4 April, the date of his arrest.

The assistant to Judge Makhanbetov told Forum 18 she had not been in post when the trial took place, and was therefore unable to say if the Judge imposed any restrictions on Musayev after he completes his prison term. She refused to put Forum 18 through to Judge Makhanbetov, saying it was not possible to talk to him.

Lawyer Erbol Kaliakperov, who defended Musayev in court, told Forum 18 on 9 November he could not remember the case. He refused to say if he had been engaged by Musayev or his family, or whether he had been the duty lawyer assigned to the case by officials.

Officials at Karasai District Prosecutor's Office told Forum 18 each time it called on 9 November that District Prosecutor's Office assistant Myrzagali was out of the office.

It does not appear that Musayev appealed against his conviction to Almaty Regional Court.

Musayev also fined costs of "expert" analyses

Musayev was also ordered by Judge Makhanbetov to pay the state 35,890 Tenge, to cover the costs of the two "expert" analyses commissioned by the KNB secret police.

On 1 July, moves were initiated to recover the 35,890 Tenge from Musayev that he was ordered to pay for the costs of the "expert" analyses. On 26 July, Ili District Bailiffs' Office began procedures to recover the money. However, on 9 November Nigora Mustafayeva – the official handling the case – was unable to tell Forum 18 immediately what moves it had undertaken to recover the funds.

Transfer to labour camp

On 22 July, Musayev was transferred to a labour camp in East Kazakhstan Region, officials at the LA-155/18 Investigation Prison told Forum 18 on 10 November.

Confused book banning application?

On 30 June, four weeks after Musayev was sentenced, Dzhanseit Ayazbayev, Karasai District Prosecutor, lodged a suit to Karasai District Court "in the interests of the state" to have two of the Muslim books banned as "extremist".

The suit – seen by Forum 18 – asks for two books, "Explanation of the Last Tenth of the Noble Quran Followed By Rulings that Concern Every Muslim" and "An Explanation of the

Book of Monotheism", to be declared "extremist" and banned for importation, distribution or publication in Kazakhstan.

While the first book was found by the "experts" on 5 February to contain incitement of religious hatred, the second book was not. Indeed, the 30 June Prosecutor's Office suit states that the 24 March "expert" analysis found a different book, "Violations of Monotheism", incite religious hatred. It is possible that Prosecutor Ayazbayev confused the two similar titles.

Arbitrary book banning

Kazakhstan has banned a wide variety of Muslim, Ahmadi Muslim, Christian, Hare Krishna and Jehovah's Witness items. The General Prosecutor's Office publishes on its website a list of "religious" books and materials banned as being allegedly "extremist". However, the list includes many books which are not religious (such as Adolf Hitler's "Mein Kampf") and does not include other religious books known to have been banned on separate banned book lists.

It is difficult for anyone to precisely identify which books have been banned. Many of the 695 items on the General Prosecutor's Office's list have only a title without an author. No publication details, such as the edition, publication place and date, or language, are given for any text. The basis for book banning decisions appears to be a combination of court decisions and arbitrary official opinions.

Two books banned – even though

On 22 September, Judge Aygul Zhanbyrbayeva of Karasai District Court upheld Prosecutor Ayazbayev's suit and banned the two books, according to the decision seen by Forum 18. Deputy Prosecutor Darkhan Dosmukhanbetov represented the Prosecutor's Office in court. The decision notes that other "interested parties" – the Interior Ministry, the Finance Ministry and the Culture and Sport Ministry (which had until 13 September handled religious affairs) – failed to appear in court.

The decision claims that the "expert" analysis had found that the two books contained incitement of religious hatred - even though this is not what the analysis states. The decision also notes that Musayev was convicted for "deliberately" distributing them. It then ordered that both the books be banned, noting that the ban covers both printed and internet versions of the books.

The two books were then added to the General Prosecutor's Office's website list of "religious" books and materials banned as "extremist".

Officials at Karasai District Prosecutor's Office claimed to Forum 18 on 9 November that neither Prosecutor Ayazbayev nor Deputy Prosecutor Dosmukhanbetov were available.

Kazakhstan school hijab ban upheld

TOL.org (21.10.2016) - <http://bit.ly/2fAQKix> - Adopted in January, the ban, which prohibits any kind of religiously affiliated clothing, has not deterred students from wearing hijabs until now.

Judges' religious freedom to be restricted?

By Felix Corley

Forum 18 (21.10.2016) - <http://bit.ly/2ey3Mzw> - The draft Code of Judges' Ethics – likely to be adopted at a 24 November congress – proposes wide-ranging bans on exercising freedom of religion outside the professional setting. Judges "shouldn't be very active in their religious conduct", says the Union of Judges secretary.

Judges could be deprived of many of their rights to freedom of religion or belief if the draft Code of Judges' Ethics is adopted in November in its current form, Forum 18 notes. Judges could face disciplinary action for talking about their faith with others away from the court, being among the legal founders of a religious organisation, attending a religious conference as a private individual, or giving "provide support in any form" to a religious organisation.

The Code of Judges' Ethics would apply to all of Kazakhstan's estimated 2,660 judges. The Code is likely to be adopted at the much-delayed Seventh Congress of Judges. This is now scheduled to be held in the capital Astana on 24 November, Madiyar Balken, a Supreme Court Judge and secretary of the Union of Judges, told Forum 18 from Astana on 18 October.

Judge Balken justified the proposed restrictions, insisting that judges "shouldn't be very active in their religious conduct" (see below).

Aina Shormanbayeva, an Almaty-based lawyer who heads the International Legal Initiative non-governmental organisation, is among several legal specialists concerned by these proposed restrictions. She told Forum 18 that she believes these restrictions – if adopted – would violate judges' human rights. She argues that they need to be reworked (see below).

Another legal specialist told Forum 18 that the text is so broadly and imprecisely worded that judges' rights to freedom of religion or belief could be seriously restricted (see below).

In September 2011, Agisbek Tulegenov was removed from his post as a Judge in Aktobe Region to punish him for attending mosque. The National Security Committee (KNB) secret police alleged he was close to members of the Muslim Tabligh Jamaat missionary movement, an accusation he denied (see below).

Whether or not extra restrictions are imposed on judges when the new Code of Judges' Ethics is adopted, judges already face the severe state restrictions on the exercise of freedom of religion or belief that all the country's residents face. The restrictions, which violate Kazakhstan's international human rights obligations, include: bans on and punishment for meeting for worship without state registration, talking to others about religion without state permission and publishing or distributing literature about religion without state permission.

Code of Judges' Ethics, October draft

The 1 October draft of the Code of Judges' Ethics, seen by Forum 18, is the current version being considered, Balken told Forum 18.

Article 7 of the proposed new Code, in the 1 October draft, declares: "A judge must not propagandise their religious convictions and views or publicly display their attitude to religious symbols. They do not have the right to carry out activity as a member of religious organisations, official delegations, commissions, and organising committees for

conducting religious conferences, congresses or other measures and rites of a religious nature, or to provide support in any form for the activity of religious organisations."

Article 7 continues: "The provisions of this article should not be considered as limiting the right of a judge to freedom of religious confession, to their attendance at religious institutions or places of worship, or participation in services, religious rituals and ceremonies conducted under procedures established in law in their own name on a par with other citizens. In this in all cases, they should demonstrate reserve and moderation, so that the authority of the court and the dispassionate nature of justice would not be put into doubt."

While the ban on "propagandising" religious convictions and displaying religious symbols appears to relate to judges' conduct in the courtroom, the rest of the Article appears to relate to conduct outside their professional life. Other provisions of the Code impose restrictions and requirements on judges' private lives, including over how they bring up their children.

Any judge deemed to have violated these provisions could be referred to the Judicial Ethics Commission of the Union of Judges. The Commission would review any accusations and has the power to issue a public reprimand or, in more serious cases, refer a judge to a disciplinary board. A disciplinary board could rule to strip a judge of their post.

Shormanbayeva of the International Legal Initiative notes that decisions to strip judges of their post are "exceedingly rare". The legal expert similarly pointed out to Forum 18 the rarity of such cases, but noted the removal from his post in 2011 of Judge Tulegenov because of his exercise of the right to freedom of religion or belief (see below).

Code "cannot impose restrictions"

The Almaty-based legal expert expressed concern about the vague formulation of Article 7 of the proposed Code and the way it might harm judges' right to freedom of religion or belief.

"Some of the wording could be interpreted in different ways," the legal expert told Forum 18. "For example, the wording on judges not having the right to carry out activity as a member of religious organisations could mean that they could not participate in any of their activity, including by reading a holy book, or that they could not take part in plans by a religious organisation to organise conferences or congresses."

The legal expert also pointed to the proposed ban on judges providing "support in any form" for the activity of religious organisations. "That means that supporting a religious organisation financially – such as by paying a tithe – could be recognised as a violation of the Code."

Shormanbayeva of the International Legal Initiative is similarly concerned by the proposed restrictions on judges' exercise of their freedom of religion or belief. She notes that these restrictions would violate Article 18 of the International Covenant on Civil and Political Rights (which declares that "Everyone shall have the right to freedom of thought, conscience and religion" and that any restrictions must be "prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others").

Shormanbayeva says the proposed restrictions also violate Article 22 of the Constitution, which declares that "Everyone has the right to freedom of conscience".

"Restrictions on the right in accordance with the Siracusa Principles and Article 39 of Kazakhstan's Constitution can be imposed only by law and to the extent that is necessary

to protect national security, public order and the rights and freedoms of others," Shormanbayeva told Forum 18. "The Code of Judges' Ethics is not a law, it is an internal act for members of a public association - the Union of Judges. So it cannot impose restrictions on any of the rights and freedoms of individuals."

Shormanbayev and the legal expert both insist that Article 7 of the proposed Code needs to be reformulated.

Judges "shouldn't be very active in their religious conduct"

Asked why the draft Code contains what appear to be wide-ranging bans on judges exercising the right to freedom of religion or belief as individuals outside their official capacity, Judge Balken of the Union of Judges told Forum 18: "We need a very sensitive approach to the conduct of judges."

Judge Balken argued that "it is OK for judges to participate in official [registered] religious ceremonies, like any individual, but they shouldn't be very active in their religious conduct. They shouldn't support religious organisations. Judges should be passive in their religious views and opinions. They can simply attend [worship] and follow their belief, but not make propaganda."

Asked what the proposed ban on "activity as a member of religious organisations" entails, Judge Balken said judges should avoid being a member or legal founder of a religious organisation. "This is a strong recommendation." He added that the ban on participation in conferences means that judges should not even attend a religious conference as an ordinary participant.

Judge Balken insisted to Forum 18 that the text of the proposed new Code has not been finalised. "The text is not yet finished – the Working Group intends to make it more flexible," he told Forum 18. "We are still open for discussion."

No restrictions on freedom of religion or belief in current Code

The new Code of Judges' Ethics would replace the current Code which dates back to November 2009. This makes no mention of any restriction on judges' exercise of the right to freedom of religion or belief.

The Bangalore Principles of Judicial Conduct, adopted in 2001 and revised in 2002, stress the need for an impartial and independent judiciary. These make no reference to any restrictions on the exercise by judges of their right to freedom of religion or belief as individuals. The Bangalore Principles have been widely accepted and the then United Nations (UN) Commission on Human Rights endorsed them in 2003.

The draft Code specifically says it draws on the Bangalore Principles, as well as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Basic Principles on the Independence of the Judiciary endorsed by the UN General Assembly.

No restrictions on freedom of religion or belief in state officials' ethical Code

Kazakhstan's Ethical Code of State Servants, approved in December 2015, bans state officials from using their official position to promote the interests of a particular religious organisation or to advertise their relationship to it. Officials cannot "openly demonstrate their religious convictions in the [work] collective" or force their subordinates to take part in the activity of religious organisations.

However, the Code makes no mention of any restrictions on exercising freedom of religion or belief outside working hours away from the place of work.

Venice Commission review

The Union of Judges began preparing the Code of Judges' Ethics in December 2015. It set up a Working Group to draft and lead the adoption process, Judge Balken told Forum 18.

The draft text was first published in February 2016. On 20 January, the day before the formal decision to initiate a new Code, Kairat Mami, the Chair of the Supreme Court, asked the Council of Europe's Venice Commission for an Opinion on the draft Code. Although Kazakhstan is not a member of the Council of Europe, it is a member of the Venice Commission.

The Venice Commission reviewed the February version of the draft Code and issued its Opinion on 13 June ([http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)013-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)013-e)).

This Venice Commission Opinion cited an earlier Opinion on Bosnia noting that restricting the rights of judges to demonstrate a religious affiliation in the courtroom is a "sound rule". However, it added that "this prohibition should not be seen as preventing the judge from attending a mosque or a church, or, for example, wearing a cross or another insignia in a manner not visible to others. Indeed, any limitation should be proportionate and should primarily concern expression of religious beliefs in the professional setting."

2011 removal of Judge

The only known removal of a Judge in punishment for exercising the right to freedom of religion or belief outside the professional setting came in 2011. Following complaints by the National Security Committee (KNB) secret police, Agisbek Tulegenov was removed from his post as Judge at Aktobe Regional Court.

Aktobe Regional KNB had written to Aktobe Regional Court on 26 July 2011, alleging that unnamed individuals in the judicial system "belonged to religious organisations of non-traditional orientation" and of "extremist orientation". It also alleged such individuals provided "material and legal help to individuals of worldviews which are against the state", according to subsequent court documents seen by Forum 18.

Tulegenov was specifically accused of links to members of the Tabligh Jamaat Muslim missionary movement. This was banned as "extremist" by an Astana court in February 2013, a year and a half after the Regional KNB's letter.

Despite the lack of evidence of wrongdoing, Tulegenov was removed as a Judge on 27 September 2011.

The Deputy Head of the Regional KNB, B. Rakhymberdiyev, admitted in a 26 October 2011 letter that Tulegenov had not been identified by name in the July 2011 letter to the Regional Court.

Tulegenov denied the allegations against him and insisted he was being punished simply for attending mosque regularly.

Tulegenov took the KNB secret police to court, arguing that it had provided "inaccurate information". However, on 2 November 2011 Aktobe Military Court rejected his suit. The same court rejected his further appeal on 27 December 2011, according to the decisions seen by Forum 18.

Gulen-linked Turkish schools in Kazakhstan being renamed

RFERL (18.10.2016) - <http://bit.ly/2gdlf1l> - Turkish-Kazakh schools across Kazakhstan are being renamed amid a campaign by Turkey against the exiled Turkish Muslim cleric Fethullah Gulen.

The Turkish-Kazakh schools were co-founded by Gulen's Hizmet movement and his followers and have been functioning in Kazakhstan since early 1990s.

One of the other sponsors of the 33 Turkish-Kazakh schools in Kazakhstan, the KATEV Foundation, said on October 18 that the schools are to be renamed as "Bilim" (Education) Innovative Lyceums.

KATEV said the schools were being renamed to honor the 25th anniversary of Kazakhstan's independence from the former Soviet Union, which will be celebrated on December 16.

Gulen, who is living in self-imposed exile in the United States, is accused by Ankara of ordering a July 15 attempted coup against Turkish President Recep Tayyip Erdogan by a group of the cleric's followers within Turkey's military.

Gulen has repeatedly denied the accusation.

Washington has so far refused calls by Erdogan to extradite Gulen from the United States, saying Turkey must provide solid evidence that he played a role in the coup in support of a formal extradition request.

Criminal case, fines, warnings, imprisonments for uncensored literature

By Felix Corley

Forum 18 (17.10.2016) - <http://bit.ly/2ey6x3Y> - Founder of Muslim WhatsApp group escapes criminal prosecution, but is fined for distributing uncensored religious literature. Baptists are fined for offering literature on the streets, while parents of one girl who did so are warned and father fined. The OSCE calls for end to religious censorship.

Erlan Aubakirov, a 35-year-old Muslim from Petropavl [Petropavlovsk] in North Kazakhstan Region, came close to facing criminal charges for launching a Muslim group on the smartphone messaging service WhatsApp. He was eventually fined under the Administrative Code for distributing uncensored religious literature after police decided no basis for a criminal prosecution existed.

Abubakirov was among many punished for violating Kazakhstan's strict censorship of all religious literature published, printed or distributed in the country – including online and on social media – or imported into the country.

Two Council of Churches Baptists were fined in East Kazakhstan Region for offering uncensored religious literature to others (see below).

After two young members of a Council of Baptists congregation in Karaganda [Qaraghandy] Region were stopped while offering uncensored New Testaments and other religious literature on the streets, their parents were summoned and threatened. One of

the girls was summoned by the psychologist at the College where she is studying and questioned about her faith and whether any other students attend her community. Her father was fined (see below).

The Muslim and the three Council of Churches Baptists were each fined 50 Monthly Financial Indicators (MFIs), 106,050 Tenge (2,600 Norwegian Kroner, 290 Euros or 320 US Dollars). This represents more than a month's average wages for those in formal work, though much more for pensioners or the unemployed.

Council of Churches Baptists follow a policy of civil disobedience, refusing to pay fines for exercising the right to freedom of religion or belief. Many Baptists who refuse to pay such fines are then placed on Kazakhstan's exit blacklist, preventing them from leaving the country. Some have property confiscated, such as washing machines or cars. Others have restraining orders placed on property, such as homes, cars or calves, preventing them from selling or disposing of them. Punishment can also include short-term jail sentences.

Three Council of Churches Baptists in Aktobe [Aqtobe] Region were jailed in September for up to three days for failing to pay earlier fines for offering uncensored religious literature to others (see below).

Three further religious books – all Sunni Muslim works linked to the banned Muslim missionary group Tabligh Jamaat – have been banned as "extremist" (see below).

OSCE call to abolish religious censorship

The Organisation for Security and Co-operation in Europe (OSCE) has called on Kazakhstan to remove legal provisions which enforce the compulsory prior religious censorship. The call came in its Preliminary Opinion on the Draft Amendments to the Legal Framework on Countering Extremism and Terrorism, issued on 6 October (http://legislationline.org/download/action/download/id/6423/file/296_TERR-KAZ_6Oct2016_en.pdf).

The Preliminary Opinion was issued as Kazakhstan's Parliament, the Majilis, is considering a wide-ranging anti-"extremism" Amending Law. If adopted in current form, the amendments would increase still further state-imposed pre-publication censorship of all literature about religion.

The OSCE Preliminary Opinion points out that "it is generally questionable whether a state body is able to or should be involved in assessing any material with religious content". And it adds: "The rights to freedom of religion or belief, and to freedom of expression exclude any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs, including religious literature or any other materials containing so-called 'religious content', are legitimate."

The OSCE described the state religious censorship as "a system of authorization which appears to be an excessive, disproportionate and unnecessary limitation to the right to acquire, possess, use, produce, import and disseminate religious publications and materials, which is an integral component of the right to freedom of religion or belief".

The OSCE Preliminary Opinion called on Kazakhstan to delete proposed amendments to Article 9, Parts 3 and 3-1, of the Religion Law and Article 490, Part 3 of the Administrative Code, "thereby removing the requirement of obtaining an 'expert opinion' prior to the use of religious material or literature and excluding administrative liability for failure to do so".

To implement this recommendation, provisions in the existing Religion Law and Administrative Code enacting such religious censorship would also need to be amended.

Petropavl: Criminal investigation over Muslim WhatsApp group

Trouble began for Erlan Aubakirov, a 35-year-old Muslim from Petropavl, when North Kazakhstan Regional Police opened a criminal case against him after "operational information" arrived on 7 January that he had set up a Muslim group named "Akhli sunna" on WhatsApp and had begun to share religious texts. The police insisted this is illegal and seized his mobile phone.

The subsequent court decision in the administrative case against Aubakirov did not reveal how the police had discovered that he had launched the WhatsApp group.

Police investigated Aubakirov under the broadly-framed Criminal Code Article 174, Part 1. This Article punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with a prison term of two to seven years.

Three prisoners of conscience are known to be serving prison terms under Criminal Code Article 174, Part 1. Two are Sunni Muslims accused of membership of the Tabligh Jamaat missionary movement, Saken Tulbayev and Khalambakhi Khalym. The third is a Seventh-day Adventist Yklas Kabduakasov. All three denied they had inspired hatred of anyone (see F18News 10 October 2016 http://www.forum18.org/archive.php?article_id=2223).

However, on 25 March, an "expert analysis" of Aubakirov's phone and the religious texts he posted on the WhatsApp group found that he had not incited "social, national, clan, racial, or religious hatred or antagonism". However, it claimed that the religious texts were "not recommended for use on the territory of Kazakhstan" as they violate the Constitution and laws.

On 31 May the Investigative Department of North Kazakhstan Regional Police closed the criminal case against Aubakirov after ruling that no crime had been committed. Instead, the case was handed to the Regional Religious Affairs Department, the body entitled to launch administrative cases to punish people for exercising the right to freedom of religion or belief.

On 4 June, Religious Affairs Department chief specialist Bolat Omarov launched a case against Aubakirov under Administrative Code Article 490, Part 1, Point 3, according to the subsequent court decision. This Article punishes: "Violating the requirements of the Religion Law for .. import, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

The administrative case was handed to Petropavl Specialised Administrative Court. There, on 23 June, Judge Aigul Akpanova found Aubakirov guilty, according to the decision seen by Forum 18. She fined him the prescribed 50 MFIs, 106,050 Tenge. She banned him from conducting unspecified activity for one month. She also ordered that his confiscated mobile phone should be returned "with deletion from the phone's memory of information of religious content".

Aubakirov does not appear to have appealed against the punishment to North Kazakhstan Regional Court and the decision came into force on 5 July, according to court records.

On 19 July, court bailiffs in Petropavl began proceedings to recover the fine from Aubakirov, according to Justice Ministry records. Court bailiffs were unable to tell Forum 18 on 17 October what action, if any, had been taken against Aubakirov.

Petropavl: "What state censorship?"

Religious Affairs Department chief specialist Omarov defended the prosecution of Aubakirov, but was unable to explain what he had done wrong. "It's all in the court decision," Omarov insisted to Forum 18 from Petropavl on 17 October. "There was an expert analysis which found the materials in the group he had set up were not recommended." He said he was unable to remember what materials Aubakirov had posted to the group.

Forum 18 tried to find out which religious materials were "recommended" and which not. Despite repeatedly asking if, for example, the Koran is among religious materials "recommended" for people to read, Omarov refused to say.

Asked why people face state censorship over what religious materials they are allowed to have access to, Omarov responded: "What state censorship?" He then put the phone down.

Kalbatau: Literature seizure, fines

On 16 June, two Council of Churches Baptists from Taldykorgan [Taldyqorghhan] visited the village of Kalbatau in East Kazakhstan Region. There they offered "leaflets and Gospels to all who wanted them", Baptists told Forum 18. They also invited people to attend the festival of the Trinity with other members of the Kalbatau Baptist church to be held on the following Sunday, 19 June.

Akimat (Administration) officials detained them that evening on the central streets of the village and took them to the police. Officers seized their religious literature, questioned them and then let them go. The investigator summoned them the following day, warning them that they had committed an administrative offence and would be brought to court where they lived.

On 13 September, Judge Maikul Mamutova of Taldykorgan Specialised Administrative Court found both Lozovoi and Pikalina guilty under Administrative Code Article 490, Part 1, Point 3, according to the decisions seen by Forum 18. She fined each 50 MFIs, 106,050 Tenge. Lozovoi was recorded as unemployed, while Pikalina is a pensioner who was then approaching her 67th birthday.

The court decisions do not reveal what happened to the religious literature the police seized from Lozovoi and Pikalina.

Although Lozovoi and Pikalina intended to appeal against the punishments, Forum 18 can find no record that they did so.

Zhezkazgan: Literature seizure, warning, fine, psychologist

On the afternoon of 6 August, police officers detained two young Council of Churches Baptists as they offered religious literature – including the New Testament in Kazakh and Russian - on the streets of Zhezkazgan in Karaganda Region. As the two girls were aged 16, officers then summoned their parents. The father of one of the girls is a church pastor. (Forum 18 knows the names of the girls and the pastor.)

"All were interrogated and forced to write statements," local Baptists told Forum 18. Officers took some of the literature for an "expert analysis" and the Baptists were warned that materials on the case would be sent to the Akimat. They were then allowed home.

On 29 August, Shamil Nurbek of the Akimat drew up a record of an offence against the Pastor.

Zhezkazgan: Summoned, warned

On 5 September, Akimat officials summoned the two girls and their parents to an administrative Commission for the protection of the Rights of Minors. Also summoned was Lyazzat Ranova, head of Zhezkazgan Medical College where the two girls study, as well as the headteacher and other staff from the school where the Pastor's daughter had studied earlier.

"The Commission issued a warning to the parents that they do not have the right to force their religious beliefs on their children," Baptists complained to Forum 18. They warned that if such a thing happened again, the two girls would be "placed on a register".

Forum 18 was unable to reach officials of the Akimat Commission on 17 October. Its chair, Deputy Akim Zina Akilbekova, was on leave, while the telephone of Commission secretary went unanswered each time Forum 18 called. A former member of the Commission, Gulnar Seitzhanova of the Education Department, told Forum 18 that during her time on the Commission she could not recall a case where parents were summoned and warned over their or their children's religious activity.

The following day, 6 September, a psychologist at the Medical College summoned the Pastor's daughter in the middle of lessons. She asked her what literature she reads, what she does in her spare time and who else among the students attends church.

On 8 September, first-year students of the Medical College and their parents were summoned to attend a lecture on the subject "Prevention of religious extremism and terrorism, prevention of legal offences and self-destructive conduct among youth". The Medical College website shows rows of students dressed in white medical overalls and hats listening to the lecture.

Students and their parents were told that two of the College's students had been giving out religious literature in the town and that their parents had been fined. "Students were warned to notify the authorities of similar instances," Baptists told Forum 18.

Medical College head Ranova claimed to Forum 18 on 17 October that students have "the right to preach a religion, but not in the college". Told that the two students had been threatened with punishment for offering religious literature in their free time away from the College, she responded: "It was all in accordance with the law."

Ranova defended the psychologist's questioning of the Pastor's daughter about her and other students' religious activity. "The Education Ministry demands that our psychologist retains good relations with the students and knows them well," she insisted to Forum 18. "Students are minors and have to remain under our supervision."

Questioned whether it is not the right of parents to supervise their children, not the College, Ranova responded: "We don't ban anything, but we need to know."

Asked why officials had instructed students at the 8 September meeting to inform on other students exercising their right to freedom of religion or belief, Ranova told Forum 18: "No one is telling them they should become KGB [secret police] agents." But she defended the right of the state to take action when individuals are exercising freedom of religion or belief in ways the government has banned.

Zhezkazgan: Fined

On 6 September, the Pastor was summoned to Zhezkazgan Court. There Judge Argyn Kutyshev ruled that he had incited the two girls to offer the books on the streets and found him guilty under Administrative Code Article 490, Part 1, Point 3, according to the decision seen by Forum 18. The Judge fined him 50 MFIs, 106,050 Tenge. The Judge also banned him from carrying out similar activity for three months.

The court noted that a religious studies scholar had found that the books had not been given a positive "expert analysis", so their distribution is illegal. The court decision did not reveal what happened to the religious literature the police seized from the two girls.

The Pastor appealed against the punishment. However, on 10 October, Judge Nauryzbai Besembayev of Karaganda Regional Court rejected his appeal, according to the decision seen by Forum 18.

Aktobe Region: Short prison terms for failing to pay earlier fines

Three Council of Churches Baptists in Aktobe Region were jailed in September for up to three days for failing to pay earlier fines imposed to punish them for exercising the right to freedom of religion or belief by offering uncensored religious literature to others. All were punished under Administrative Code Article 669 at Burabai District Court, according to the court decisions seen by Forum 18.

Article 669 punishes "failure to fulfil a court decision". The designated fine for individuals under this Article is 10 MFIs or up to five days' imprisonment.

On 8 September, Judge Askar Kulmagambetov sentenced Zhasulan Alzhanov to two days' imprisonment for failure to pay three fines totalling 543,500 Tenge, handed down in August 2013, November 2013 and October 2014.

On 15 September, Judge Kulmagambetov sentenced Vyacheslav Cherkasov to three days' imprisonment for failure to pay three fines totalling 982,200 handed down in March 2013, May 2013, August 2013, January 2014 and October 2014.

On 27 September, Judge Damir Shamuratov sentenced Ruslan Yermakov to one day's imprisonment for failure to pay a fine of 92,600 Tenge handed down in January 2014.

In 2014, Alzhanov and Cherkasov were twice imprisoned, once for two and once for ten days each.

Cherkasov and Yermakov are among the many Council of Churches Baptists added to the Justice Ministry's list of debtors banned from travelling abroad.

Court bans three Sunni Muslim books

On 2 August, Judge Zhumash Akbergenov of Alakol District Court in Almaty Region acceded to the request of District Prosecutor Dastan Tursynov and banned three Sunni Muslim works as "extremist". Their "import, production and distribution on the territory of Kazakhstan, including via electronic media and the internet" is now banned, according to the court decision seen by Forum 18.

The three banned works are: a Russian translation of "Selected hadith", by Muhammad Yusuf Kandhlawi and Maulana Saad Kandhlawi, published in the Russian city of Kazan in 2008; a translation of the book Fazail-e-Amaal by Muhammad Zakariya Kandhlawi; and a translation of "Collections of bayans [explanations]" by Muhammad Saad Kandhlawi.

Members of the Kandhlawi family were instrumental in founding and leading the Tabligh Jamaat movement. The court decision makes clear that this is the only reason the three books have been banned.

The three books banned had been seized by the National Security Committee (KNB) secret police from two Sunni Muslims, Estai Dzhakayev and Vakha Surkhayev. The two men were sentenced as Tabligh Jamaat members by the same court in March, Dzhakayev to three years' imprisonment, Surkhayev to one year and three months' imprisonment.

Dzhakayev and Surkhayev are among 41 alleged Tabligh Jamaat members known to have been handed criminal sentences since December 2014. Of these, 27 received prison terms, while the remaining 14 received restricted freedom sentences.

Overwhelmingly religious young behind Islamization and its radicalization in Kazakhstan

By Paul Goble

Window on Eurasia (16.10.2016) - <http://bit.ly/2fmMzsN> - "Almost 90 percent of the leaders of Kazakhstan youth consider themselves believers, with 86 percent of them professing Islam," according to a survey conducted by sociologist Madina Nurgaliyeva and leading her to warn that "religiosity among young Kazakhstanis is at a critically high level."

Moreover, she says, "half of those who list themselves as believers are actively practicing believers, that is, people who visit the mosque or a church, regularly take part in Friday prayers" and so on.

They say they are increasingly put off by the secular state and increasingly attracted by information on religion on the Internet. Moreover, in some oblasts, they are subject to active recruiting by various religious groups, including many that are radical and supportive of an Islamic social and political order.

"For residents of the western [portions of Kazakhstan]," she writes, "it has become customary to see people on the streets whose visages clearly reflect their religious attachments, things like beards and hijabs. For the local population, this is customary; but for visitors from elsewhere, it is shocking."

One consequence of this, Nurgaliyeva says, is that inter-religious conflicts are now more common than inter-ethnic ones, something that many in that country are worried about and seek to have the government adopt a harder line against religion and especially the dissemination of religious literature coming in from abroad.

"The youth leaders point to the significance of social networks and the role of the Internet" in promoting various radical ideas of "a destructive character," destructive they say not only of secularism but also of traditional Sunni Islam and its hitherto predominant role in Kazakhstan.

Media reports from the western portions of that country suggest that ever more young girls are wearing the hijab to school despite a government ban on such dress, that they are refusing to take part in some lessons, and even that they are refusing to stand in honor of the state flag or anthem.

This trend has prompted the Nur.kz portal to say that "it is possible that if we allow girls to wear the hijab in schools, then we will soon remain without a state, without a language, without traditions, and without a culture."

The growth of Islamic and Islamist sentiment has even prompted one Muslim leader to write to President Nursultan Nazarbayev calling for the constitution to be revised so that Islam can be declared the state religion and so that religious parties can organize themselves legally.

Astana is clearly worried about all this, but its steps so far, including a call to require mosques to use Russian so that Russian speakers in the republic will get their religious instruction that way rather than via the Internet show that it is still moving very cautiously.

Kazakhstan looks to ban salafi branch of Islam

RFERL (14.10.2016) - <http://bit.ly/2f1XbPz> - Kazakhstan's newly created Ministry of Religious Issues and Civil Society says it is taking steps to ban the Salafi branch of Islam in the country.

Minister Nurlan Ermekbaev said on October 14 in Astana that Salafism "poses a destructive threat to Kazakhstan" and his ministry was working on steps to legally ban it.

Kazakh President Nursultan Nazarbaev has said that a series of deadly attacks in June in the northwestern city of Aqtobe were carried out by Salafists.

The Salafi branch of Islam has been branded as extremist and banned in some former Soviet republics.

Salafists follow a strict form of Sunni Islam and do not recognize other branches of Islam, such as Shi'ism and Sufism.

The majority of Muslims in Central Asia are followers of Hanafi, a more moderate branch of Sunni Islam.

Ten more Sunni Muslims

By Felix Corley

Forum 18 (10.10.2016) - <http://bit.ly/2eRx8qW> - Sunni Muslim Baurzhan Beisembai was sentenced in Oskemen to two and a half years' imprisonment for alleged membership of Tabligh Jamaat missionary movement. Six others were imprisoned and two given restricted freedom. A further imprisonment in Aktobe means 41 such convictions since December 2014.

In two separate trials – in Oskemen (Ust- Kamenogorsk) and Aktobe - ten more Sunni Muslims were given criminal convictions in early October for alleged membership of the Tabligh Jamaat Muslim missionary movement. Eight of the ten were sentenced to imprisonment. One of the defendants in Oskemen, Baurzhan Beisembai, was sentenced to two and a half years' imprisonment. The other two defendants received restricted freedom sentences. Many also face were handed bans on the exercise of freedom of religion or belief after their release.

These convictions bring to 41 the number of Sunni Muslims known to Forum 18 to have been sentenced in Kazakhstan on charges of involvement in Tabligh Jamaat since December 2014. Of these, 27 received prison terms, while the remaining 14 received restricted freedom sentences. All the cases were launched by the National Security Committee (KNB) secret police (see full list below).

Also imprisoned is Seventh-day Adventist prisoner of conscience Yklas Kabduakasov. He was sentenced to two years' imprisonment in December 2015 to punish him for sharing his faith with others in a case also launched by the KNB secret police (see F18News 8 June 2016 http://www.forum18.org/archive.php?article_id=2186).

Nine Sunni Muslims were convicted on 10 October at the end of their trial in Oskemen in East Kazakhstan Region. Seven were imprisoned and two sentenced to restricted freedom (see below).

At the trial in Aktobe in north-western Kazakhstan, the sole defendant Kublandy Isatayev was convicted on 6 October and punished with a one year term of imprisonment (see below).

Muslim movement banned

A court in the capital Astana banned Tabligh Jamaat in Kazakhstan as "extremist" in February 2013. Until the movement was banned, it used to send members on short-term missions to other towns and villages where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution.

In early August 2016, a court in Almaty Region banned as "extremist" three Muslim books by members of the Kandhlawi family, which has played a leading role in the Tabligh Jamaat movement.

Criminal Code Article 405

Like the previous 31 convicted Sunni Muslims, all ten new defendants were convicted under Criminal Code Article 405 (or its equivalent in the old Criminal Code).

Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment.

Article 405, Part 2 punishes "participation in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Two of the 41 Sunni Muslims - Saken Tulbayev and Khalambakhi Khalym - were also convicted and imprisoned under the broadly-framed Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

As well as Tulbayev and Khalym, Adventist prisoner of conscience Kabduakasov is also serving a prison sentence under Article 174, Part 1. All rejected the accusations.

Financial blacklisting

The Sunni Muslims convicted in October are likely also to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking all their bank accounts.

Thirty individuals convicted for exercising freedom of religion or belief have already been added to the Financial Monitoring Committee blacklist. Of these, 29 are Sunni Muslims accused of Tabligh Jamaat membership, while the other is the Adventist prisoner of conscience Kabduakasov.

Of the 30 individuals added to the blacklist, two sentenced to one year's restricted freedom in 2015 - Nurulan Koyshybai (under both spellings of his name) and Yerbol Zhaylymysov - were removed from the list on 13 September 2016, according to the Financial Monitoring Committee.

Aktobe: 32nd known Tabligh Jamaat sentence since December 2014

On the afternoon of 6 October, Judge Aslan Mukanov of Aktobe Court No. 2 found Sunni Muslim Kublandy Isatayev guilty under Criminal Code Article 405, Part 2 on charges of participation in the Tabligh Jamaat movement. He sentenced him to one year's imprisonment, to be served in a work camp, the court chancellery told Forum 18 on 10 October.

The case was presented to court on 7 September, with hearings on 21 September and 5 and 6 October, according to court records. As Isatayev had not been in pre-trial imprisonment, he was arrested in the court room at the end of the trial, the court chancellery told Forum 18. It declined to say if the case had been initiated by the KNB secret police and who had led the prosecution case in court.

The duty officer at Aktobe Regional KNB secret police refused to transfer the call to officers who had worked on the prosecution case against Isatayev or to say whether criminal cases have been instituted against other alleged members of Tabligh Jamaat. "In such cases the materials are held under certain categories of secrecy," the officer told Forum 18 from Aktobe on 10 October. "Perhaps because of the witnesses in the case. We don't have the right to give any information."

The 39-year-old Isatayev, who is married with two young children, lives in the village of Kobda in Aktobe Region, about 50 kms (35 miles) from Kazakhstan's northern border with Russia.

The prosecution said Isatayev had travelled to India and Pakistan between 2009 and 2012, according to a 10 October timeskz news article. Back in Kazakhstan, he had read "extremist" literature and maintained contact via the internet with Tabligh Jamaat adherents. After an Astana court banned Tabligh Jamaat as "extremist" in 2013, "law-enforcement agencies" summoned Isatayev and warned him.

The agencies continued to keep Isatayev under surveillance, timeskz added. In 2015 officers learnt that he had spoken in Kobda's mosque about three-day, 40-day and four-month preaching trips. These are characteristic of adherents of the Tabligh Jamaat movement.

Isatayev told the court that officers had warned him that Tabligh Jamaat was banned. "But we can pray the namaz and speak about it," he insisted, according to timeskz. "Only when a criminal case was opened against me did I understand that I had acted wrongly."

He reportedly "repented" of his actions and asked to be spared imprisonment. However, the Judge ignored his pleas.

Oskemen: 9 Sunni Muslims convicted

On the afternoon of 10 October, at the end of a four-week trial, Judge Umisakhan Dautova of Oskemen Court No. 2 convicted nine Sunni Muslim men under Criminal Code Article 405, Part 2 on charges of participation in the Tabligh Jamaat movement. She also convicted one of the defendants, Baurzhan Beisembai, under Criminal Code Article 405, Part 1 of organising the activity of the Tabligh Jamaat movement.

Seven of the nine received prison sentences, the other two receiving restricted freedom sentences, a court official told Forum 18 on 10 October. The official noted that the written verdicts will not be issued for some days.

The 34-year-old Beisembai was sentenced to two and a half years' imprisonment in a general regime labour camp, those close to the case told Forum 18. He was also banned for five years from conducting religious activity after his release from prison.

The 40-year-old Duman Toleukhanov, Ulan Smagulov, Serik Tastenbekov and 30-year-old Rauan Karagyzov were each sentenced to one and a half years' imprisonment in a general regime labour camp.

The 30-year-old Eldos Otarbayev and 34-year-old Serzhan Akhmetov were each sentenced to one year's imprisonment in a work camp.

Darkhan Amrenov and Darkhan Kunapyanov were each sentenced to one year of restricted freedom. Those serving such sentences live at home under restrictions. These typically include being banned from leaving their home town without permission, and being banned from visiting cafes, restaurants, bars, night clubs and discos.

The seven Sunni Muslims who had received prison terms were arrested in the court room at the end of the trial. They were taken to the Interior Ministry Investigation Prison in Oskemen where Beisembai had been held since his arrest on 1 August.

The prison address is:

070004 Vostochno-Kazakhstanskaya Oblast

g. Oskemen

ul. Likhareva 10a.

uchr. OV 156/1

Oskemen: Post-imprisonment bans imposed

In addition to Beisembai's five-year post-imprisonment ban on exercising the right to freedom of religion or belief, at least some of the others sentenced with him received a three-year post-imprisonment ban on exercising the right to freedom of religion or belief.

It remains unclear if the post-imprisonment bans are a total ban on exercising the right to freedom of religion or belief – as initially given to another Sunni Muslim prisoner of conscience imprisoned for alleged Tabligh Jamaat membership, Tulbayev – or a narrower ban on any sharing of faith after release from prison – as subsequently given to Tulbayev.

Tulbayev was initially banned from praying and other exercise of the right to freedom of religion or belief for three years after his release from prison. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned the ban as "another total stupidity and total absurdity". He noted to Forum 18 in July 2015 that although Kazakh law allows such a ban – in defiance of the country's international human rights obligations - "it will be interesting how they will prohibit him from going to mosque and so on".

On 6 September 2016 the Supreme Court lifted Tulbayev's ban, but imposed two new conditions instead. He will be banned from sharing his faith with others and banned from membership of "extremist" organisations.

Oskemen: Appeals to be lodged

Two people close to the sentenced Sunni Muslims insisted to Forum 18 that they will appeal against their sentences. Any appeal would have to be lodged after the written verdicts are issued. Any appeals would be heard at East Kazakhstan Regional Court.

Oskemen: Secret police lodged cases after raid

The trial of the nine in Oskemen followed a long operation by the KNB secret police.

East Kazakhstan Regional KNB secret police officers raided homes in Oskemen on 16 May as part of an investigation in a criminal case initially against five local residents, all of them Sunni Muslims. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to Tabligh Jamaat. The five men had to sign statements that they would not leave Oskemen without the investigator's permission. Four other men were later added to the KNB secret police investigation.

East Kazakhstan Regional KNB repeatedly refused to give Forum 18 any information about the case.

Beisembai was arrested on 1 August and held in pre-trial imprisonment. The other eight awaited trial at home after pledging not to leave the city.

The case against all nine men was handed to Oskemen Court No. 2 on 25 August, where it was assigned to Judge Dautova. Hearings began on 14 September and "continued almost daily over the next three weeks", noted the Aktobe office of the Kazakhstan International Bureau for Human Rights and the Rule of Law, which monitored the trial.

Kairat Azilbek of East Kazakhstan Regional Prosecutor's Office – who led the investigation there – led the prosecution case in court.

The trial was conducted in Kazakh, and two of the defendants asked for translators into Russian, the Bureau said. Despite denial of access to relatives, supporters and monitors from the Bureau on the first day, when the trial was moved to a room other than that announced in advance, later sessions of the trial were open, unlike in many similar trials of those accused of Tabligh Jamaat involvement.

"Work colleagues of Baurzhan Beisembai, questioned as witnesses, spoke of him only positively, knowing him as a very responsible, competent and sociable fellow worker," the Bureau added.

At the 7 October hearing, the last before the sentencing, the Prosecutor demanded prison terms of five and a half years' imprisonment for Beisembai, a one-year work camp

sentence for Amrenov and 10-month labour camp sentences for the others. The defendants also gave their final addresses, the Bureau noted.

KNB secret police: 14 sentences between January and September

On 26 September, the KNB secret police told Kazinform news agency that 14 individuals had been sentenced between January and late September 2016 for "participation in the activity of the religious extremist Tabligh Jamaat organisation". "As a rule," the KNB claimed, "the entry into the ranks of extremist groups is preceded by ideological cultivation of candidates on the part of recruiters who, in the initial stages, hide objective information about their activity."

Forum 18 tried to find out the names of all those sentenced on such allegations. However, the telephone at the KNB secret police press office in Astana went unanswered each time Forum 18 called on 10 October. Forum 18 has so far not received any reply to a written request sent in the early afternoon the same day.

As the KNB did not identify the 14 sentenced individuals, it is impossible to confirm independently whether this figure is accurate or not. Forum 18 has identified 12 individuals known to have been sentenced for alleged Tabligh Jamaat membership between January and late September 2016. Of these, 11 received prison terms and the twelfth a restricted freedom sentence (see list below).

Twenty seven known Tabligh Jamaat prisoners of conscience

Twenty seven known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhan Rashidovich Turashov; born 24 April 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.

2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).

4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court,

5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).
7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release .
8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.
9. Erbolat Kabzakievich Omarbekov; born 10 July 1971; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
10. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
11. Khalambakhi Khalym; born 12 August 1984; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment.
12. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
13. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
14. Estai Kanatbekovich Dzhakayev; born 17 May 1978; sentenced 11 March 2016 Alakol District Court, Almaty Region; Article 405, Parts 1 and 2; 3 years' imprisonment.
15. Vakha Novlievich Surkhayev; born 28 March 1963; sentenced 11 March 2016 Alakol District Court, Almaty Region; Article 405, Part 1; 1 year, 3 months imprisonment.
16. Aidin Zulfukarovich Shakentayev; born 15 August 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 and a half years' imprisonment.
17. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.
18. Murat Askarovich Shopenov; born 15 November 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.
19. Murat Kazbekovich Takaumov; born 14 November 1984; sentenced 2 June 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2; 9 months' imprisonment.
20. Kublandy Urazbayevich Isatayev; born 1977; sentenced 6 October 2016 Aktobe Court No. 2; Article 405, Part 2; 1 year's imprisonment.
21. Baurzhan Beisembai; born 29 March 1982; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 1 and Part 2; 2 and a half years' imprisonment.
22. Duman Dautkanovich Toleukhanov; born 24 October 1975; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

23. Ulan Torekhanovich Smagulov; born unknown; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

24. Serik Kairbekovich Tastenbekov; born unknown; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

25. Rauan Kuanganovich Karagyzov; born 21 March 1986; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

26. Eldos Mukhametkarymovich Otarbayev; born 15 August 1986; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's imprisonment.

27. Serzhan Dalekhanovich Akhmetov; born 20 June 1982; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's imprisonment.

Fourteen known Tabligh Jamaat restricted freedom sentences

Fourteen known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

7. Serik Baimanovich Otyنشyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

12. Serik Amangeldinovich Seitzhaparov; born 7 March 1984; sentenced 12 February 2016 Tselinograd District Court, Akmola Region; Article 405, Part 2; 2 years' restricted freedom.

13. Darkhan Baurzhanovich Amrenev; born unknown; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

14. Darkhan Bekovich Kunapyanov; born unknown; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

Mass trial of Muslims in Oskemen

By Felix Corley

Forum 18 (7.9.2016) - <http://bit.ly/2dKb13y> - In a secret police initiated case, nine Sunni Muslims are due on trial in Oskemen on 14 September accused of membership of the banned Tabligh Jamaat Muslim missionary movement. Arrested in early August, Baurzhan Beisembai faces up to six years' imprisonment if convicted.

The criminal trial of nine more alleged members of the Muslim missionary movement Tabligh Jamaat is due to begin in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region on the morning of 14 September, officials have told Forum 18. One of the nine, Baurzhan Beisembai, was arrested on 1 August and is in pre-trial imprisonment. The other eight are awaiting trial at home after pledging not to leave the city. If convicted of organising the activity of a banned organisation, Beisembai faces a fine or up to six years' imprisonment. The other eight each face a fine or up to two years' imprisonment.

The latest cases in Oskemen bring to 40 the number of individuals known to have faced criminal charges of Tabligh Jamaat membership since December 2014, of whom 19 received prison terms. All the cases – as well as that of Seventh-day Adventist prisoner of conscience Yklas Kabduakasov – were initiated by the KNB secret police.

Yet another of the Sunni Muslim men convicted as Tabligh Jamaat adherents – Murat Takaumov – was added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking all his bank accounts. The move came a week after he was freed at the end of his nine-month prison term (see below).

The addition of Takaumov to the Financial Monitoring blacklist brought to 30 the number of individuals convicted for exercising freedom of religion or belief on the List. Of these, 29 are Sunni Muslims accused of Tabligh Jamaat membership, while the other is the Adventist prisoner of conscience.

And another of the imprisoned Tabligh Jamaat adherents – Saken Tulbayev – has failed to overturn his conviction in the Supreme Court. The Court overturned only a ban on exercising the right to freedom of religion or belief for three years after Tulbayev completes his prison term. However, the court instead imposed a ban on any sharing of faith after his release (see below).

An Astana court banned Tabligh Jamaat in Kazakhstan as "extremist" in February 2013. Until the movement was banned, it used to send members on short-term missions to other towns and villages where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution.

UN criticism of anti-"extremist" offences, but harsher amendments coming?

In its Concluding Observations on Kazakhstan on 11 July, the United Nations (UN) Human Rights Committee criticised Kazakhstan for, among other things, its "broad formulation" of "extremist" offences and called for laws to be brought "into full compliance" with its international human rights obligations. It also expressed concern that "counter-terrorism activities continue to target in particular members or presumed members of banned or unregistered Islamic groups, such as the Tabligh Jamaat".

Despite the UN Human Rights Committee's concerns, a new anti-"extremism" Amending Law reached the Mazhilis, the lower house of parliament, on 1 September. The Amending Law was prepared by the KNB secret police, according to Majilis records. The draft Law on Amendments and Additions to Various Laws on Questions of Countering Extremism and Terrorism is due to be considered by the Majilis International Relations, Defence and Security Committee in the afternoon of 8 September.

Among the wide-ranging proposed amendments are yet further increases in state-imposed pre-publication censorship of all literature about religion, further restrictions on the import or distribution of literature about religion, and new requirements for state permission for "religious tourism" abroad.

Oskemen raids

East Kazakhstan Regional KNB secret police officers raided homes in Oskemen on 16 May as part of an investigation in a criminal case initially against five local residents, all of them Sunni Muslims. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to Tabligh Jamaat. The five men had to sign statements that they would not leave Oskemen without the investigator's permission.

East Kazakhstan Regional KNB repeatedly refused to give Forum 18 any information about the case.

Four other men were added to the KNB secret police investigation. The nine accused men are: 34-year-old Baurzhan Beisembai, 40-year-old Duman Toleukhanov, Ulan Smagulov, Serik Tastembekov, 30-year-old Rauan Karagyzov, Darkhan Amrenev, Darkhan Kunapyanov, 30-year-old Eldos Otarbayev and 34-year-old Serzhan Akhmetov.

The nine men are facing trial under Criminal Code Article 405, Part 2. This punishes "participation in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Beisembai also faces the more serious accusation under Criminal Code Article 405, Part 1. This punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment.

Oskemen arrest

Kairat Azilbek of East Kazakhstan Regional Prosecutor's Office – who has been leading the investigation there and will lead the prosecution case in court – confirmed that the criminal case had been launched and initially investigated by the KNB secret police.

At the beginning of August, the nine men's status was changed from being under investigation to criminal suspects, Azilbek told Forum 18 from Oskemen on 7 September.

On 1 August, KNB secret police officers arrested Beisembai. On 3 August Oskemen Court No. 2 ordered he be held in two months' pre-trial imprisonment, court officials told Forum 18. "This was because he is accused of a serious crime," Prosecutor's Assistant Azilbek told Forum 18. The other eight had to sign statements that they would not leave the city. Azilbek appeared at the detention hearing to support Beisembai's two-month pre-trial imprisonment.

East Kazakhstan Region has no KNB secret police Investigation Prison. Beisembai was therefore taken to the Interior Ministry Investigation Prison in Oskemen, an official there told Forum 18 on 7 September. "He's one of the religious ones," she added, without explanation.

The prison official refused to give any further details of when Beisembai arrived at the Investigation Prison, his conditions or whether he is able to pray and have access to religious literature. Prison director Rustam Dzhusunov refused to even confirm to Forum 18 the same day that his prison holds Beisembai.

Beisembai's prison address is:

070004 Vostochno-Kazakhstanskaya Oblast

g. Oskemen

ul. Likhareva 10a.

uchr. OV 156/1

Beisembai, Baurzhan

Oskemen trial

The case against all nine men was handed to Oskemen Court No. 2 on 25 August, where it was assigned to Judge Umisakhan Dautova, court officials told Forum 18. The trial is due to begin at 10 am on 14 September. Judge Dautova's assistant said that only when the trial starts will the Judge decide whether it will be open to the public or closed.

"Extremists", but "no murder accusations"

Prosecutor's Assistant Azilbek refused to discuss the case against the nine men in detail, but insisted they deserve to be prosecuted. "The case against them is proved," he insisted to Forum 18, but would not say what crimes he believes the men have committed.

While insisting that the nine men are "extremists" (even though they have not been convicted of any crime), Azilbek confirmed that there are "no murder accusations" against any of them.

"The Tabligh Jamaat movement has been declared extremist in Kazakhstan and banned by a court," Azilbek added. Asked who has suffered from the activity of the movement if, as the authorities claim, Tabligh Jamaat is dangerous and "extremist", he responded: "It's not necessary for there to be victims – it can be an extremist organisation if it doesn't murder people. If there aren't any victims it doesn't change anything."

Ban on post-imprisonment praying lifted, but ban on sharing faith imposed

Meanwhile, on the morning of 6 September, a panel of Judges at the Supreme Court in the capital Astana lifted the three-year ban on Sunni Muslim prisoner of conscience Saken Tulbayev from praying and other exercise of the right to freedom of religion or belief after his release from prison. However, the Supreme Court imposed two new conditions after he is eventually freed. He will be banned from sharing his faith with others and banned from membership of "extremist" organisations, his lawyer Aiman Umarova told the Kazakhstan International Bureau for Human Rights and Rule of Law after the hearing.

Being a member of an "extremist" organisation is already banned and punishable under the Criminal Code (as the repeated conviction of alleged adherents attests), Forum 18 notes. Sharing a faith publicly by anyone not personally registered as a "missionary" representing a registered religious organisation is already illegal and punishable under the Administrative Code.

Tulbayev – who is now 47 – was convicted of Tabligh Jamaat membership in Almaty in July 2015. The Judge not only sentenced him to 4 years and 8 months' imprisonment in a general regime labour camp. She also banned him from exercising freedom of religion or belief for three years after his scheduled December 2019 release until December 2022.

Following Tulbayev's conviction, Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned the three-year ban on Tulbayev's freedom of religion or belief as "another total stupidity and total absurdity". He noted to Forum 18 that although Kazakh law allows such a ban – in defiance of the country's international human rights obligations – "it will be interesting how they will prohibit him from going to mosque and so on".

"Secret" case materials

At the 6 September 2016 hearing, the Supreme Court left the rest of the terms of Tulbayev's conviction and imprisonment unchanged, his lawyer Umarova added.

Umarova complained that the Supreme Court ignored other significant evidence in defence of her client. She said Tulbayev's entitlement to a proper defence was obstructed because she was not able to gain access to all the case materials as many had been classified as "secret".

Umarova also questioned the accusations against Tulbayev about alleged distribution of religious literature. She pointed out that the works he had distributed were not banned. A leaflet allegedly found in his home at the time of his arrest – which his supporters insist had been planted – was a Wahhabi Muslim text which Tabligh Jamaat adherents would not have been in accord with.

Umarova also pointed to Tulbayev's insistence that he could not have wilfully continued to be a member of a banned organisation as he had only learnt that Tabligh Jamaat had been banned after his arrest.

Tulbayev is serving his sentence in a labour camp in Pavlodar, nearly 1,500 kilometres (930 miles) north of his home city of Almaty by road on a journey that takes more than 15 hours. Prison guards tortured him after his transfer to the camp in September 2015.

Tulbayev's prison address:

Kazakhstan

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3

Tulbayevu Sakenu Peisenovichu

Released from prison, but added to financial blacklist

On 24 August, the Finance Ministry Financial Monitoring Committee added Murat Takaumov to the List of individuals "connected with the financing of terrorism or extremism", thus blocking all his bank accounts. The move came just a week after he completed his prison sentence.

Takaumov is another of the 19 Sunni Muslims imprisoned since December 2014 for alleged adherence to Tabligh Jamaat. The KNB secret police arrested Takaumov on 18 November 2015 and, on 2 June 2016, an Astana court convicted him of Tabligh Jamaat membership and handed down a nine-month prison term. It also ordered him to pay court costs. On 20 July, Astana City Court rejected his appeal in his absence.

Pre-trial imprisonment counts towards an individual's prison term. So Takaumov's prison term expired on 18 August 2016.

Takaumov was being held in the Interior Ministry Investigation Prison in Astana. On 13 August the prison authorities handed him the written version of the 20 July appeal court decision. They then transferred him to Petropavl in North Kazakhstan Region. He was released from prison there on 17 August, relatives told Forum 18 after his release.

"Murat still hasn't been given an identity card," one relative lamented to Forum 18 on 7 September. "They promised to send it from Petropavl but it hasn't arrived." Takaumov also is under restrictions for six months. He must report regularly to the local police officer where he lives and must be at home each night from 11 pm. "They told him this was because he had been sentenced on 'extremist' charges," the relative added.

On 8 August Akmola Region court bailiffs began proceedings to recover from Takaumov the fees he owes related to the trial, according to Justice Ministry records.

Pensioners fined as Parliament awaits new Law

By Felix Corley

Forum 18 (31.8.2016) - <http://bit.ly/2eFovC0> - Two Baptists in their late seventies were among seven people in East Kazakhstan Region fined for attending a home religious

meeting. A new anti-"Extremism" Law, likely to reach Parliament within days, envisages further censorship of religious literature and controls on foreign pilgrimages.

On 29 August a Judge in East Kazakhstan Region fined seven members of a small Baptist church for meeting for worship in a home without state registration. The punishments came a week after one of those fined celebrated her 79th birthday, and less than three weeks before another is due to celebrate her 79th birthday.

The congregation is a member of the Baptist Council of Churches. They have adopted a policy of civil disobedience, refusing to pay the many fines handed down in Kazakhstan and other countries of the region for exercising their right to freedom of religion or belief.

Meanwhile, the government is likely to sign off within days a draft anti-"extremism" Amending Law to be presented to the Majilis (parliament) in the capital Astana for consideration in September. The Amending Law is set to amend six Codes and 18 individual laws.

While many provisions of the draft currently available would widen or increase punishments for those involved in violence – such as attacking foreign diplomats, distributing illegal weapons or committing acts of terrorism that kill or maim people – some provisions appear unrelated to the stated goal of "countering extremism and terrorism".

Among the wide-ranging proposed amendments are increases in state-imposed pre-publication censorship of all literature about religion. Further restrictions would be imposed on the import or distribution of literature about religion, including by allowing individuals to bring into the country only one copy of any uncensored book about religion. "Religious tourism" – such as the haj pilgrimage to Mecca – is also set to come under tighter state control (see below).

Harsher version of Amending Law to come?

This draft text of the Amending Law was published on the National Security Committee (KNB) website on 7 July. However, observers warn that the text due to reach the Majilis within the next days might be different and contain much harsher provisions. "This is a trick they often pull off," one observer told Forum 18 from Astana. "They publish a mild text and then, when it reaches parliament, the text is harsher. Then deputies add even more provisions at the government's behest."

Some observers fear that once the draft reaches the Majilis, new restrictions will be introduced on religious meetings in homes. They point to remarks on 10 June by Galym Shoikin, the head of the Culture and Sport Ministry's Religious Affairs Committee, promising "to limit as far as we can the possibility to conduct illegal meetings, including in flats and other premises".

The proposed amendments currently available would remove none of the existing restrictions on exercising freedom of religion or belief already enshrined in the 2011 Religion Law and punishable under the Administrative Code or Criminal Code. These restrictions and punishments already violate Kazakhstan's international human rights commitments.

Seven fined for home religious meeting

In successive hearings in the afternoon of 29 August, Judge Aigul Saduakasova of Zharma District Court in East Kazakhstan Region found seven individuals guilty of attending a Baptist Sunday morning worship meeting in a home in the village of Kalbatau. All were convicted under Administrative Code Article 490, Part 1, according to the seven decisions seen by Forum 18.

Administrative Code Article 490, Part 1 punishes "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship" with fines for individuals of 50 Monthly Financial Indicators (MFIs).

A fine of 50 MFIs is currently 106,050 Tenge (2,600 Norwegian Kroner, 280 Euros or 310 US Dollars). This represents nearly a month's average wages for a person in work.

Judge Saduakasova handed down the maximum fine of 50 MFIs each on Yevgeny Seleznev and the home owner Yakov Frizen. She handed down reduced fines of 35 MFIs each on the remaining five: 79-year-old Zoya Tabolina, 78-year-old Olga Berimets, Natalya Kvach, Nina Gurzhueva and Snezhana Bondarenko.

In the cases of Tabolina and Berimets, fines were reduced because of their "advanced age and material situation" and, additionally in Tabolina's case, her "state of health". Fines were reduced for Bondarenko, Gurzhueva and Kvach because they had children to look after, including a son with disabilities.

The hearings had originally been scheduled for the morning of 25 August. However, four of the defendants requested a state-provided lawyer. New hearings for all were thus scheduled for 29 August, with the same state lawyer representing four of the defendants.

The seven defendants each insisted that Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Kazakhstan ratified in a 2005 Law, protects their right to freedom of religion or belief. However, the Judge ignored the defendants' reference to their internationally-protected human rights.

"The court took no notice of the International Covenant [ICCPR], which Kazakhstan has signed," a fellow Baptist who attended the hearings complained to Forum 18 on 31 August. "All of them will appeal against the punishments."

State-backed anti-"sect" activist helps prosecution

Appearing at each of the seven hearings against the Baptists was Sergei Lebedev, head of the Oskemen-based organisation Unity. He speaks regularly at state-sponsored events criticising "destructive sects". He told the court in each case that the Religion Law requires all religious communities to gain registration. "This Law was adopted with the aim of defending and protecting the interests of citizens of the Republic to prevent the activity of radical religious movements," the court decisions record his remarks in identical wording.

The court decisions do not explain who invited Lebedev to attend the hearings or why. Nor do they record why punishing the seven individuals for meeting for worship in a home would "prevent the activity of radical religious movements".

Lebedev told Forum 18 on 31 August that Zharma District Akimat (administration) Internal Policy Department – which had initiated the prosecutions – had invited him to the court hearings to testify.

Police had similarly invited Lebedev to testify in cases against two Jehovah's Witnesses in Oskemen in November 2015. In the court hearings he condemned Jehovah's Witnesses as "one of the best known and most dangerous contemporary destructive cults". The two women were fined for sharing their faith with others.

"Unknown people were singing religious songs"

The court decisions in the case of the Baptists note that at noon on Sunday 7 August, Police responded to an alleged call on the emergency phone number that "unknown people were singing religious songs" at Frizen's home in Kalbatau. Erzhan Donenbayev of the Police's Operational Criminal Division confirmed that an "illegal" religious meeting was being held. He drew up the records of an offence against the seven people on 11 August. That same day, Police also raided a further meeting for worship at Frizen's home.

"Don't think it's just Baptists who are fined"

Meirambek Kameshev, who is in charge of supervising local religious communities at Zharma District Akimat's Internal Policy Department, drew up the records of an offence against the seven individuals and appeared in court. He was out of the office when Forum 18 called on 31 August.

However, his colleague – who would not give her name – defended the fines handed down to the seven for meeting for worship. "Everything was done in accordance with the law," she insisted to Forum 18. "They can't meet without registration as they are an illegal organisation. But don't think it's just Baptists who are fined. We fine Muslims and Christians of all sorts."

The Internal Policy Department official said more than 10 people of various faiths had been fined in Zharma District in 2016 alone for distributing religious literature which has not passed through the state censorship. "Many of them were Muslims who were distributing home-made literature without permission." She freely admitted that this represented state censorship. The official refused to give Forum 18 the names of the individuals punished.

More than 25 individuals are known to have been fined in the first half of 2016 for exercising the right to freedom of religion and belief without state permission. The known victims were Muslims, Protestants, Jehovah's Witnesses and commercial traders.

Further religious censorship, state interference in foreign religious travel

The draft Law on Amendments and Additions to Various Laws on Questions of Countering Extremism and Terrorism – completed by early July – was published on the KNB secret police website on 8 July. The KNB appears to have drafted the proposed amendments, or at least co-ordinated their drafting. Also published on the KNB website was the draft Decree – to be signed by Prime Minister Karim Masimov - authorising the handing of the Amending Law to the Majilis.

"As of this morning Prime Minister Masimov has not yet signed the Decree to present the amendments to the Majilis," Toleukhan Aitmukhambetov, deputy head of the staff of the Majilis International Relations, Defence and Security Committee, told Forum 18 on 31 August. "The amendments will probably arrive here on 1 September or in the following days." He said the Amending Law is likely to be handed to his Committee, but stressed that this is a decision for a plenary session of the Majilis.

The draft Law currently available includes several proposed amendments which will further restrict the right to freedom of religion or belief. If adopted by the Majilis, the Amending Law would come into force ten days after its official publication.

Asked whether the Amending Law provided by the government to the Majilis will be the version as published by the KNB secret police, Aitmukhambetov said he did not know. "We're still waiting for the text." Asked if the Amending Law will be hastily adopted, as

was the case with the new Religion Law in 2011, he responded: "We have our own procedures and these will be followed." He declined to comment on the content of the Amending Law.

Tighter state religious censorship

Of the 18 Laws which the amending Law would change, the 2011 Religion Law would be amended to tighten state controls over producing and distributing literature about religion.

Article 9, Part 3 would be rewritten to declare: "The import into the territory of Kazakhstan of religious literature and informational materials of religious content, with the exception of that dedicated to personal use in one copy of each named title, is carried out only by registered religious associations after receiving a positive conclusion of a religious-studies expert analysis".

If adopted, this amendment would limit to just one the number of copies of any single title anyone wished to import into Kazakhstan without having to submit it for censorship by the Religious Affairs Committee. The current version of this Article does not specify a limit on the number of copies deemed to be for "personal use".

A new Article 9, Part 3-1 would be added: "The production, publication and distribution of religious literature and informational materials of religious content is allowed only after receiving a positive conclusion of a religious-studies expert analysis".

This states more bluntly the situation that currently exists.

"Missionary activity" reworded to "spreading a religious teaching"

Religion Law Article 7, Part 3, which bans the conducting of religious services, meetings and ceremonies in a range of state and commercial buildings, would be re-worded. While previously "missionary activity" was banned in those buildings also, this has now been changed to "activity for spreading a religious teaching".

A proposed amendment to the Administrative Code rewords Article 490, Part 3. The new wording specifying what is punishable reads: "Carrying out activity to spread a religious teaching on the territory of Kazakhstan without registration/re-registration as a missionary, as well as the use by missionaries and other individuals spreading religious teaching, religious literature and informational materials and items of religious significance without a positive conclusion of a religious-studies expert analysis, or the spreading of religious teaching of religious associations unregistered in Kazakhstan".

The previous wording of this provision spoke not of "activity to spread a religious teaching" but simply of "missionary activity". While the new wording might not indicate much change, the Article does now specifically punish not only those registered personally as missionaries but "other individuals" sharing their faith or distributing religious materials.

Punishment remains a fine of 100 MFIs, plus deportation if the individual punished is a foreign citizen.

State control over foreign religious travel

Among the 18 Laws the new amendments would amend is the 2011 Tourism Law. An additional Point 20-7 would be added to Article 11, requiring that the state oversight body over foreign tourism, together with the Religious Affairs Committee, agree the procedure for conducting "religious tourism".

This could lead to state control over, for example, Muslims wanting to go on the haj or umra pilgrimages to Mecca. While the haj pilgrimage in particular might be easy for the state to control, it remains unclear how the state could control individuals travelling abroad to visit holy sites.

This was one of the changes promised by Culture and Sport Minister Arystanbek Mukhamediuli in his remarks to a government meeting on 19 July.

State controls already exist on sending people abroad for religious study. Under Article 27, Part 15 of the Licensing Law, religious organisations which send people abroad for study in religious educational institutions require a state licence.

Foreigners

An addition to Article 7 of the 2011 Migration Law, a new Part 6-1, would ban foreign members of organisations banned in Kazakhstan from applying for legal residence. While many of the banned organisations are violent, one of them – the Muslim missionary movement Tabligh Jamaat – does not appear to have been involved in any violence or deprivation of the human rights of others.

Despite this, 30 alleged Tabligh Jamaat adherents (all of them Kazakh citizens) are known to have been given criminal convictions since December 2014. Of these, 19 were given prison terms.

Presidential order to adopt new restrictions

Following killings in the north-western city of Aktobe [Aqtobe] on 5 June, President Nursultan Nazarbayev told a meeting of the Security Council in Astana on 10 June that in response legal changes would be made to a range of laws "to ensure national security". Under Kazakhstan's international human rights obligations, "national security" is not a permissible reason to restrict freedom of religion and belief.

President Nazarbayev instructed the government "within a two-month period to draft a package of legislative initiatives in the sphere of countering terrorism and extremism, production, storage and sale of weapons, in the area of regulating migration and religious associations". He added that it was "necessary" to include the entire legislative package in the legislative plan for 2016.

When wide-ranging increased restrictions on freedom of religion and belief were imposed in the 2011 Religion Law along with changes to other laws, they were introduced into parliament on 5 September 2011 and in a rushed process with little discussion were signed into law on 11 October, despite strong criticism from national and international human rights defenders. Officials claimed the restrictions breaking international human rights obligations and the rushed process were needed as counter-terrorism measures.

"Attracting children" an offence?

By Felix Corley

Forum 18 (23.8.2016) - <http://bit.ly/2dWIX1l> - Officials, police and journalists raided two Baptist children's summer camps to check if children were present with parents' consent. Also, a Pastor was fined because a church member's granddaughter attended a children's programme. Officials often insist religious organisations need written permission from both parents.

Two congregations belonging to the Baptist Union in West Kazakhstan Region were raided by officials in early July as they held summer camps for their own and invited local children. Officials and local journalists they brought along claim the churches were attracting young people, that children might have been present at a religious event without their parents' consent and that foreigners were present as "missionaries" without having the required state permission. The raids left the children feeling "frightened", the pastor of one of the congregations complained.

In Kostanai [Qostanay] Region a court fined a Pentecostal Pastor in mid-July after a church member brought her granddaughter to the Church's children's summer programme with written permission from the child's mother. The mother later called the police and denied she had granted permission. Anti-Extremism Police, ordinary police and the transport police then visited the church, after which the case was brought against the Pastor (see below).

Children's summer camps run by religious organisations are often raided. Hostile media coverage of the religious organisation often follows.

In July 2015 about 20 police officers, Prosecutor's Office officials and Education Department officials raided a church-run children's summer camp near Kazakhstan's second city Almaty. Officials frightened the children and "behaved like they were detaining some criminals", Pastor Sergei Li of Kapshagai Baptist Church told Forum 18. "One seven-year old girl was frightened and cried, and after that I told them to stop questioning the children." Asked why Almaty TV channel and its subsidiary attacked the Baptist Church without a right of reply and to the distress of members, Deputy Chief Editor Tatyana Lisitskaya responded: "The authorities gave us the materials for broadcast". Pastor Li was fined in January 2016 because foreigners had been present at the camp without personal registration as "missionaries"

Punishment

Article 3, Part 16 of the Religion Law requires leaders of registered religious organisations "to take measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". Article 490, Part 7 of the Administrative Code punishes those who violate this provision.

The head of a Jehovah's Witness community in Almaty, Ruslan Bayanbayev, was fined on the second attempt under Administrative Code Article 490, Part 7 in February after allowing five children from one family to attend a meeting for worship in December 2015 with their mother. The mother wanted them to be present with her, but the father objected. At least three police officers arrived at the religious meeting and questioned Bayanbayev about the presence of the children.

Confusion and arbitrary decisions over parental consent

Confusion and arbitrary decisions surround the implementation of this legal requirement not only during religious communities' special events, but during regular worship. Officials have insisted to some religious communities that they must have such permission in writing from both parents. Officials have visited some religious communities to check that they are meeting this requirement.

Officials do not explain what happens if a child has only one parent or more than two parents. Nor do they explain how often such written permission must be renewed. Nor do they explain if leaders of religious organisations are supposed to halt a worship service, if they notice a child is present, to inspect whether both parents have provided written permission for the child's presence.

This requirement is backed by official rhetoric and media hostility towards "non-traditional" and "destructive" religious communities and "sects" which "attract" children to their activities. After raids over several days on a children's church camp in Oral (Uralsk) in July, by the last day only children of church members remained, given the hostile atmosphere created (see below).

In early June, officials of the Regional Religious Affairs Department of Almaty Region visited local Akimats (administrations) and summoned the leaders of all local registered religious organisations. They warned them – on camera – that they must have written permission from both parents for children to participate in services and other events. Such permission must be brought personally, officials added.

"Officials said a new regulation had come in, but didn't give a copy or explain what it was," someone present at one such meeting in Almaty Region told Forum 18.

"I cannot tell you immediately" what parental permission needed

Madiyar Nurkhanov of the Department for links with non-Muslim organisations at the Religious Affairs Committee in the capital Astana explained that the only legal requirement related to parental permission is set out in Article 3, Part 16 of the Religion Law. He explained that if one parent brings a child to a religious event and the leader knowingly allows the child to remain if the other parent has objected, the religious leader would face prosecution.

Asked what leaders of religious organisations must do to ensure that children are present with appropriate permission, Nurkhanov was unable to say. "Other agencies are involved also, so I cannot tell you immediately," he told Forum 18 on 23 August.

Asked whether one or both parents need to give permission, Nurkhanov stressed that the Law does not require both parents to give permission. He said he was not familiar with demands made, for example, in Almaty Region that both parents must give written permission which they bring personally. Asked if such permission needs to be in writing, he was unable to say.

Asked for example if a Russian Orthodox priest must halt a worship service, if he suddenly notices a child present, to ensure that parents have given permission for the child to be present, Nurkhanov replied: "No."

Asked whether it was right that a religious leader had been punished because a grandmother had brought her granddaughter to a religious event with written permission from the mother, Nurkhanov said he did not believe an offence had been committed if the child's mother had given permission. But he stressed he was not familiar with the case. He told Forum 18 he was also unfamiliar with raids by officials on summer camps held by religious organisations.

Two children's camps raided

On the same days in early July, officials raided two children's summer camps organised by separate Baptist congregations in West Kazakhstan Region, one in the regional capital Oral and the other in Aksai in Burli District. Both towns are close to Kazakhstan's northern border with Russia.

Light of the Gospel Baptist Church in Oral held its five-day children's camp in its church building from 4 to 8 July, with teenagers in the morning and younger children in the afternoon. Many were children of church members, but the church also invited children from the wider community.

Invitations distributed by the church, as well as a poster outside the church building – of which Forum 18 has seen photos – clearly indicate that this was a church-organised event at which, as well as play and tea, Bible reading would take place.

"Officials from the Regional Religious Affairs Department and the Regional Education Department turned up on three of the days that week during the sessions for younger children," Pastor Aleksandr Dimitrov told Forum 18 from Oral on 17 August. "They were accompanied by a number of journalists. On the Friday, two police officers even joined them." He said all the children were present with their parents' permission. However, he refused to show such permission to officials.

Khabar television carried a short hostile news item on the Light of the Gospel Church's summer camp on 7 July. The item included interviews with Bayangul Semgaliyeva of the Regional Religious Affairs Department, who led the raid, and Oksana Dementievskaya, a journalist who was captioned as a "local resident". The news item carried the caption "Children are being attracted to non-traditional religious organisations".

Children

frightened

Pastor Dimitrov said that officials and journalists did not try to talk directly to the children at his Church's summer camp. "But the children were still frightened by their presence," he told Forum 18. He noted that on the Friday, the last day of the camp, only children of church members took part, not other children. "Perhaps they were put off by what they witnessed, or they told their parents when they got home, or the parents saw the coverage on local television."

"They tried to check up on us, asking questions of organisers and seeking documentation, but they didn't find any violations," Pastor Dimitrov told Forum 18. "Maybe someone doesn't like us. Maybe that's why they did it." He said no administrative cases had been initiated against the church or any of its members following the summer camp.

Pastor Dimitrov noted that the same week a similar summer camp organised on church premises by the Baptist congregation in Aksai was also raided. "They put pressure on parents to sign statements, but they wrote that they had given their permission for their children to be present," he told Forum 18. "They also questioned the children directly, which left them feeling frightened."

"We weren't able to find out if they had parents' permission"

Semgaliyeva of the Regional Religious Affairs Department, who led the raid on the Oral Baptist summer camp, said she and other officials had simply been carrying out "monitoring" of the church event. "They invited children to read the Bible. We went to find out if the church had permission from parents," she told Forum 18 from Oral on 17 August. "But we weren't able to find out if they had parents' permission."

Although no administrative cases had been initiated following the church summer camp, Semgaliyeva did not exclude the possibility. "We will lodge cases if violations are found." She did not explain whether officials are still trying to seek reasons to lodge such cases.

Semgaliyeva then complained that foreigners had been present. "Foreigners came to

read the Bible," she told Forum 18. "They must have permission for this as they are missionaries." She added that officials had taken statements from them and they have since left the country, so no further action will be taken against them.

But Semgaliyeva remained suspicious that 15 foreigners had come ostensibly to help repair a small church building. "They said they had come to undertake repairs. They don't need permission for that, but they do if they read the Bible with others." Asked why it was the business of the state whether foreigners had been present, she responded: "It's not dangerous, but they need permission."

Semgaliyeva declined to discuss the presence of journalists during the raid and who had notified them of the raid.

Saginbek Zhumagareyev of the Regional Education Department, who had also been present, said that the Religious Affairs Department had initiated the raid on the Baptists. He said he had little recollection of what happened. "I'm nearly at pension age and can't remember all the places I've visited, so ask the Religious Affairs Department," he told Forum 18 from Oral on 18 August. "I don't care what religion has organised an event, all I'm interested in is that children are present with their parents' permission." He estimated that he visits more than ten religious communities each year as they hold events for children.

Forum 18 sent written questions on 12 August to Dementievskaya, the journalist who wrote a 15 July article on liter.kz website and also appeared as a "local resident" in the 7 July Khabar television news item. In both she had complained that the "non-traditional church" was attracting children.

"Our laws are not able to defend children," Dementievskaya claimed to Khabar television. "Some of the children were present without the permission of parents, certainly, or parents were unaware of what it was about." She called for amendments to the Religion Law to ban children's participation in religious events "of these sects" without parental permission and "very harsh penalties" for those who violate this.

Forum 18 asked Dementievskaya who had invited journalists to take part in the raid on the Baptist summer camp, but had received no response by the evening of 23 August in Oral.

2015

raid

The raids on the Baptist children's summer events in West Kazakhstan Region came exactly one year after a similar raid on a similar event held by another Baptist church in the same Region. Transfiguration Baptist Church in the village of Darinskoe in Zelenov District had organised an event at the home of a church member in the nearby village of Yanvartsevo.

After raids on 6 and 7 July 2015, the Regional Religious Affairs Department accused the Church of conducting religious activity away from its registered legal address without having gained the Department's permission as required in law. However, the church's pastor Viktor Demyashev insisted in subsequent court hearings that its statute defines the area of its activity as West Kazakhstan Region. Nurmukhanov also accused the Church of involving children without their parents' consent. Pastor Demyashev similarly denied this in court.

Transfiguration Church was found guilty of violating Administrative Code Article 490, Part 1, Point 1. In September 2015 it was fined 200 Monthly Financial Indicators (MFIs) and banned from functioning for three months. The church lost its appeal in October 2015. It never paid the fine as it had no money.

A fine of 200 MFIs represents more than three months' average wages for a person in work.

Fined after grandmother brought granddaughter

A court in Kostanai Region in northern Kazakhstan fined Pastor Zhanar Gainutdinova of Source of Life Pentecostal Church in Kostanai for allowing a 7-year-old girl to attend a religious event allegedly without written permission from a parent. On 14 July, Judge Nadezhda Zhumabayeva of Kostanai's Specialised Administrative Court found the Pastor guilty and punished her with the prescribed fine of 50 MFIs, 106,050 Tenge, according to the court decision seen by Forum 18.

Pastor Gainutdinova was punished under Administrative Code Article 490, Part 7. This punishes, among other things, "the leader of a religious association not taking measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". This is punished with a fine of 50 MFIs and, for foreigners, deportation.

Judge Zhumabayeva's decision notes that Pastor Gainutdinova should not be deported as she is a Kazakh citizen.

The grandmother of the girl had brought her to Source of Life Church's summer programme for children on 24 June, the court decision notes. The grandmother, a church member, brought with her written permission from the mother (a single mother who was working a night shift).

Pastor Gainutdinova, who was not present at the Church that day, told the court that the church leader that day was not aware that a parent must come themselves and write the statement granting permission for a child to be present at a religious event.

Following the mother's return home from work, she called the police to complain that her daughter was at the church without her permission. She claimed that she had never written a letter agreeing to her daughter's participation in the Church's summer programme for children. Officers of the Anti-Extremism Police, ordinary police and "even" the Transport Police arrived at the Church. "Many officers of all sorts were present, but no one from the Regional Religious Affairs Department," Pastor Gainutdinova told Forum 18 from Kostanai on 22 August.

The Police and Prosecutor's Office backed the record of an offence drawn up by the Regional Religious Affairs Department against Pastor Gainutdinova. Although she had not been present that day, as head of the religious community she bore responsibility for the "offence".

"The girl's mother did sign a statement, but later told the police she hadn't," Pastor Gainutdinova insisted to Forum 18. "We didn't know that a parent has to be present in person to hand over such written permission." The pastor chose not to appeal against the fine.

Nursultan Abishev, chief specialist at Kostanai Regional Religious Affairs Department, told Forum 18 on 22 August that his colleague Sapargali Abdiev, who had written the record of an "offence" against Pastor Gainutdinova and assisted the prosecution case in court, was out of the office.

However, Abishev insisted that Pastor Gainutdinova had committed an "offence" because the Church she leads had "attracted an underage girl". He said his colleague Abdiev had prepared the record of an "offence" in response to an application by the girl's mother and

the police. Asked why such an issue was the responsibility of the police and the Religious Affairs Department, he insisted that "the law must be upheld".

Will Judge punish praying pensioners?

By Felix Corley

Forum 18 (18.08.2016) - <http://bit.ly/2bOCiDp> - On 25 August, a Judge in East Kazakhstan Region will decide whether to fine seven members of a Baptist congregation for meeting for worship without state permission. Two of the seven are aged 79, a decade younger than another Baptist fined in 2016.

In hearings throughout the morning of 25 August, Judge Aigul Saduakasova in East Kazakhstan Region is set to decide whether or not to punish seven local Baptists for meeting for worship without state permission. Their small congregation was raided twice in early August. Two of those facing possible fines – Olga Berimets and Zoya Tobolina - are 79 years old.

If punished, the 79-year-old pensioners would not be the oldest known victims of such punishments for exercising the right to freedom of religion or belief. On 22 May, at the age of 89 and a half, former Soviet-era Baptist prisoner of conscience Yegor Prokopenko was again fined for leading a meeting for worship in Zyryanovsk in East Kazakhstan Region. A police officer fined him 100 Monthly Financial Indicators (MFIs), 212,100 Tenge. This represents about seven weeks' average wages for those in work, but far more for pensioners like Prokopenko.

Yakov Skorniyakov – another Baptist and former Soviet-era freedom of religion or belief prisoner of conscience – was also 79 when he was given a massive fine for his religious activity in 2006, two years before his death.

Meanwhile, two Baptist Churches which belong to the Baptist Union in West Kazakhstan Region were raided by officials in early July as they held summer camps for local children. Officials and local journalists they brought along claim the churches were attracting young people, that children might have been present at a religious event without their parents' consent and that foreigners were present as "missionaries" without having the required state permission. The raids left the children feeling "frightened", the pastor complained.

"Civil disobedience"

More than 25 individuals are known to have been fined in the first half of 2016 for exercising the right to freedom of religion and belief without state permission. The known victims were Muslims, Protestants, Jehovah's Witnesses and commercial traders.

Council of Churches Baptists have adopted a policy of "civil disobedience", refusing to pay fines for exercising their human rights without state permission. Prokopenko has refused to pay his latest fine, and – if punished – the seven Baptists in East Kazakhstan Region similarly seem likely to refuse to pay.

Many Baptists who refuse to pay such fines are then placed on Kazakhstan's exit blacklist, preventing them from leaving the country. Some have property confiscated, such as

washing machines or cars. Others have restraining orders placed on property, such as homes, cars or calves, preventing them from selling or disposing of them.

Raids on meetings for worship

On 7 August, Police raided a small Baptist congregation as it met for Sunday worship in a home in the village of Kalbatau in Zharma District of East Kazakhstan Region, local Baptists complained to Forum 18 on 16 August. When the service was over and church members were leaving, officers began to question them about what had happened.

The home owner, Yakov Frizen, put the elderly church members in his car to take them to their homes. However, police officers ordered him to take them to the local police station. He refused, and took them to their homes. Officers followed in their car and, having summoned another vehicle, took all those who had been present to the police station. They ordered Frizen to follow their car also.

Police Investigator Erzhan Donenbayev ordered 83-year-old Andrei Berimets, 79-year-old Olga Berimets, and 79-year-old Zoya Tobolina, as well as home owner Frizen and another church member Natalya Kvach to write statements. Then, after returning their identity documents, allowed them to leave the police station.

Police officers then visited three other people in their homes, Yevgeny Seleznev, Nina Gurzhueva and Shezhana Bondarenko. Gurzhueva and Bondarenko are not church members but attend worship services. All three were forced to write statements, church members told Forum 18.

Several days later, eight of those present were summoned to the District Akimat (administration). At least seven of the eight were handed records of an offence under Administrative Code Article 490, Part 1.

Article 490, Part 1 punishes "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship" with fines for individuals of 50 MFIs.

The church held a further meeting for worship at Frizen's home on 11 August, with guests from Germany and Russia. During the worship meeting, several police cars full of officers waited outside. After the meeting was over, officers asked permission to come into the yard, then demanded the identity documents of the foreigners present. Officers videoed the foreigners' passports.

As the foreign guests were leaving the village, police detained them. They ordered two of them to write statements. Police officers visited an elderly church member and again asked what had happened at the worship meeting.

"How can the police have raided a private home?"

The duty police officer at Kalbatau police station – who did not give his name – told Forum 18 on 17 August that Investigator Donenbayev is on holiday, as was Police Chief Rolan Orazgaliyev. Asked why his fellow officers had raided the Baptist congregation twice, the officer responded: "How can the police have raided a private home?" He refused to answer any further questions and put the phone down.

Meirambek Kameshev, who is in charge of supervising local religious communities at the District Akimat's Internal Policy Department, said that he had prepared the records of an

offence against seven church members. "If the Police get any more statements, they will hand them over," he told Forum 18 on 17 August. "But I don't think cases will be brought against any of the others."

Asked why anyone should be punished for holding or attending a meeting for worship, Kameshev insisted that the law bans such meetings and those violating this should be punished. "We all have to submit to our laws," he insisted to Forum 18.

Asked if the church members would have faced cases had they met to drink vodka, watch football on television or read Pushkin's poetry, Kameshev responded: "Of course not. But there is a great difference between that and religious activity." He declined to explain what the "great difference" is. "If they simply registered and then met for worship, the police would have no complaint."

Told that the church – like other Council of Churches Baptist congregations – chooses not to seek legal status and that meeting without state permission is protected under Kazakhstan's international human rights commitments, Kameshev disagreed. "I didn't say that they're causing any harm, but let them register and then pray."

25 August court hearings

The seven administrative cases – against Bondarenko, Olga Berimets, Gurzhueva, Kvach, Seleznev, Tabolina and Frizen – were handed to Zharma District Court. On 17 August, Judge Aigul Saduakasova, who is due to hear the cases, set the hearings to take place at half-hourly intervals from 9.30 am on 25 August, according to court records seen by Forum 18.

The court chancellery confirmed to Forum 18 on 17 August that seven church members are facing cases brought by the District Internal Policy Department.

Sharing faith a state security issue?

By Felix Corley

Forum 18 (12.08.2016) - <http://bit.ly/2bpLEbw> - Secret police officers hold "conversations" with and warn individuals suspected of talking to others of their faith, official reports from Almaty Region confirm. Talking about religion without state registration is illegal and punishable. Officials refuse to say why this is a state security issue.

Individuals who talk about their religious views with others without state permission – an "offence" in Kazakhstan – are often fined and sometimes imprisoned. Those who do not go on to be punished can face "conversations" with officers of the National Security Committee (KNB) secret police and verbal or written warnings from them, according to official reports.

Other state agencies tasked with punishing or warning those who talk about their faith with others are the Police, the Prosecutor's Office and Regional Religious Affairs Departments.

Although legal restrictions already ban and punish free speech on religion, the Minister who oversees religion has announced that further restrictions will be imposed in amendments to the Religion Law and other Laws likely to reach Parliament in September (see below).

While punishments for speaking to others about one's faith are frequent, two Jehovah's Witnesses have gained small victories in court. Both are foreign citizens legally living and working in Kazakhstan who were fined and ordered deported for speaking within their own communities. In separate cases, the Supreme Court and a Regional Court have overturned the punishments at the request of prosecutors. The courts agreed with prosecutors that speaking within one's own religious community does not constitute "missionary activity" (see below).

No explanations

An official of the government's Religious Affairs Committee in the capital Astana, who did not give his name, refused absolutely to explain to Forum 18 on 11 August why the government regards talking about one's faith with others as a state security issue. He also refused to say if the Committee had issued guidance to officials of Regional Religious Affairs Departments that participation by foreigners in the life of a religious community does not constitute "illegal missionary activity".

Under Kazakhstan's international human rights obligations, such as the International Covenant on Civil and Political Rights (ICCPR - which entered into force in Kazakhstan on 24 April 2006), "national security" is not a permissible reason to restrict freedom of religion and belief. The United Nations (UN) Human Rights Committee and Kazakh human rights defenders have strongly criticised Kazakhstan's record under the ICCPR.

"Only Committee Chair Galym Shoikin is authorised to speak to the media," the Legal Department official told Forum 18. However, Shoikin's phone went unanswered each time Forum 18 called on 11 and 12 August.

The telephone also went unanswered of Marat Azilkhanov, who oversees the Religious Affairs Committee in his role as a Deputy Culture and Sport Minister. Azilkhanov worked for the KNB secret police from 1992 until 2011, when he was appointed to the then Religious Affairs Agency.

The Press Office at the KNB secret police in Astana went unanswered each time Forum 18 called on 11 and 12 August.

Punishments for free speech on religion

All people who discuss religious issues with others are required to have permission from a registered religious organisation and have a permit from the state Regional Religious Affairs Department. Any literature they use when they speak to others also needs to be censored in advance by the Religious Affairs Department (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/Archive.php?article_id=1939). Anyone who speaks on religion to others without such permission faces punishment under Administrative Code Article 490, Part 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 Monthly Financial Indicators (MFIs), with deportation if the individual is a foreign citizen.

A fine of 100 MFIs is currently 212,100 Tenge (5,000 Norwegian Kroner, 550 Euros or 610 US Dollars). This is more than six weeks' average wages for those in work, according to July 2016 average income figures from the government's Statistics Committee. However, some of those fined are unemployed or pensioners on lower incomes.

Prosecutions are frequent. Ten individuals are known to have been punished under Article 490, Part 3 in the first six months of 2016.

If individuals talking about religion are believed to be from an organisation banned as "extremist" – such as the Tabligh Jamaat Muslim missionary movement – they face criminal prosecution. Murat Takaumov was given a nine-month prison term on 2 June in Astana, making him the 31st alleged member of Tabligh Jamaat to be convicted since December 2014 of promoting Islam as a member of the movement. Of these, 19 received prison terms. Five more alleged members are under criminal investigation in Oskemen.

If the authorities interpret individuals' comments about religion as making negative comparisons with other faiths, they can face criminal prosecution under the broadly-framed Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism". Seventh-day Adventist Yklas Kabduakasov, as well as two of the 31 Muslims imprisoned as alleged Tabligh Jamaat members, are serving prison sentences under this Article. All rejected the accusations.

All 32 investigations which led to these criminal convictions were initiated by the KNB secret police. The KNB in Astana sent a "senior operational officer" masquerading as a Tabligh Jamaat adherent to infiltrate groups of Muslims. His evidence was used in the prosecution cases of Astana Muslims. The officer refused to talk to Forum 18 in April.

Harsher punishments to come?

Amendments to the Religion Law and a series of other laws are being prepared to restrict even further the exercise of freedom of religion or belief. This is in response to a 10 June order by President Nursultan Nazarbayev to harshen laws on "extremism", terrorism and religion. The proposed amendments are likely to reach Parliament in September. Against Kazakhstan's international human rights obligations, the President justified these on alleged grounds of "national security".

At a 19 July meeting of government ministers and senior officials, Culture and Sport Minister Arystanbek Mukhamediuli (who oversees the government's Religious Affairs Committee) said that, among other things, "missionary activity" will be subjected to controls. "Activity to spread a faith as a missionary without registration will not be allowed," he declared. As talking to others on religion is already banned unless it has been specifically authorised by the state, it remains unclear what further controls might be introduced.

Almaty Region KNB warns those speaking to others of their faith

A series of reports from official agencies of Almaty Region reveal that the KNB secret police track and warn individuals involved in talking to others of their faith, even if such individuals do not face prosecution.

A 20 July report covering police work in Almaty Region in the first half of 2016 notes: "Two instances of illegal missionary activity on the part of six people of religious orientation were thwarted, and officials of the Regional KNB conducted legal explanations with them and issued a warning." Countering "missionary" activity was listed as part of the "struggle with extremism".

The report added that as of 1 July, 193 individuals were subject to monitoring by the Anti-Extremism Directorate of the Police. It did not explain whether they were being monitored for talking to others about their faith or for other reasons.

A similar approach to eliminating sharing one's faith with others came in the Almaty Regional Police's criminological report for 2015, issued on 27 January 2016. "Ten instances of illegal missionary activity on the part of 45 adherents of the religious extremist Tabligh Jamaat organisation were thwarted," it noted in the section on the "struggle with extremism".

The report for the first nine months of 2015 by the Regional Religious Affairs Department, issued on 28 December 2015, notes: "According to information from the Police Department for the Struggle with Extremism, illegal missionary activity by the religious extremist organisation Tabligh Jamaat was uncovered in Almaty Region." It added that "eight methods" it had of sharing faith by 36 of its adherents were thwarted in five Districts and two cities of Almaty Region. "Legal explanatory conversations were held with them by officers of the law-enforcement agencies, Prosecutor's Office and the Regional KNB."

No explanation of secret police involvement

Baurzhan Niet, chief specialist at Almaty Region Religious Affairs Department, repeatedly refused to explain why the authorities regard sharing faith as a matter for the KNB secret police or the Police Department for the Struggle with Extremism. He also refused to explain at whose initiative these agencies become involved. "This is secret information," he told Forum 18 from the regional capital Taldykorgan on 11 August.

When Forum 18 read to him the official reports detailing the KNB secret police involvement in talking to and, on occasion, warning those involved in sharing their faith, Niet responded: "We don't give out this information as you are not an official institution."

Reached the same day, an officer of Almaty Region KNB secret police – who would not give his name – initially denied that his fellow officers were involved in countering sharing of faith. "This is an issue not for the KNB but for the Religious Affairs Department," the officer insisted to Forum 18 from Taldykorgan on 11 August.

When Forum 18 read to him the official reports detailing the KNB secret police involvement, the officer responded: "The law doesn't allow us to give any explanations by phone. No similar state body in any state gives such information. Come and visit us in person."

Deportation of foreign citizens

In recent years a number of foreign citizens legally living and working in Kazakhstan have been punished under Administrative Code Article 490, Part 3 (or its predecessor in the earlier Administrative Code which was replaced in January 2015). They were fined and ordered deported.

Baptist pastor Viktor Lim was fined and ordered deported in May 2013 for leading a registered religious community. Lim, a stateless person, had lived in the country for 20 years and his wife and children are Kazakh citizens. Polish cardiologist Robert Panczykowski had preached at a Jehovah's Witness meeting in August 2013. Kyrgyz citizen and Jehovah's Witness Shamurat Toktoraliyev discussed his faith in a private flat in September 2013.

Jehovah's Witness Yuri Toporov, a Russian citizen married to a Kazakh citizen, was punished for addressing a meeting of his community in Almaty in November 2013. He failed to overturn the decision on appeal, despite a call by five United Nations Special Rapporteurs and an Independent Expert for him not to be deported.

Three Turkish academics working at the Ahmet Yesevi University in Turkestan in South Kazakhstan Region were convicted of "illegal missionary activity" in June 2015 for teaching the Naqshbandi form of Islam in private lessons. They too were fined and ordered deported.

Fines and deportations overturned on appeal

In two recent Jehovah's Witness cases, higher courts have overturned fines and deportation orders handed down on foreign citizens legally resident in Kazakhstan who were punished for alleged "missionary activity" for speaking within their own communities.

Maksim Sulyargin – who is from another former Soviet republic - was prosecuted under Administrative Code Article 490, Part 3 for addressing his own Jehovah's Witness community in Astana on 8 August 2015. On 16 September, Judge Kanat Imanaliyev of Astana's Specialised Inter-District Administrative Court fined him 100 MFIs and ordered his deportation within five days of the decision entering legal force. The decision, seen by Forum 18, describes this as a "reasonable time".

On 15 October 2015, Astana City Court rejected Sulyargin's appeal. However, he lodged a cassational appeal to the same Court, backed by the Prosecutor, arguing that he had been speaking to his own religious community and therefore had not been trying to attract new adherents to his faith. He said he had thus not been conducting "missionary activity". On 5 November 2015, a panel of three Judges chaired by Kenzhe Aktailakov upheld his appeal entirely, according to the decision seen by Forum 18. The Judges dismissed the case against him "for the absence in his actions of the elements of an offence".

Sulyargin had not been obliged to leave Kazakhstan at the time of the cassational appeal as the court decision ordering his deportation had not entered into legal force.

Similarly, Polish cardiologist Panczykowski finally overturned at the Supreme Court his 2013 fine of 100 MFIs and deportation order. On 16 June 2016, a panel of three Judges chaired by Aigul Kydyrbayeva annulled the original November 2013 conviction and December 2013 appeal decision, which had upheld the conviction.

The Supreme Court decision, seen by Forum 18, dismissed the case against Panczykowski "for the absence in his actions of the elements of an administrative offence".

The decision notes that the latest hearing in the case had come at the initiative of the General Prosecutor's Office. It considered that "given the smooth conducting of religious rites and meetings in places of worship and in the absence of violations of the rights and interests of people living nearby", Panczykowski's actions could not be regarded as "missionary activity" and therefore no "offence" had been committed.

The Court noted that although people who were not members of a particular faith could voluntarily enter such a place of worship and might be present at such a worship service, the prime objective of such a service was to meet the religious needs of those who already belong to the faith.

Panczykowski had left Kazakhstan soon after his first appeal was rejected. However, he had not paid the fine. The Court Bailiff had blocked his bank account, but had not taken the funds. "These funds up till now have remained frozen," Jehovah's Witnesses told Forum 18 from Almaty on 26 July. A request was sent to the Court Bailiff to unfreeze these funds. "At present we are waiting for a response from them."

Jehovah's Witnesses note that "in theory" Panczykowski could return to Kazakhstan, given the cancellation of the punishment, including the deportation order. They have asked the Migration Service to remove him from the entry blacklist.

Jehovah's Witness Toporov is also seeking to have his fine and deportation order overturned. He too appealed to the General Prosecutor's Office. "We hope too that his case will be positively reviewed soon within the country before his appeal to the United Nations Human Rights Committee is considered," Jehovah's Witnesses told Forum 18.

Toporov complained to the UN Human Rights Committee in October 2014. He is among about 50 Jehovah's Witnesses to have lodged such complaints to the Committee about punishments for talking about their faith with others. The Kazakhstan government responded to the Committee on 30 January 2015, claiming that such punishments were "justified". The Committee has not yet issued decisions on these cases.

Will foreign legal residents feel safe in own religious communities?

Despite the two court decisions in November 2015 and June 2016 upholding the right of foreign citizens legally resident in Kazakhstan to play a full part in their own religious communities without fear of fines and deportation orders for conducting "illegal missionary activity", it remains unclear if such state harassment will stop.

When police raided New Life Church in the Caspian Sea port of Aktau on 30 January 2016, as it met for worship in a rented cafe, officers were particularly interested in foreign citizens who were present. The Regional Religious Affairs Department had failed to respond to the Church's request for two invited pastors from Azerbaijan to be granted permission to speak as "missionaries". Officers subjected an Indian citizen legally working locally to psychological pressure for attending as a church member.

The raid was led by the head of the police Department for the Struggle against Extremism, Separatism and Terrorism.

Government contradicts UN Human Rights Committee

By Felix Corley

Forum 18 (22.07.2016) - <http://bit.ly/2bNe7V3> - Kazakhstan contradicts new Human Committee recommendations by preparing harsher "extremism" punishments, described by a human rights defender as "to intimidate society". A Muslim prisoner of conscience's appeal has been rejected, and he has not been allowed to know of his father's death and funeral.

The United Nations (UN) Human Rights Committee has criticised Kazakhstan for, among other things, its "broad formulation" of "extremist" offences and called for laws to be brought "into full compliance" with its international human rights obligations. It also added that Kazakhstan should ensure that "rights to a fair trial and access to justice are respected" (see below).

But in direct contradiction to the Committee's recommendations, Kazakhstan is currently preparing even harsher "extremism" punishments in changes to six codes and 18 laws, including the Religion Law. Confusingly, some of the manifestations of freedom of religion and belief the government has announced it will ban are already banned. Human rights defender Yevgeni Zhovtis, of the Kazakhstan International Bureau for Human Rights and Rule of Law, has commented that "instead of a normal partnership and mutual respect, the authorities begin to intimidate society". He noted that "experience shows this, such

measures mainly 'hit' not the extremists and radicals, but law-abiding citizens, at the same time reducing their loyalty and civic sense" (see below).

The Human Rights Committee also expressed concern that "counter-terrorism activities continue to target in particular members or presumed members of banned or unregistered Islamic groups, such as the Tabligh Jamaat". Among its other concerns and recommendations, the Committee also called for Kazakhstan "to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts" (see below).

On 20 July, Sunni Muslim prisoner of conscience Murat Takaumov's appeal against his nine month jail sentence for exercising freedom of religion and belief was rejected. Takaumov's father died on 18 July and was buried the following day (as is usual). He was not allowed by the authorities to attend the funeral, or even yet to know of his father's death. This has caused his relatives great distress (see below).

Kazakhstan has also misled the Human Rights Committee about the numbers of people it has fined and jailed for exercising freedom of religion and belief, and the country's human rights record has been strongly criticised by Kazakh human rights defenders and belief communities. Four days after the Committee's examination of the country's record, the government fined three Muslims for exercising freedom of religion and belief and the same day was elected to the UN Security Council.

"Extremism" convictions, Committee recommendations

The UN Human Rights Committee considered Kazakhstan's record under the International Covenant on Civil and Political Rights (ICCPR) in Geneva on 22-23 June. It adopted its Concluding Observations on Kazakhstan on 11 July (CCPR/C/KAZ/CO/2 <http://bit.ly/2bfW6jm>).

The Committee expressed concern about "the broad formulation of the concepts of 'extremism', 'inciting social or class hatred' and 'religious hatred or enmity' under the State party's criminal legislation and the use of such legislation on extremism to unduly restrict freedoms of religion, expression, assembly and association". Such broad formulations and negative language has long been used by Kazakhstan in relation to its violations of freedom of religion and belief and interlinked human rights.

A total of 32 individuals (31 Sunni Muslims and 1 Seventh-day Adventist) are known to have been given criminal convictions since December 2014 for exercising the right to freedom of religion or belief, which the government claims is "extremism". Of these, 20 were given prison terms. All 32 cases were initiated by the National Security Committee (KNB) secret police.

All 31 Sunni Muslim prisoners of conscience, alleged members of missionary movement Tabligh Jamaat, were convicted under Criminal Code Article 405 (or its predecessor in the old Criminal Code). This punishes "Organising or participating in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out".

Two of the 31 Sunni Muslim prisoners of conscience, Saken Tulbayev and Khalambakhi Khalym, were also convicted under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

Adventist prisoner of conscience Yklas Kabduakasov was similarly convicted under Criminal Code Article 174, Part 1.

In expressing concern over the targeting of "members or presumed members of banned or unregistered Islamic groups, such as the Tabligh Jamaat", the Committee referred to

ICCPR Articles 9 ("Right to liberty and security of person"), 14 ("Right to equality before courts and tribunals and to a fair trial"), 18 ("Freedom of thought, conscience and religion"), 19 ("Freedom of opinion and expression") and 21 ("Right of peaceful assembly").

The Human Rights Committee stated that Kazakhstan "should bring its counter-terrorism and counter-extremism legislation and practices into full compliance with its obligations under the Covenant [ICCPR], inter alia by revising the relevant legislative provisions with a view to clarifying and narrowing the broad concepts referred to above, to ensure that they comply with the principles of legal certainty and predictability and that the application of such legislation does not suppress protected conduct and speech."

Kazakh human rights defenders have expressed strong concern to the Committee that "With rather dubious criteria being applied, terms such as 'traditional' and 'non-traditional' religious organisations, 'religious extremism' etc. are being introduced into the realm of law-related definitions".

The Committee added that Kazakhstan "should also ensure that the rights to a fair trial and access to justice are respected in all 'extremism' prosecutions". Many such trials in Kazakhstan are conducted so as to obstruct a fair trial.

Kazakhstan acts against Committee recommendations

Kazakhstan is currently acting directly contrary to the Human Rights Committee's recommendations. KNB secret police head Vladimir Zhumakanov told a 19 July meeting of government ministers and senior officials that a working group has been set up to draft a Law on Amendments and Additions to Various Laws on Questions of Countering Extremism and Terrorism. He said the draft Law envisages amendments to six codes and 18 laws.

Zhumakanov said this was in response to a 10 June order by President Nursultan Nazarbayev to harshen laws on "extremism", terrorism and religion.

"Firstly, responsibility will be tightened for crimes of an extremist and terrorist nature, through an increase in the minimum and maximum ranges of terms of deprivation or restriction of freedom," Zhumakanov stated in remarks quoted on the prime minister's website the same day. "Norms are to be introduced on confiscating property as an obligatory means of punishment for extremism and terrorism."

Other measures KNB chief Zhumakanov mentioned were stronger defences for state buildings and tighter controls on weapons.

A spokesperson for the national KNB secret police in Astana refused to discuss the proposed amendments with Forum 18 on 21 July. He said that the amendments were in the hands of Nurlan Zhuldashov, head of the KNB Legal Department. However, he declined to give Forum 18 a phone number for the Legal Department or to put Forum 18 through.

New and not-so-new restrictions on freedom of religion and belief

At the same 19 July meeting of government ministers and senior officials, Culture and Sport Minister Arystanbek Mukhamediuli outlined tighter legal controls on exercising freedom of religion or belief set to be introduced as part of the amendments. He billed such amendments as part of the need to counter "religious radicalism".

Parts of the proposed amendments affect the Religion Law. They are being prepared by the Legal Department of the Religious Affairs Committee, which is part of the Culture and

Sports Ministry. The proposals it produces will be reviewed by other "relevant structures", including the Interior Ministry, the KNB secret police and the Prosecutor's Office, a Legal Department official told Forum 18 in June.

Culture and Sport Minister Mukhamediuli told the meeting of government ministers and senior officials that "missionary activity" will be subjected to controls. "Activity to spread a faith as a missionary without registration will not be allowed," according to remarks quoted on the Prime Minister's website. He added that further controls will be imposed on publishing, distributing and importing books and items related to religion.

Talking about a faith with others without personal registration as a "missionary" commissioned by a registered religious organisation is already banned and punishable. Similarly, violating the compulsory prior censorship of all literature and items related to religion - including publishing, distributing and importing it without state permission - is already banned and punishable.

So it remains unclear what further restrictions Minister Mukhamediuli intends to impose.

Among new proposed measures, Minister Mukhamediuli spoke of new requirements for those going on pilgrimages abroad, including the haj and umra pilgrimages to Mecca. He also spoke of a requirement that religious communities, particularly the state-backed Muslim Board, introduce a "unified procedure for conducting religious rituals".

Culture and Sport Minister Mukhamediuli added that between now and 1 December, his Ministry will work with the Interior Ministry (which controls the police) to remind the population of the need not to violate the law in the area of religion. The two ministries have already begun work to "secure control over the conducting of religious meetings, services, ceremonies and rituals, missionary activity and the circulation of religious literature".

Torture

Among other recommendations, the Human Rights Committee also recommended that Kazakhstan "should take robust measures to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts".

Credible claims of torture have often been made in relation to prisoners of conscience jailed for exercising their freedom of religion or belief.

"To intimidate society"

In a commentary on the new proposed laws and the UN Human Rights Committee's Concluding Observations, human rights defender Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law complained that the government's response to violent attacks was prepared without consultation, and mainly by security agencies.

"And instead of a normal partnership and mutual respect, the authorities begin to intimidate society," Zhovtis stated in the commentary published on the ratel.kz website on 21 July. "We'll control everyone, we'll harshen the punishments, we'll check everyone and maintain order. Unfortunately, and experience shows this, such measures mainly 'hit' not the extremists and radicals, but law-abiding citizens, at the same time reducing their loyalty and civic sense."

Appeal by prisoner of conscience fails

On 20 July, Judge Gulnara Mergenova of Astana City Court rejected the appeal by Sunni Muslim prisoner of conscience Murat Takaumov, the Judge's assistant told Forum 18 on

21 July. He added that Takaumov was not present for the hearing. "Those convicted don't normally attend appeal hearings," the assistant claimed. Takaumov was represented at the hearing only by a state-appointed lawyer, relatives told Forum 18.

Astana's Saryarka District Court No. 2 sentenced Takaumov to nine months' imprisonment on 2 June. This was six months after his 18 November 2015 arrest for exercising freedom of religion and belief for allegedly being part of the Tabligh Jamaat missionary movement.

As pre-trial detention counts towards his sentence, Takaumov is due for release from prison on 18 August 2016.

Takaumov's father died on 18 July and was buried the following day, Takaumov's relatives told Forum 18 on 22 July. He could not attend the funeral as the authorities have kept him in detention, and does not yet know of his father's death. This has caused his relatives great distress.

"Two friends who attended the appeal hearing asked the state-appointed lawyer to appeal on Murat's behalf for conditional release because of his father's death," relatives told Forum 18. "The lawyer refused, saying Murat could write his own appeal after his transfer from the Investigation Prison to a labour camp."

Relatives told Forum 18 earlier that the authorities had said they would not be taking Takaumov to the court for the appeal hearing and that he did not have a lawyer to represent him there.

No date set for Supreme Court appeal

On 22 June, Aiman Umarova, the lawyer for Sunni Muslim prisoner of conscience Tulbayev, lodged a final appeal against his conviction to the Supreme Court in Astana. "It is not yet clear when the Court will hear the case," Umarova told Forum 18 from Kazakhstan's commercial capital Almaty on 20 July. She added that she is not optimistic that the Supreme Court will overturn Tulbayev's conviction.

A court in Almaty sentenced Tulbayev (who was also tortured in pre-trial detention) on 2 July 2015 to four years eight months' imprisonment. He was also banned from exercising freedom of religion or belief, including praying with others and reading the Koran, from his scheduled December 2019 release until December 2022.

Umarova pledged that, if necessary, she will take her client's case to the United Nations human rights mechanisms. She stressed that the three-year ban on Tulbayev's religious activity – set out in the lower court verdict – particularly violates his right to freedom of religion or belief. "How are they going to implement the ban on his religious activity?" she asked. "Is he going to be banned from praying, and what else?"

Will transfer bids to nearer prisons succeed?

Lawyer Umarova is also lodging a request to the Criminal Implementation Committee on Tulbayev's behalf for him to be transferred to a prison in Almaty Region. Tulbayev is a resident of the city of Almaty, while he is currently held in a prison camp in Pavlodar.

The Pavlodar labour camp is nearly 1,500 kilometres north of Almaty by road on a journey that takes more than 15 hours. That Tulbayev has been sent there will make visiting him difficult and expensive, relatives complained to Forum 18 following his September 2015 transfer.

Adventist prisoner of conscience Kabduakasov – held in another prison camp in Pavlodar - similarly wishes to be transferred to a prison nearer his home city of Astana. "Yklas lodged an appeal on 29 May to be transferred to an open prison, which would be near his home town," Adventist pastor Andrei Teteryuk told Forum 18 from Astana on 21 July. "But they refused to even accept the application, telling him he has not generated any rewards and softening his terms of imprisonment can't be considered. When he asked them to explain why it can't be considered, they responded: 'It just can't, that's all'."

Bank accounts of three further prisoners of conscience blocked

Three Sunni Muslim prisoners of conscience were added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Aidin Shakentayev, Bauyrzhan Serikov and Murat Shopenov were added to the List on 8 July. This brought to 29 the number of individuals convicted for exercising freedom of religion or belief on the List.

The three were convicted by a court in Karaganda on 28 March and handed prison terms of up to 30 months for alleged membership of Tabligh Jamaat.

Convicted individuals can be added to the list without being informed of it and without separate legal process. "The only way they would know is when they go to the bank and find their account is blocked and the bank then tells them," a Ministry Financial Monitoring Committee official told Forum 18 in June. All financial transactions by an individual on the List are under tight restrictions. Family members who live in the same household without any separate source of income are allowed to apply for access to funds for subsistence.

The bank account of Adventist prisoner of conscience Kabduakasov – who was placed on the List earlier – was blocked without notice. "His wife said her bank card had been blocked, but we don't know if this was connected with his inclusion in the List," Adventist pastor Teteryuk told Forum 18 on 28 June.

Relatives of some of the Muslim prisoners of conscience on the List have confirmed to Forum 18 that their accounts have similarly been blocked without warning.

No information on Oskemen criminal case

The KNB secret police appears to be still investigating five men in Oskemen (Ust-Kamenogorsk) under Criminal Code Article 405, Part 2 for alleged membership of Tabligh Jamaat. "We can't identify the individuals or give any details of the investigation because it is secret," an officer at East Kazakhstan Region KNB told Forum 18 from Oskemen on 21 July. The officer refused to identify the KNB Investigator in the case.

Oskemen Court No. 2 and East Kazakhstan Region Specialised Inter-district Criminal Court – the most likely courts for any such case to be heard - both told Forum 18 on 21 July that the case has not been presented to court yet.

East Kazakhstan Regional KNB secret police officers raided homes in Oskemen on 16 May as part of an investigation in the criminal case against the five local residents. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to Tabligh Jamaat. The five men had to sign statements that they would not leave Oskemen without the investigator's permission.

New summary fines, no due process

By Felix Corley

Forum 18 (18.07.2016) - In new development, three Council of Churches Baptists in Kazakhstan have been in 2016 fined by police without a court hearing, for meeting for worship without state permission. Human rights defenders know of no earlier cases since police acquired the power in January 2015.

In what appears to be a new development, three members of Council of Churches Baptist congregations in Kazakhstan are known to have been summarily fined by police officers without a court hearing so far in 2016, for meeting for worship without state permission. Prosecutors subsequently annulled one of the fines (see below). Baptists and human rights defenders are concerned that the new state tactic of summary police fines, to punish the exercise of freedom of religion or belief without state permission, might be used more widely.

"Such summary police fines haven't been used against us before," one Baptist – who has himself been fined and given short-term prison terms through the courts in earlier years – told Forum 18 on 12 July. "No one explained to us why they've suddenly started doing this." Baptists state that such summary police fines without a court hearing have not been used against them previously.

The Baptist added that in one of the three cases, a police officer simply stated that he imposed the fine as he had been told by his superiors that he had this power (see below).

Local human rights defenders and journalists have also told Forum 18 that there are no presently known cases of such summary police fines without a court hearing being imposed before now. This applies to members of both religious or public organisations since the new police power came into force at the beginning of 2015.

The power to impose summary fines without initial due process was first given to police under the latest 2015 revision of the Code of Administrative Offences (see below). President Nursultan Nazarbayev has ordered even harsher revisions of the Religion Law and other laws to be prepared by mid-August 2016.

New summary power, no initial due process

Police were first given the formal power to fine people for exercising freedom of religion and belief without a formal court hearing in the latest Administrative Code. This was signed into law in July 2014 and came into force in January 2015. Previously, only courts could impose fines to punish individuals for exercising the right to freedom of religion or belief. Such fines violate Kazakhstan's international human rights obligations.

It is possible to challenge fines under the new police powers through the courts or a Prosecutor's Office. However, this process is more difficult than (as with court convictions) lodging an appeal to a higher court against a lower court decision.

Administrative Code Article 489, Part 9 gives police officers the right to fine individuals under with no court hearing. This punishes: "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 Monthly Financial Indicators (MFIs).

Article 489, Part 10 also gives police officers the right to fine people with no court hearing. This punishes: "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs.

Article 489, Part 11 yet again gives police officers the right to fine people without a court hearing. This punishes: "Financing the activity of an unregistered, halted, or banned religious community or social organisation" with a fine of 200 MFIs.

A fine of 100 MFIs is currently 212,100 Tenge (about 5,200 Norwegian Kroner, 560 Euros or 625 US Dollars). This is about seven weeks' average wages for those in work, according to June 2016 average income figures from the government's Statistics Committee. However, some of those fined are unemployed or pensioners on lower incomes, such as 89-year-old Yegor Prokopenko, one of the three Baptists known to have been handed such fines in 2016 (see below).

Most such administrative punishments are handed down through the courts, at which individuals can defend themselves, including with a lawyer if they wish. Cases under any Part of Article 490, which punishes "Violating the Religion Law", must be heard by a court. So too do cases under most Parts of Article 489, which punishes "offences" by social or religious organisations.

Against its international human rights obligations, Kazakhstan bans the exercise of freedom of religion and belief by more than one person without state permission. As is their internationally-recognised right, Council of Churches Baptists do not seek state permission to exist. The country has been asked to explain this violation of its obligations by the United Nations (UN) Human Rights Committee. In June the country presented misleading figures to the Committee on the number of Muslims, Jehovah's Witnesses and Protestants convicted by courts for exercising freedom of religion and belief.

First uses of summary police fine powers

On 22 May, at the age of 89 and a half, former Soviet-era Baptist prisoner of conscience Yegor Prokopenko was again fined for leading a meeting for worship in Zyryanovsk in East Kazakhstan Region. The local police officer imposed the fine under Administrative Code Article 489, Part 9 ("Leadership of an unregistered, halted, or banned religious community or social organisation"). He gave Prokopenko the prescribed fine of 100 MFIs, 212,100 Tenge, after raiding the church's Sunday meeting for worship. The officer gave him a form explaining how to pay.

In Ekibastuz in the north-eastern Pavlodar Region, two police officers raided a home on 16 May where a Baptist congregation meets for worship, local Baptists told Forum 18 on 12 July. No meeting was underway at the time, but the officers photographed religious literature. Police had to summon the owner of the home, Sofya Bunyak, from a nearby shop. They also summoned two witnesses to their search.

On 9 June, a police officer summarily imposed a fine on home-owner Bunyak. The officer said she had violated Administrative Code Article 489, Part 10 ("Participation in an unregistered, halted, or banned religious community or social organisation") and gave her the prescribed fine of 50 MFIs, 106,050 Tenge.

Bunyak complained about the fine to Ekibastuz Prosecutor's Office, but it responded to say if she wishes to appeal against the fine she would have to challenge it in court. She chose not to do so.

Bunyak had previously been fined in June 2013 through the courts, following police raids from 2011 on worship meetings in her home.

In the village of Sergeyevka in Akmola Region, the Region that surrounds the capital Astana, police raided the local Baptist congregation. A police officer said Aleksandr Belan had violated Article 489 and fined Belan, and the police officer stated that he imposed

the fine as he had been told by his superiors that he had this power. However, prosecutors subsequently annulled the fine, Baptists told Forum 18.

Punishments frequent

Even without using the Article 489 powers, the authorities frequently impose punishments for exercising the right to freedom of religion or belief without state permission.

A total of 32 individuals are known to have been prosecuted under the Criminal Code since December 2014. Of these, 20 prisoners of conscience received jail terms (19 Sunni Muslims and one Seventh-day Adventist). Many have also had their bank accounts frozen and had to pay for "expert analyses" used to convict them. The rest received restricted freedom sentences.

Five more Sunni Muslims are under criminal investigation and appear likely to face trial.

One of those recently sentenced for exercising freedom of religion and belief, Sunni Muslim prisoner of conscience Murat Takaumov, is serving a nine-month prison term handed down in Astana on 2 June for alleged involvement in the Tabligh Jamaat missionary movement. His appeal is due at Astana City Court on the afternoon of 20 July, according to court records.

Takaumov's relatives told Forum 18 that prison staff say he will not be brought to court for the appeal hearing. Relatives added that he does not have a lawyer.

Also, many Muslims, Protestants and Jehovah's Witnesses are punished under the Administrative Code for exercising their freedom of religion and belief. In the first half of 2016, more than 20 individuals are known to have been punished with short-term imprisonment or fines. A Kazakh delegation to the UN Human Rights Committee in June presented misleading figures to the Committee on the numbers of such convictions.

How many punished for exercising freedom?

By Felix Corley

Forum 18 (10.06.2016) - <http://bit.ly/2bNcyWW> - Kazakhstan has misled the UN Human Rights Committee about the numbers of people it has fined and jailed for exercising freedom of religion and belief. Four days after the Human Rights Committee examined the country, Kazakhstan fined three more people for exercising their freedom.

Contrary to claims by Kazakhstan's Delegation to the United Nations (UN) Human Rights Committee in late June that just eight individuals had been so far in 2016 punished for violating the Religion Law, the true number is higher, Forum 18 notes. More than 20 individuals are known to have been punished for exercising the right to freedom of religion and belief without state permission. Most of the Muslims, Protestants and Jehovah's Witnesses were punished for offering religious literature the state has not approved in places the state has not permitted, talking about their beliefs with other people without state permission, or meeting for worship without state permission. Also, three shop owners have been fined for having religious literature in their shops without state permission, and banned from commercial activity for three months (see list at base of this article).

At least one person, Baptist Roman Dimmel, was given a short-term jail term for refusing to pay earlier fines for such "offences". There are also increasing numbers of Muslim and

Christian prisoners of conscience given long jail terms for exercising freedom of religion and belief. In addition to being jailed, these prisoners of conscience also have bank accounts blocked by the government without being informed of this, without additional legal process, and are also required to pay for "expert analyses" used to convict them.

Four days after the Human Rights Committee considered Kazakhstan's record under the International Covenant on Civil and Political Rights (ICCPR) in Geneva on 22-23 June, three more Muslims in the eastern town of Semei were fined for going door to door to talk to people about their beliefs and invite them to a mosque (see below).

Kazakhstan's Delegation similarly understated the known number of individuals punished for, contrary to the Religion Law, exercising their freedom of religion and belief in 2013. This has been the peak year so far for such punishments (see below).

Twelve Kazakh human rights defender organisations have strongly criticised the government's record to the Human Rights Committee, including the ban on exercising freedom of religion and belief without state permission. They noted that the government directly violates its UN human rights obligations.

Nearly 50 Jehovah's Witnesses from Kazakhstan have joined complaints to the Human Rights Committee against fines (and deportation for foreigners) imposed for sharing their faith with others.

On 27 June Kazakhstan was elected onto the UN Security Council as a non-permanent member for two years from 1 January 2017.

Fines without court hearings start being imposed

In a new move, police have without a court hearing started to fine people for exercising their freedom of religion and belief. Three Council of Churches Baptists have been fined by police without trial so far in 2016. Prosecutors later annulled one of the fines. Police have had the right to summarily impose certain fines for exercise freedom of religion and belief without state permission since January 2015. But Baptists and human rights defenders state that such summary police fines were not used before now.

Recent fines for exercising freedom of religion and belief

In addition to the Muslims fined for exercising their freedom of religion and belief while the Human Rights Committee examined the government's record, in April 2016 a shopkeeper in the northern city of Petropavl was fined for religious books his wife kept in his shop. He was also banned from conducting commercial activity for three months. Also in April, two Muslims visiting the southern town of Zhetysai were fined for standing outside the main mosque encouraging others to attend the namaz (prayers). Protestants were also fined in Spring 2016 for meeting for worship without state permission (see below).

Punishments are generally fines of 50 or 100 Monthly Financial Indicators (MFIs). A fine of 100 MFIs is currently 212,100 Tenge (about 5,200 Norwegian Kroner, 560 Euros or 625 US Dollars). This is about seven weeks' average wages for those in work, according to June 2016 average income figures from the government's Statistics Committee. However, some of those fined are unemployed or pensioners on lower incomes.

"False information"?

The Kazakh Delegation to the Human Rights Committee – which was led by Deputy Justice Minister Elvira Azimova – admitted that "a 100 or so" individuals were in 2013

punished under the Code of Administrative Offences for violating the Religion Law, according to the 23 June 2016 French-language UN press report on the session.

But the Delegation understated the number of individuals punished in 2013, the peak year so far for such punishments. Forum 18 has documented 153 such punishments on 126 named individuals between January and early November 2013. Other individuals also appear to have been punished.

As noted above, punishments for exercising freedom of religion and belief continued until the end of 2013 and beyond. This includes the more than 20 people known to have been so far punished in 2016 (see list at base of this article). This compares to the 8 in 2016 claimed by the Kazakh Delegation.

Zukhra Galiyeva, an aide to Minister Azimova, told Forum 18 from Astana on 14 July that the Minister was not available. Asked whether the government Delegation had not been informed of the true numbers of those punished for exercising the right to freedom of religion or belief or had deliberately given the UN Committee lower figures, Galiyeva responded of Minister Azimova: "She didn't give false information."

However, Galiyeva refused to give any further information, including how many individuals are currently being punished for exercising freedom of religion or belief and why. She said all questions should be sent by post to the Justice Ministry.

New restrictions on freedom of religion and belief planned

Continuing punishments for exercising the right to freedom of religion or belief come as officials draft further amendments to the Religion Law and Criminal and Administrative Codes. These amendments seem set to impose even more restrictions on the right to freedom of religion or belief, with possible wider or increased punishments in the two Codes.

Fined after Human Rights Committee examines record

On 7 June, three Muslims were stopped in the dacha district of Vostochnoi in Semei, in East Kazakhstan Region. Bakhytbek Tursynov, Erzhan Shomatayev and Asilkhan Tumeshbayev were speaking to local residents about their faith on the way back from evening prayers in the mosque.

East Kazakhstan Regional Internal Policy Department drew up a record of an offence against Tursynov, Shomatayev and Tumeshbayev under Administrative Code Article 490, Part 3. This 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 UN Human Rights Committee considered Kazakhstan's record under the ICCPR in Geneva on 22-23 June.)

On 27 June Judge Gibrat Valiyev of Semei Specialised Administrative Court found all three Muslims guilty. He imposed the prescribed fine of 100 MFIs, 212,100 Tenge, according to the court verdict of 28 June seen by Forum 18.

The three men "do not consider their actions missionary activity", the court verdict cites them as telling the hearing, "as inviting people to the mosque is the obligation (farz) of every Muslim".

Kazakhstan requires that only people with state permission may share their beliefs and imposes severe restrictions on who may talk about their beliefs, where they may talk about them, and what materials they may use.

Petropavl: shopkeeper fined for religious books

On 4 January, officials including at least one religious affairs official raided Rustem Seidaliyev's shop in Petropavl's Korona shopping centre. The officials found religious literature on the top shelf of the display window. As Seidaliyev does not have the compulsory state permission to sell religious literature, they insisted he had committed a crime or an offence.

Kazakhstan imposes state censorship on all religious literature and objects, for example banning all Muslim literature that is not Sunni Hanafi, and imposes strict limitations on who may sell or distribute such material and where this may happen. Some bookshops which might be able to get state permission for this have decided not to apply for permission for fear of problems from the authorities.

On 29 February, officials decided to halt a criminal investigation against Seidaliyev, according to the subsequent court verdict in the case. On 17 March Bulat Omarov of North Kazakhstan Region Religious Affairs Department drew up a record of an offence under Administrative Code Article 490, Part 1, Point 3. This punishes: "Violating the requirements of the Religion Law for .. import, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 MFIs.

On 20 April, Judge Alena Devyatkina of Petropavl Specialised Administrative Court rejected Seidaliyev's insistence that the religious books were not being offered for sale, and that his wife kept them in his shop. His wife teaches religion in a mosque in the city, she told the court, and used the books to teach fellow female Muslims. However, the Judge dismissed Seidaliyev's wife's testimony as invalid because she would not want her husband to be punished.

Judge Devyatkina punished Seidaliyev with the prescribed fine of 50 MFIs, 106,050 Tenge, according to the court verdict seen by Forum 18. Seidaliyev was also banned from commercial activity for three months. He did not appeal against the punishment and the court verdict came into force on 4 May, according to court records.

The court verdict does not say whether officials confiscated any religious books in the 4 January raid and, if so, whether they were to be returned to Seidaliyev, handed to someone else or ordered destroyed. Courts frequently order religious books to be destroyed.

"It's not correct to ask who suffered"

Duman Espenbetov, who represented the regional Religious Affairs Department, refused to discuss the court verdict. "Our law says no one has the right to comment on court verdicts," he claimed to Forum 18 from Petropavl on 12 July. He refused to say if officials confiscated any religious books from Seidaliyev.

Asked who had suffered because Seidaliyev had had religious books in his shop, Espenbetov responded: "It's not correct to ask who suffered. He broke the law." Asked why books related to religion are under government censorship, he denied that censorship is imposed. Asked whether Seidaliyev would have been fined had the books been about football he refused to respond and put the phone down.

On 23 May, court bailiffs began proceedings to recover the unpaid fine from Seidaliyev, according to Justice Ministry records. The telephone of Irina Fomkina, the bailiff in Petropavl handling the case, was switched off when Forum 18 called on 14 July.

Spring 2016: raided, fined for meeting for worship without state permission

In Spring, on the same day, police raided five Protestant congregations in an area of Kazakhstan, fellow Protestants told Forum 18. They asked that names and other identifying details not be given for fear of state reprisals. The congregations have chosen not to apply for state permission to exist, as is their right under Kazakhstan's international human rights obligations.

Against international human rights law, Kazakhstan bans all exercise of freedom of religion and belief by more than one person without state permission.

During the raids, police confiscated religious literature, documents, computers and money, fellow Protestants complained. Officers told church members that their activity was banned as they do not have state registration. Administrative cases against several church members were handed to court and they were subsequently fined.

As the church members refused to pay the fines, court bailiffs came to the individuals' homes and confiscated money and other items.

"The churches are under close surveillance and can't function as they would wish," fellow Protestants told Forum 18. All religious communities are thought to be under surveillance by the ordinary police and National Security Committee (KNB) secret police.

Zhetysai: fined for inviting people to meet for worship

In Zhetysai, in South Kazakhstan Region, two Muslims have been punished for inviting people to worship in the town's main mosque. Kairat Abuov of the regional Religious Affairs Department found the two men – Askar Kaliyev from Atyrau and Shokan Ualikhanov from Almaty – inviting people to pray on 4 April. The two Muslims do not live in Zhetysai.

At separate hearings on the evening of 8 April, Judge Altai Utemisov of Maktaaral District Court found Kaliyev and Ualikhanov guilty of violating Administrative Code Article 490, Part 3 ("Carrying out missionary activity without state registration"). The Judge imposed the prescribed fine of 100 MFIs, 212,100 Tenge, according to the court verdicts seen by Forum 18. Neither appealed against the fines and the decisions came into force on 19 April.

"They were talking to people about their faith"

Abuov of the regional Religious Affairs Department defended the prosecution of the two men. "They were talking to people about their faith and coming to people's homes," he told Forum 18 from the regional capital Shymkent on 12 July. Asked why talking to others of their faith should lead to punishment, Abuov laughed. "They broke the law."

Abuov said Kaliyev and Ualikhanov had approached two people walking on the street. When they invited them to pray at the mosque, one of them called the police. "In Kazakhstan no-one can approach another person and tell them to come to a place of worship, except an imam or clergyman," Abuov insisted to Forum 18. "They are not officials of a religious organisation approved as missionaries. People don't want to listen to things about religion from unknown people."

On 28 June, court bailiffs in Kaliyev's home city of Atyrau began proceedings to recover the unpaid fine from him, according to Justice Ministry records. Reached in Atyrau by Forum 18 on 12 July, the bailiff handling the case, Kuanish Kaliyev (no relation), refused to discuss how he plans to recover the money from Askar Kaliyev.

Kapshagai: fined for foreigners at children's camp

Baptist Pastor Sergei Li of Kapshagai Baptist Church in Almaty Region was fined the prescribed 100 MFIs on 8 January under Administrative Code Article 490, Part 3. He was punished because foreigners had been present at a church-run children's summer camp without personal registration as missionaries.

In July 2015 about 20 police officers, Prosecutor's Office officials and Education Department officials raided the summer camp. Officials frightened the children and "behaved like they were detaining some criminals", Pastor Li told Forum 18. "One seven-year old girl was frightened and cried, and after that I told them to stop questioning the children." Asked why Almaty TV channel and its subsidiary Almaty News attacked the Baptist Church without a right of reply and to the distress of members, Deputy Chief Editor Tatyana Lisitskaya responded: "The authorities gave us the materials for broadcast".

Atyrau: appeals fail

Two members of the Protestant New Life Church in Atyrau failed to overturn earlier fines on appeal. In separate hearings on 23 June, Judge Bagila Nurzhanova of Atyrau Regional Court upheld the fines of 35 MFIs each and a three-month ban on unspecified activity on Bagitzhan Zholdybayev and Aleksandr Revkov, according to the court verdicts seen by Forum 18.

The two men were punished on 26 May under Administrative Code Article 490, Part 1, Point 1 for drinking tea in a cafe; with five other church members after their Sunday meeting for worship on 17 April.

Known 2016 Administrative Code punishments

(Name; faith or occupation; date and place of hearing; Administrative Code article; punishment.)

1. Sergei Li; Baptist; 8 January Kapshagai District Court Almaty Region; Article 490, Part 3; fine 100 MFIs.
2. Sultan Kurbanov; shopowner; 12 January Enbekshikazakh District Court Almaty Region; Article 490, Part 1, Point 3; fine 50 MFIs, plus 3 month ban on commercial activity.
3. Viktor Shtrek; Jehovah's Witness; 25 January Ayirtau District Court; Article 490, Part 3; fine 100 MFIs.
4. Ruslan Bayanbayev; Jehovah's Witness; 28 January Almaty Specialised Interdistrict Administrative Court; Article 490, Part 7; fine 50 MFIs (acquitted on appeal).
5. Ruslan Bayanbayev (second case); Jehovah's Witness; 18 February Almaty Specialised Interdistrict Administrative Court; Article 490, Part 7; fine 50 MFIs.
6. Tatyana Pastukhova; giftshop owner; 25 February Atyrau Specialised Administrative Court; Article 490, Part 1, Point 3; fine 35 MFIs, plus 3 month ban on commercial activity.

7. Gennadi Zhironov; Council of Churches Baptist; 24 March Arkalyk City Court; Article 490, Part 1, Point 3; fine 35 MFIs (book destruction order overturned on appeal).
8. Yuri Bekker; Council of Churches Baptist; 24 March Arkalyk City Court; Article 490, Part 1, Point 3; fine 35 MFIs (book destruction order overturned on appeal).
9. Shokan Ualikhanov; Muslim; 8 April Maktaaral District Court; Article 490, Part 3; fine 100 MFIs.
10. Askar Kaliyev; Muslim; 8 April Maktaaral District Court; Article 490, Part 3; fine 100 MFIs.
11. Natalya Ayaganova; Jehovah's Witness; 15 April Semei Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
12. Tamara Talyot; Jehovah's Witness; 15 April Semei Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
13. Nikolai Levin; Council of Churches Baptist; 20 April Sandiktau District Court; Article 669; fine 10 MFIs.
14. Rustem Seidaliyev; shopkeeper; 20 April Petropavl Specialised Administrative Court; Article 490, Part 1, Point 3; fine 50 MFIs, plus 3 month ban on commercial activity.
15. Dina Sarsebekova; Jehovah's Witness; 25 April Oral Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
16. Roman Dimmel; Council of Churches Baptist; 3 May Shet District Court; Article 669; 3 days' prison.
17. Yegor Prokopenko; Council of Churches Baptist; 22 May Zyryanovsk police; Article 489, Part 9; fine 100 MFIs.
18. Bagitzhan Zholdybayev; Pentecostal; 26 May Atyrau Specialised Administrative Court; Article 490, Part 1, Point 1; fine 35 MFIs, plus 3 month ban on unspecified activity.
19. Aleksandr Revkov; Pentecostal; 26 May Atyrau Specialised Administrative Court; Article 490, Part 1, Point 1; fine 35 MFIs, plus 3 month ban on unspecified activity.
20. Sofya Bunyak; Council of Churches Baptist; 9 June Ekibastuz police, Pavlodar Region; Article 489, Part 10; police imposed fine of 50 MFIs without court hearing.
21. Asylbek Kiyankbekov; Jehovah's Witness; 20 June Shymkent Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
22. Bakhytbek Tursynov; Muslim; 28 June Semei Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
23. Erzhan Shomatayev; Muslim; 28 June Semei Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.
24. Asilkhan Tumeshbayev; Muslim; 28 June Semei Specialised Administrative Court; Article 490, Part 3; fine 100 MFIs.

25. Aleksandr Belan; Council of Churches Baptist; date unknown Sergeevka police, Akmola Region; Article 489; police imposed fine without court hearing (Prosecutor later annulled fine).

26. [Names withheld for fear of state reprisals]; Protestants; one area in Spring 2016; fines after 5 raids on same day.

Bank accounts blocked, "expert analysis" costs

By Felix Corley

Forum 18 (10.06.2016) - <http://bit.ly/29RBZ9F> - At least 26 people convicted of exercising their freedom of religion and belief have had bank accounts blocked by the government without being informed of this, and without additional legal process. They are also required to pay for "expert analyses" used to convict them.

At least 26 people criminally convicted of exercising their right to freedom of religion and belief are included in a Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Of these, 25 are Muslims convicted of Tabligh Jamaat membership and one is a Christian prisoner of conscience. A Financial Monitoring Committee official said that individuals are not told if they are on the Financial Monitoring List. "The only way they would know is when they go to the bank and find their account is blocked and the bank then tells them." One human rights defender asked if "anyone who tries to help those prisoners of conscience .. might themselves be accused of financing terrorism?" Many of the 32 individuals – 31 Muslim, 1 Christian - given criminal convictions for exercising their right to freedom of religion or belief have also been required to pay for "expert analyses" used to convict them. And the government is using centres to "rehabilitate" prisoners of conscience jailed for exercising their human rights (see below).

Bank accounts blocked

At least 26 individuals who have received criminal convictions to punish them for exercising the right to freedom of religion or belief are included in the Finance Ministry's Financial Monitoring Committee's list of 583 individuals "connected with the financing of terrorism or extremism" (as of 3 June). Of these, 25 are Muslims convicted of Tabligh Jamaat membership (one of whom appears twice with slightly different spellings). The other is Seventh-day Adventist prisoner of conscience Yklas Kabduakasov.

This arbitrary government blocking of bank accounts is being done without victims being informed of this, and without additional due legal process.

Many of the 26 individuals on the Financial Monitoring List were given prison terms. Some though are serving "restricted freedom" sentences, where they live at home under restrictions. These include being banned them from leaving their home town without permission, and being banned from visiting cafés, restaurants, bars, night clubs and discos.

All 25 Muslims were convicted under Criminal Code Article 405 (or its equivalent in the old Criminal Code). One, prisoner of conscience Khalambakhi Khalym, was also convicted under Criminal Code Article 174, Part 1 which punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

Prisoner of conscience Kabduakasov was sentenced to two years' imprisonment in December 2015 under Criminal Code Article 174, Part 1 for comments the KNB secret police claimed encouraged "religious hatred" when speaking to others of his faith.

All these individuals denied wrongdoing in court and insist they were simply exercising the right to freedom of religion or belief.

Close relatives of two of the prisoners of conscience said they were unaware that the prisoners had been added to the Financial Monitoring List. "Nothing was said about this in the verdict," one relative told Forum 18 on 7 June. Only after Forum 18's approach did the relative discover that the accounts of the prisoner of conscience had been blocked.

Article 12, Part 4, Section 3 of the 2009 Law on Countering the Legalisation (Laundering) of Income Received through Crime, and the Financing of Terrorism provides the basis for individuals convicted of "extremist and/or terrorist crimes" to be added to the Financial Monitoring List. All financial transactions by an individual on the List are under tight restrictions. The same Article allows family members who live in the same household without any separate source of income to apply for access to funds for subsistence.

"The only way they would know is when they go to the bank"

An official of the Financial Monitoring Committee – who would not give his name – said that there is "no way" individuals would know if they have been placed on the Financial Monitoring List. "We don't tell them," the official told Forum 18 from Astana on 8 June. "The only way they would know is when they go to the bank and find their account is blocked and the bank then tells them."

The official added that the Committee simply compiles and maintains the Financial Monitoring List on the basis of information from the Interior Ministry, Prosecutor's Office, KNB secret police and Foreign Ministry. The official added that individuals are removed from the Financial Monitoring List at the request of any of these institutions, although individuals can themselves appeal to be removed if they think they should not be on the List.

Told that Forum 18 had found 26 individuals on the Financial Monitoring List who had been punished for exercising the right to freedom of religion or belief, the official said that they do not track the reasons why individuals are on the List.

Helping prisoners of conscience a crime?

One human rights defender, who wished to remain anonymous for fear of state reprisals, expressed concern about anyone who tries to help those prisoners of conscience who have been added to the Financial Monitoring Committee's List. "Does this mean that anyone who gives financial support to those who've been imprisoned might themselves be accused of financing terrorism?" the individual commented to Forum 18 on 9 June.

Victims to pay prosecution case costs

Many of the 32 individuals – 31 Muslim, 1 Christian - given criminal convictions to punish them for exercising the right to freedom of religion or belief have been required to pay fees for "expert" analyses (for example of confiscated religious literature) used to convict them. Such fees to cover prosecution costs are set out in court verdicts. If the individuals fail to pay them, court bailiffs can bring proceedings to recover the funds.

"Expert analyses" are routinely used to justify a range of state violations of freedom of religion and belief.

In the cases of the 32 individuals convicted since December 2014 for exercising the right to freedom of religion or belief, such "expert" analyses have been commissioned by KNB secret police prosecutors and used to convict them. They have not been commissioned by defendants, even though they often end up paying for them.

Adventist prisoner of conscience Kabduakasov owes 149,742.52 Tenge (then about 17,000 Norwegian Kroner, 1,800 Euros or 2,000 US Dollars) in prosecution case costs relating to his 2015 trial.

The costs partially relate to a September 2015 "complex judicial psychological/philological expert analysis" of 47 books, discs and flash drives seized from Kabduakasov in raids. The analysis was commissioned by the KNB secret police and conducted by the Justice Ministry's Central Institute of Judicial Expert Analysis in Astana.

The 29-page analysis concluded that some of the items (including four Christian books subsequently banned by a court) "contain expressions of the exclusivity and superiority of Christianity over Islam". Some also "contain features of inter-ethnic and religious hatred and discord, as well as expressions of the superiority of the Christian religion and the inadequacy of the Islamic religion". The four books subsequently banned also "contain propaganda for the subversion of state security, inter-confessional and inter-ethnic accord and social/political stability", the analysis claimed.

The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of the internationally-recognised right to freedom of religion and belief. Making such claims cannot of itself be regarded as inciting discord, hatred or enmity.

Prisoner of conscience Kabduakasov rejected the findings of the so-called "expert" analysis.

Recovering costs even from frozen bank accounts

Court bailiffs in Astana launched proceedings to recover the costs from Kabduakasov on 24 February, according to the Justice Ministry's debtors' register.

One of two Muslim prisoners of conscience sentenced in Almaty Region in February - Vakha Surkhayev - owes 89,724 Tenge (about 2,200 Norwegian Kroner, 240 Euros or 270 US Dollars) in prosecution case costs relating to their trial. Court bailiffs in Almaty launched proceedings to recover the money on 20 May, according to the Justice Ministry's debtors' register.

The five Muslim prisoners of conscience sentenced in Astana in 2016 - Khalym, Erbolat Omarbekov Bolatbek Kozhageldinov, Nurzhan Nuradilov and Kubaidolla Tyulyubayev - each owe 26,240 Tenge (then about 650 Norwegian Kroner, 70 Euros or 75 US Dollars) in prosecution case costs relating to their trial. Court bailiffs in Astana launched proceedings to recover the money on 23 May, according to the Justice Ministry's debtors' register.

"One of Tyulyubayev's relatives has taken the paperwork to pay the outstanding amount," the court bailiffs office told Forum 18 from Astana on 10 June. "We have sent requests to the prisons where the others are being held to find out how they are planning to pay. If they are working in the labour camp the money can be taken from their earnings. If they are not working, we can recover it from their accounts or by seizing property."

Told that the bank accounts of all five prisoners of conscience have been frozen because they have been placed on the Financial Monitoring Committee's list of individuals

"connected with the financing of terrorism or extremism", the official noted that court bailiffs are able to recover money from frozen accounts.

In some cases court bailiffs appear to abandon attempts to recover such court fees. Muslim prisoner of conscience Orazbek Apakashev – sentenced in Temirtau in September 2015 – was assigned a prosecution cost of 311,781 Tenge (then about 33,000 Norwegian Kroner, 31,000 Euros or 3,800 US Dollars) to cover the cost of an "expert" analysis. Although court bailiffs in Temirtau launched proceedings to recover the money on 13 November 2015, they were "returned without being executed" the same day.

Prisoner laments "mistakes"?

Officials have frequently spoken of working to "rehabilitate" prisoners convicted of "extremism"-related crimes. This appears to include not only those who have committed crimes but prisoners of conscience who have been jailed for exercising their human rights. State-funded "anti-sect" centres are used to encourage hostility to people exercising freedom of religion or belief and to prepare the ground for laws violating the state's human rights obligations.

On 28 March, the website of the Study and Analysis Centre of Almaty's Religious Affairs Department published an article it claimed was written by prisoner of conscience Mamurzhan Turashov from labour camp ICh-167/3 in Shymkent in which he allegedly laments his "mistakes".

Sairam District Court, South Kazakhstan Region sentenced Turashov in December 2014 on charges of Tabligh Jamaat membership to three years' imprisonment under Article 337-1, Part 1 of the old Criminal Code (equivalent of Article 405 of the current Criminal Code). His "crime" was to distributing religious literature that had not been censored by the state at a mosque or prayer room he had built in his village, as well as membership of Tabligh Jamaat knowing it had been banned. Kazakhstan imposes compulsory censorship of all religious texts and objects, banning all Muslim literature which is not Sunni Hanafi, as well as severely restricting where any religious literature or objects may be sold or distributed.

The article notes that prisoner of conscience Turashov joined the Tabligh Jamaat movement in 2010 knowing little of Islam and continued in it despite repeated warnings from the KNB secret police. Once in prison, the article said he studied Islam with books from the prison library and help from a theologian. "I am back on the right track thanks to the theologian Ikram Aytayev and other imams," the article states.

One of the tasks of the Study and Analysis Centre, according to its website, is "Giving psychological help to rehabilitate victims of destructive religious movements". It does not identify any specific movements it has in mind.

An official of the Study and Analysis Centre, who gave his name only as Serik, was unable to say if prisoner of conscience Turashov had written the article of his own free will or not, how the Centre had received the article and who from, and whether Turashov is still imprisoned. "The colleague who posted this on the website is not in the office today," Serik told Forum 18 on 10 June. "He says he would have to look in his computer to find the answers." Serik noted that Turashov had not visited the Centre.

"Go to official imams and mosques"

Another organisation used by the state is the Ansar Centre in the city of Aktobe. Its Director Askar Sabdin says he has worked with Tabligh Jamaat adherents in the past. "In about 2014 we worked with maybe seven or eight of them," he told Forum 18 from Aktobe on 8 June. "They were brought here more than once, as were others who had

been associated with the movement earlier. We told them that they should not participate in movements that had been banned by the courts but instead go to official imams and mosques."

The government has given the state-backed Muslim Board a monopoly over all Islamic activity, banning all non-Sunni Hanafi and all non-state controlled imams and mosques, even though such a monopoly is not enshrined in law.

Sabdin could not recall which state officials had brought the Tabligh Jamaat adherents to his office. He recalls that they might have been in pre-trial detention, in which case they would have been brought by prison officials.

Sabdin insisted that his centre is independent of the state and does not receive state funding. "We're backed by rich businesspeople," he told Forum 18.

"Crimes"?

Although insisting that Tabligh Jamaat adherents had committed "crimes" – he vaguely recalled a murder in Aktobe Region in 2011 or 2012 he claimed was linked to someone connected with the movement – Sabdin said "Salafi" Muslims were more of a threat. "Crimes by Tabligh Jamaat adherents are insignificant compared to crimes by Salafis," he told Forum 18. He pointed in particular to the terrorist attacks in the city on 5 June which the state has blamed on "Salafis".

The authorities often associate the victims of freedom of religion or belief violations with words with negative overtones. For example, officials defended the 2011 laws (including the latest Religion Law) restricting freedom of religion or belief as being needed as counter-terrorism measures. Muslim Board and state officials have claimed to Forum 18 that allowing independent mosques to exist "will breed terrorists". But officials have not produced proof for these assertions.

Kazakhstan shows little sign of understanding that genuine security depends on genuine respect for human rights, despite this explicit link being made in Organisation for Security and Co-operation in Europe (OSCE) commitments and other international human rights obligations the authorities have freely undertaken.

31st criminal conviction since December 2014

By Felix Corley

Forum 18 (08.06.2016) - <http://bit.ly/28JkiJW> - Kazakhstan has jailed Murat Takaumov for 9 months for alleged membership of Tabligh Jamaat, the 31st Muslim to be convicted. Five more alleged members are under investigation. And 12 Kazakh organisations have strongly criticised the government's ICCPR record to the UN Human Rights Committee.

Kazakhstan has sentenced another Sunni Muslim prisoner of conscience for exercising freedom of religion and belief. Murat Takaumov was accused of membership of the Tabligh Jamaat missionary movement and given a nine-month jail term on 2 June, six months after his arrest. This brings to 31 the number of Muslims given criminal sentences for their alleged involvement Tabligh Jamaat movement since December 2014. Of these, 19 were given prison terms. Five more alleged Tabligh Jamaat members in Oskemen (Ust-Kamenogorsk) are under criminal investigation on the same "extremism" charges. The KNB secret police initiated Takaumov's prosecution and used a spy to infiltrate the movement to gather evidence for his prosecution and those of other Muslims (see below).

And in a joint submission to the UN Human Rights Committee for its 22-23 June consideration of Kazakhstan's record under the International Covenant on Civil and Political Rights (ICCPR), 12 Kazakh human rights organisations note that, among other violations, banning the exercise of freedom of religion and belief without state permission "represent a direct violation of the right to freedom of religion and Article 18 of the ICCPR". "This is linked to violations of other rights guaranteed by the ICCPR, in particular the right to freedom of expression and freedom to seek, receive and impart information (Article 19): the right to freedom of association (Article 22) and the right to freedom of peaceful assembly (Article 21)." The human rights defenders also note that "With rather dubious criteria being applied, terms such as 'traditional' and 'non-traditional' religious organisations, 'religious extremism' etc. are being introduced into the realm of law-related definitions" (see below).

Latest freedom of religion and belief prisoner of conscience

Another Sunni Muslim accused of membership of the Tabligh Jamaat movement, Murat Takaumov, was given a nine-month prison term in Kazakhstan's capital Astana on 2 June, Forum 18 has learnt. This brings to 31 the number of Muslims handed criminal sentences for their alleged involvement with the Muslim missionary movement since December 2014. Of these, 19 were given prison terms. The latest sentence comes as five more alleged Tabligh Jamaat members in Oskemen (Ust-Kamenogorsk) are under criminal investigation on the same charges of "extremism".

The National Security Committee (KNB) secret police initiated Takaumov's prosecution and used a spy to infiltrate the movement to gather evidence for his prosecution and those of other Muslims. Forum 18 was unable to reach KNB Investigator Senior Lieutenant Nurlan Belesov. A colleague told Forum 18 on 8 June that he was not in the office and put the phone down. Belesov's mobile phone went unanswered on 7 and 8 June.

Senior Lieutenant Belesov initiated the criminal prosecution of Takaumov, as well as of five Sunni Muslims sentenced as alleged Tabligh Jamaat members in Astana in February 2016 and of Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, given a two-year prison term in December 2015.

Forum 18 was also unable to reach Sanat Aktenberdy, a 28-year-old KNB "senior operational officer" in Astana who on Belesov's orders was – in the words of case documents seen by Forum 18 – "inserted into the ranks of members of the Tabligh Jamaat organisation using the methods of conduct imitating [their] criminal conduct". His testimony helped to convict Takaumov, according to case materials seen by Forum 18.

The man who answered Aktenberdy's mobile phone told Forum 18 on 8 June that he had recently acquired the phone and had no connection to anyone named Aktenberdy.

At least 26 individuals convicted for exercising the right to freedom of religion or belief (25 of them accused of Tabligh Jamaat membership, plus Adventist Kabduakasov) have been placed on a Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Their bank accounts are frozen and any financial transactions are almost impossible. Separately, they are also being required to pay for the costs of "expert analyses" used to convict them.

Missionary movement banned

Tabligh Jamaat was banned by an Astana court in 2013, just a year after an extensive study commissioned by the KNB secret police and the government's then Religious Affairs

Committee concluded that the Muslim movement is not "extremist" or "terrorist" and that there was no reason to ban it.

"Socially-dangerous consequences"?

Takaumov – who is now 31 - runs his own law firm in Astana. In late 2015 he gave legal advice to the wives of two of the five Muslims sentenced as Tabligh Jamaat members in Astana in February 2016.

The KNB secret police arrested Takaumov on 18 November 2015 on charges of membership of Tabligh Jamaat. At the request of KNB Investigator Belesov, Saryarka Court No. 2 repeatedly ordered his detention in the KNB Investigation Prison in Astana.

The 10-page indictment, seen by Forum 18, claimed that Takaumov had decided to study Islam himself from 2007 and had come into contact with Tabligh Jamaat members. From 2012 to 2015 he had spoken to others of his faith, "understanding the social danger of his criminal actions and the possibility of the emergence of socially-dangerous consequences in the form of a violent change of the constitutional set-up". The indictment claimed that Takaumov knew that the "true aim" of Tabligh Jamaat was allegedly the establishment of a Caliphate (Muslim-ruled territory), including in Kazakhstan

One "expert" and 28 witnesses were questioned and their testimony included in the case, including the five Sunni Muslim men convicted in Astana in February. One of these witnesses was KNB secret police officer Aktenberdy, whose mission to infiltrate the group had been approved by a special decision.

The initial hearing in Takaumov's trial at Astana's Saryarka District Court No. 2 was held on 24 March under Judge Umsyn Mukhangaliyeva. However, at the next hearing on 8 April she was abruptly replaced by Judge Birzhan Toregeldi. Numerous hearings followed.

Takaumov's nine month prison sentence

For the trial's final session on 2 June, Takaumov was brought into court in handcuffs and placed in the defendant's box behind the transparent plastic screen, noted Madi Bekmaganbetov of Radio Free Europe's Kazakh Service (RFE/RL), who was present in court. As on the previous day, the Judge ordered the journalist not to take photographs or make video or audio recordings.

Judge Toregeldi found Takaumov guilty under Criminal Code Article 405, Part 2. This punishes "participation in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Although Prosecutor Serik Ishchanov called for Takaumov to be jailed for one year, Judge Toregeldi sentenced him to nine months' imprisonment in an ordinary regime labour camp. The Judge claimed that "there is significant proof in the case" and ordered that discs and video recordings held by the KNB secret police are to be destroyed, Bekmaganbetov of RFE/RL noted.

Takaumov was also ordered to pay court costs of 31,608.22 Tenge (775 Norwegian Kroner, 85 Euros or 95 US Dollars). Case documents seen by Forum 18 note that this represents the cost of one of the "expert analyses" of secret recordings and transcripts of a religious meeting, as well as of a psychiatric examination that found Takaumov to be of sound mind.

Judge Toregeldi had not issued the written verdict by the end of the working day in Astana on 8 June, those close to the case told Forum 18.

Takaumov to appeal against "illegal" sentence

Takaumov had insisted on his innocence of any wrongdoing throughout the trial. "I don't agree with it," he told Bekmaganbetov of RFE/RL about the sentence as he was leaving the court room. "It is illegal."

Similarly, Takaumov's mother – who had attended all the hearings in the trial – told Bekmaganbetov that the verdict was "unjust". "The crimes he was accused of under the Criminal Code did not happen. How can it be? No evidence was heard."

Takaumov's lawyer, Serik Nurlybayev, who was not present in court for the verdict, told Bekmaganbetov later that his client would have to serve less than three months more as he has been in detention since November 2015. He claimed that Takaumov had received a mild sentence as he has four young children and has never been convicted before. He feared that any appeal might cause more harm for his client.

"Murat is not being prevented from praying or reading the Koran in the KNB Investigation Prison, where he remains today," one of Takaumov's relatives told Forum 18 on 31 May. His wife Aynur and four young children – none of whom attended the final two days of hearings – last saw him on 26 February, relatives added.

Takaumov's wife Aynur told Forum 18 in March that neither she nor her husband are Tabligh Jamaat members. "We pray the namaz and maintain relations with everyone," she told Forum 18. "We don't divide people into Muslims or non-Muslims. We try not to make divisions even among Muslims".

Oskemen raids, new criminal case

East Kazakhstan Regional KNB secret police officers raided homes in Oskemen on 16 May as part of an investigation in a criminal case against five local residents, local media cited the Regional Prosecutor's Office as declaring on 23 May. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to the banned Tabligh Jamaat missionary movement.

The men are being investigated under Criminal Code Article 405, Part 2. The five men had to sign statements that they would not leave Oskemen without the investigator's permission.

A spokesperson for the Regional Prosecutor's Office told Forum 18 from Oskemen on 6 June that the criminal investigation is in the hands of the KNB secret police and referred Forum 18 to them. The official noted that the criminal case did not appear to be listed in the electronic database even though all cases – even when they are at the investigation stage – should be listed.

Baurzhan, whom the duty officer at the Regional KNB secret police identified as the officer who oversees criminal cases, told Forum 18 on 8 June that "the secrecy of the investigation" prevents giving the names of the suspects, when the criminal case was opened and why, and who the KNB investigator on the case is.

Human rights defenders' joint submission to UN Human Rights Committee

A group of 12 of Kazakhstan's human rights organisations – including the Kazakhstan International Bureau for Human Rights and the Rule of Law, the Legal Policy Research Centre and Adil Soz (Free Word) – note that Kazakhstan directly violates the

International Covenant on Civil and Political Rights (ICCPR) in relation to Article 18 ("Freedom of thought, conscience and religion") of the ICCPR. They note this in a joint examination of the country's overall human rights record, submitted jointly to the United Nations Human Rights Committee in May. The Committee is due to consider Kazakhstan's record under the ICCPR in Geneva on 22 and 23 June.

The human rights organisations note that "In recent years, dozens of members of religious organisations worshipping different schools of Islam, as well as those perceived to be members of so-called 'non-conventional' religions risked being charged with extremism and terrorism, as well as inciting religious hatred and enmity." They also express concern at the declaration of religious organisations as "extremist".

"Direct violation"

The 12 Kazakh human rights organisations note that, among other violations, banning the exercise of freedom of religion and belief without state permission "represent a direct violation of the right to freedom of religion and Article 18 of the ICCPR". "This is linked to violations of other rights guaranteed by the ICCPR, in particular the right to freedom of expression and freedom to seek, receive and impart information (Article 19): the right to freedom of association (Article 22) and the right to freedom of peaceful assembly (Article 21)."

Concepts of "extremism" and "religious hatred" "not clearly defined"

The human rights defenders also note that "With rather dubious criteria being applied, terms such as 'traditional' and 'non-traditional' religious organisations, 'religious extremism' etc. are being introduced into the realm of law-related definitions".

The organisations complained that the concepts of "extremism" and "religious hatred or enmity" applied by the authorities "are not clearly defined in the law and do not comply with the principle of legal certainty and predictability". They express concern about the government's list of illegal extremist organisations, including religious ones, "based on which believers are arraigned on a criminal charge, not for any extremist actions, but for allegedly belonging to such organisations".

"Almost all criminal proceedings on charges of extremism are held behind closed doors, including the announcement of the judgment," they note with concern. "As a result, it is difficult to assess the soundness and relevance of the charges, the justification of the verdicts, and whether the legal proceedings were in line with international fair trial standards."

Additional punishments

The organisations also note that in some cases, additional punishments are imposed on religious leaders prohibiting them to exercise freedom of religion and belief for several years. This is "a direct restriction of the right to freedom of conscience and religion", they insist.

One example of the kind of case that concerns the human rights defenders is that of Sunni Muslim Saken Tulbayev. When he was convicted of Tabligh Jamaat membership in Almaty in July 2015, the judge not only sentenced him to 4 years and 8 months' imprisonment but also banned him from exercising freedom of religion or belief for three years after his release.

Religious musical banned

By Felix Corley

Forum 18 (16.05.2016) - <http://bit.ly/29DLrMh> - Kazakhstan's Religious Affairs Committee warns organisers they would face prosecution if they did not cancel mid-May performances of religious musical in Astana and Almaty. If a show is religious "it requires permission in accordance with the law", a Committee official told Forum 18.

At the last minute organisers were forced to cancel presentations of a religious musical in Kazakhstan's capital Astana and the commercial capital Almaty on 13 and 15 May after state officials warned that going ahead without state permission would be a violation of the law. "No-one banned anything," an official of the "Expert" Analysis Department of the Religious Affairs Committee claimed to Forum 18 from Astana on 16 May. "But if a show or presentation is religious it requires permission in accordance with the law."

The official – who would not give his name – denied that the ban on the musical, *Conversation with the Soul: Time to Talk*, represented censorship. "We don't have censorship," he claimed.

The telephones of Marat Azilkanov, Deputy Culture and Sport Minister who oversees the Religious Affairs Committee, and Committee Chair Galym Shoikin went unanswered each time Forum 18 called on 16 May.

Under Kazakhstan's harsh 2011 Religion Law, all religious materials – including books and films – require approval from the Culture and Sport Ministry's Religious Affairs Committee before they can be produced or imported into the country. Those who break these provisions by producing or distributing uncensored religious materials risk fines, deportation (if they are foreign citizens) and confiscation and possible destruction of the religious materials.

First scheduled Central Asian performances

Conversation with the Soul: Time to Talk, written by the Moscow-based imam Shamil Alyautdinov, tells the story in song and dance of a young Muslim businessman who blames everyone else for the faults in his life, according to the show's website. After a conversation in a cafe with a friend who urges him to return to his faith, he is hit by a car. A battle ensues for his soul.

The show has already been performed in Moscow, Kazan and Ufa in Russia. The organisers had arranged the first Central Asian performance at Astana's State Concert Hall on the evening of 13 May. The second was arranged for the evening of 15 May in Almaty's Palace of the Republic. Tickets had already been sold through commercial ticket agencies. At least 500 Tenge from the sale of each ticket was to have been given to charitable projects.

As well as Imam Alyautdinov, the performances were due to involve Russian actor Marat Basharov and about 50 local performers in each city.

The tour is due to continue with a performance in Kyrgyzstan's capital Bishkek on 18 May.

Religious Affairs Committee warning

However, the Religious Affairs Committee warned Alyautdinov's colleagues in the Muslim Spiritual Administration in Moscow – apparently in March - that importing any religious materials into the country could be done only by a registered Kazakh religious

community and only after gaining the compulsory state permission. It also warned that any show with a religious theme could be organised and staged only by a registered Kazakh religious organisation.

On 6 May the organising committee had to post a message on its Facebook page "that with great regret the sale of tickets in Kazakhstan has been halted for reasons independent of us". It said that money people had spent on the tickets would be returned.

"How much the organising committee have toiled," Imam Alyautdinov noted on his Facebook page. "So much expense of effort, time and money. But all is God's will. Everything will be for the best."

The organisers expressed the hope that the Kazakh Muslim Board – the only Muslim organisation the authorities have allowed to gain state registration - and the Religious Affairs Committee "would show wisdom" and allow performances to go ahead in future. "Remembering the words of the Almighty that after every difficulty comes relief, we hope that this autumn we will be able to perform in front of a Kazakh audience," they added.

"Its content (script etc.) must undergo prior expert analysis"

The announcement sparked a wave of regret and criticism of the ban on social media. On the evening of 6 May, Religious Affairs Committee Chair Shoikin even posted a defence of his Committee's decision on the Facebook page of someone who had criticised the ban.

"As the organisers of the event are citizens of another country," Shoikin wrote, "they needed to get an invitation from a Kazakh religious organisation, i.e. the Muslim Board, get a missionary visa and to undergo appropriate registration as missionaries at the Religious Affairs Departments of Astana and Almaty. In addition, as this show is of a religious nature, its content (script etc.) must undergo prior expert analysis by the Religious Affairs Committee. But this was not done."

Shoikin added that more than two months earlier his Committee had told the organisers that they needed an invitation from the Muslim Board. "According to information from the Muslim Board, they did not give them such an invitation." He complained that the organisers had gone ahead unilaterally and arranged venues and ticket sales.

Cancelled at last minute

An official of Astana's State Concert Hall said that the organisers had told them several days before the planned show that it had been cancelled. "They gave no reason," the official, who did not give a name, told Forum 18 on 16 May. The official declined to say how many tickets had been sold and whether the organisers would still have to pay for renting the venue even though the state had banned the performance from going ahead. "This is commercially confidential," the official insisted.

"Religious propaganda"

On 13 May, the date when the Astana performance had been due to take place, Religious Affairs Committee Deputy Chair Bakhytzhhan Kulekeyev wrote to Ildar Alyautdinov of the Muslim Spiritual Board in Moscow (Shamil Alyautdinov's brother) to repeat the earlier warning that the shows need permission because they include "religious propaganda". The letter – seen by Forum 18 – points out that this permission had not been given.

Kulekeyev warned that to avoid prosecution under Code of Administrative Offences Article 490, Part 3 for illegal "missionary activity", "we recommend you to refrain from performances of the show planned for 13 May in Astana and 15 May in Almaty".

Individuals are frequently fined under Administrative Code Article 490, Part 3 for talking about their faith with others. Russian citizen Yuri Toporov is among many Jehovah's Witnesses who have complained to the United Nations Human Rights Committee about such punishments. He was fined and deported for addressing a Jehovah's Witness meeting for worship where several non-Jehovah's Witnesses had chosen to be present.

Earlier ban on Imam

Alyautdinov, Imam of Moscow's Memorial Mosque and a prolific author on Islamic themes, was barred from visiting Kazakhstan to present his new books and hold seminars from early 2013. A scheduled presentation of his book "The Holy Koran. Meanings" in an Astana bookshop in February 2013 had to be abruptly cancelled two days before it was due to take place. Organisers had to offer refunds to those who had bought tickets.

The then Agency of Religious Affairs made clear that any public appearances to promote his books without personal registration as a "missionary" would be illegal. In May 2013 the Muslim Board wrote that the Board "does not consider it necessary in the current year to invite Imam of the Moscow mosque Alyautdinov to Kazakhstan".

However, Imam Alyautdinov was subsequently able to travel to Kazakhstan to promote his books and hold seminars.

How far does religious censorship extend?

The official of the "Expert" Analysis Department of the Religious Affairs Committee refused to explain to Forum 18 what artistic shows and performances on religious themes require state permission. Forum 18 asked about religious musicals, such as Jesus Christ Superstar, as well as films with religious themes, such as the 2004 film The Passion of the Christ, the 2014 film Noah and the 2015 film Muhammad: the Messenger of God.

However, despite repeated questions the official refused to say whether such musicals and films require the Committee's approval if those staging or showing them do not want to face punishment.

The films The Passion of the Christ and Noah have both been shown in commercial cinemas, Forum 18 notes. However, it cannot find that Muhammad: the Messenger of God has been shown commercially.

Punished for worship meetings; UN appeals

By Felix Corley

Forum 18 (13.05.2016) - <http://bit.ly/2a9gYXg> - A Baptist was fined in Kazakhstan for refusing to pay a fine for hosting a worship meeting, and remains exit blacklisted. Two Atyrau Region Protestants face prosecution for a meeting in a café after church. Jehovah's Witnesses await United Nations response to fine complaints.

Nikolai Levin from Kazakhstan's Akmola Region has been fined again for refusing to pay an earlier fine for leading his religious community, Forum 18 has learned. He is already among many of his fellow Baptists on the exit blacklist and the home where his church meets is under a restraining order. Two Protestants from Atyrau have been prosecuted for "violating the procedure for conducting religious meetings" for drinking tea with other

church members after a Sunday service. Meanwhile, a Jehovah's Witness in West Kazakhstan Region was fined for inviting others to a meeting for worship.

Nearly 50 Jehovah's Witnesses from Kazakhstan have joined complaints to the United Nations Human Rights Committee against fines (and deportation for foreigners) imposed for sharing their faith with others. The government insists this represented illegal "missionary activity" (see below).

Under Kazakhstan's restrictive 2011 Religion Law, citizens and foreigners resident in Kazakhstan require state permission before they can speak to others about their faith. Those who violate this can be fined for illegal "missionary activity" – and if they are foreigners, they can also be deported.

The latest punishments come as individuals continue to be fined for offering religious literature to others. On 8 May, short-term Baptist prisoner of conscience Roman Dimmel completed a second three-day prison term for refusing to pay an earlier fine for offering Christian literature without state permission.

In another case, as well as handing down fines a court ordered seized Christian literature to be destroyed. However, while the Regional Court upheld the fines on appeal today (13 May), the literature destruction order was "corrected" (see below).

Marat Azilkhanov, the deputy minister in the Culture and Sport Ministry who oversees its Religious Affairs Committee, refused to discuss with Forum 18 on 11 May why individuals are punished for sharing their faith with or offering religious literature to others, and why courts order religious literature destroyed.

Fined for refusing to pay earlier fine

Council of Churches Baptist Levin, who leads a congregation in Balkashino in Akmola Region, has been fined for refusing to pay a fine imposed in 2014 to punish him for leading a meeting for worship in his own home.

Like all Council of Churches Baptist churches, Levin's congregation chooses not to seek the compulsory state registration. In agreement with international human rights law, these churches do not think state permission should be required to meet for worship.

On 20 April, Judge Azamat Aimukhamedov of Sandiktau District Court found Levin guilty under Administrative Code Article 669. This punishes "failure to fulfil a court decision". The designated fine for individuals under this Article is 10 Monthly Financial Indicators (MFIs).

Judge Aimukhamedov fined Levin 10 MFIs, 21,210 Tenge, according to the decision seen by Forum 18. This represents about one week's average wages.

Levin insisted in court that he had refused to pay the original fine not because of lack of money but because he was not guilty of any wrongdoing.

Levin lodged an appeal against both the 2014 and 2016 fines. However, on 28 April, in a decision seen by Forum 18, Judge Aimukhamedov returned it as any one appeal cannot challenge more than one separate court decision. The Judge also noted that Levin's original appeal in 2014 had been rejected. Levin was given a new deadline of 3 May to resubmit any appeal.

Like many fellow Baptists, Levin is – as of 13 May - on the list of those banned from leaving Kazakhstan because of unpaid fines.

Levin was found guilty at the same Sandyktau District Court on 11 February 2014 under Article 374-1, Part 1 of the then Administrative Code for leading his unregistered congregation. He was fined 100 MFIs.

Levin refused to pay the fine because he did not consider he had committed any wrongdoing. Court bailiffs initiated proceedings against him on 7 April 2014, gaining a court order banning him from selling or disposing of his home in Balkashino. This is also where his congregation meets. The restraining order on his home remains in force, fellow Baptists complained to Forum 18 on 28 April 2016.

To be fined for drinking tea together after service?

Police in the Caspian Sea port of Atyrau detained six people and a child following the 17 April Sunday morning service of the city's New Life Protestant Church. "They were drinking tea together in a café when an officer came up, showed his identity document and asked them to come outside to answer questions," a church member complained to Forum 18.

"The officer then took them all to the local police station, where they were questioned about the church and its activities for up to five hours. They weren't freed until after 6 pm."

Police seized a tablet computer and a personal Bible from two of the group. The tablet was later returned, but not the Bible, the church member added.

Information was later sent to the Regional Religious Affairs Department, as administrative cases under Article 490 have to be brought not by the police but by local officials (including from the Religious Affairs Department).

Religious Affairs official Kairulla Kuskaliyev prepared records of an "offence" against two of those detained and questioned, Bagitzhan Zholdybayev and Aleksandr Revkov, under Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings" with a fine for individuals of 50 MFIs.

The cases were handed to Atyrau Specialised Administrative Court on 26 April, according to court records. Originally due to be heard on 3 May, Judge Zamira Bainazarova postponed the hearings that day until 12 May, but that day they were adjourned again until 13 May. That day they were again postponed until 23 May, church members told Forum 18.

Despite repeated calls between 11 and 13 May, Forum 18 was unable to reach Kuskaliyev at the Religious Affairs Department. None of his colleagues would discuss the case with Forum 18.

"All this is a violation of their constitutional rights," the church member insisted to Forum 18. "It is not pleasant for those involved and has brought fear to all church members." The church member noted that this is the first time the church has faced such state pressure for at least three years.

Police and National Security Committee (KNB) secret police officers raided the congregation in October 2011, beating up one of those present. The raid came a month after the KNB secret police banned a church member who owned a hall to rent it to the church for worship meetings. At the same time a KNB-inspired article in the local media accused the church's pastor of "brainwashing" church members so that they would give the Church their money and all they have.

Punishment for inviting to religious event

Jehovah's Witness Dina Sarsebekova – who lives in Oral (Uralsk) in West Kazakhstan Region – was brought to court to punish her for inviting at least two young people to attend the local community's annual Memorial of Christ's Death on 23 March and showing one a Jehovah's Witness video on her tablet computer. She was visiting the young people in their homes just days before the commemoration.

A parent of one of the children – who are deaf – allegedly appealed to Manara Tuenbekova, head of the local society for the deaf, to have action taken against Sarsebekova. Tuenbekova apparently lodged a complaint.

On 5 April, a record of an "offence" was drawn up against Sarsebekova under Administrative Code Article 490, Part 3. This 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.

On 25 April, Judge Botakoz Baimukhanova of Oral Specialised Administrative Court found Sarsebekova guilty and fined her 100 MFIs, 212,100 Tenge, according to the decision seen by Forum 18. This represents two to three months' average wages.

Sarsebekova insisted in court that in talking about her faith she was acting on her own initiative and had not been doing so in the name of her religious community. "She believes that not all sharing of views on religion constitutes missionary activity," the court decision notes.

Sarsebekova appealed against the fine. At a hearing on 12 May, Judge Erlan Idivov of West Kazakhstan Regional Court left the punishment unchanged, the court chancellery told Forum 18 on 13 May.

United Human Rights Committee appeals

Between April 2013 and early April 2016, Jehovah's Witnesses submitted 48 appeals to the United Nations Human Rights Committee, complaining that punishments for sharing faith violate the International Covenant on Civil and Political Rights (ICCPR). The 48 appeals relate to 45 individuals who suffered fines and, in some cases, deportation.

Eduard and Irina Malykhin were fined in July 2013 for sharing their faith by hosting a meeting for worship in their home in Karabalyk in Kostanai Region. The meeting was raided by police. The court regarded the Malykhins actions as illegal "missionary activity".

The Malykhins filed a complaint with the UN Committee on 29 August 2013, which was communicated to Kazakhstan on 12 December 2013. On 30 January 2015, Kazakhstan responded to the Committee, insisting that its "missionary activity" accusations are justified.

Among the other complainants was Yuri Toporov, a Russian citizen married to a Kazakh citizen, who was fined and ordered deported in March 2014 to punish him for addressing his own religious community without state registration as a "missionary". He failed to overturn the decision on appeal, despite a call by five United Nations Special Rapporteurs and an Independent Expert for him not to be deported.

Toporov lodged his complaint to the UN Committee on 28 October 2014 concerning his being groundlessly brought to administrative accountability for engaging in unregistered "missionary activity".

On 26 February 2015, Kazakhstan presented its observations on Toporov's complaint to the UN Committee (seen by Forum 18). The government insisted that the restrictions on sharing faith are grounded in law and are necessary because "unchecked preaching of religious views in a public place could antagonise representatives of other religious movements as well as other citizens who hold atheistic views, which in turn could seriously undermine public safety, lead to public disorder, and threaten the health and security of others". The government also claimed that Toporov had not exhausted all legal challenges within Kazakhstan as only the Deputy General Prosecutor, not the General Prosecutor, had responded to Toporov to say he would not petition the Supreme Court on Toporov's behalf to review the court decision.

The government response also revealed that on 20 May 2014, Almaty Migration Directorate had placed Toporov on the Berkut database (which is run by the KNB secret police) to bar him from future entry to Kazakhstan.

On 2 April 2015, Toporov provided his response to the government's observations (also seen by Forum 18). He dismissed the government's assertion that he had not exhausted all domestic remedies, pointing out that he had no control over whether the General Prosecutor responded personally to his protest or assigned the task to a Deputy. Toporov also pointed out that the government had failed to establish that controls on talking about one's faith - including within a religious community, as in his case - are "necessary" and not a violation of the ICCPR.

Toporov reaffirmed his insistence on the court decisions being revoked, the ban on his return to Kazakhstan (of which his wife is a citizen) being overturned, and the provision of compensation for the costs of having to leave the country and legal costs incurred in the case.

June UN consideration of Kazakhstan's human rights record

The UN Human Rights Committee is due to consider Kazakhstan's record under the ICCPR at its session in Geneva on 22 and 23 June, with its final observations on the country due on 11 July, according to the UN website.

On 4 December 2015, ahead of the Committee's consideration of Kazakhstan's record, the Committee asked Kazakhstan to explain how "the mandatory registration (re-registration) of religious organizations and of missionary activities, the ban on unregistered religious activities, the restrictions on the importation and distribution of religious materials, and the penalties for violations of the legislation in question" are compatible with its commitments under the ICCPR. It also asked Kazakhstan to explain "police raids and disruptions of their religious meetings, censorship and banning of their religious literature and arrests and convictions for missionary activities" (CCPR/C/KAZ/Q/2).

Kazakhstan's response - which the Committee received on 24 March 2016 (CCPR/C/KAZ/Q/2/Add.1) - claimed that the registration system for religious organisations is "equal, transparent and just" and is "necessary to secure its independence in property and juridical issues, participation in civil cases in their own name and acquisition of corresponding rights and responsibilities".

The response failed to explain why members of communities that fail to gain state registration or choose not to seek it are punished for exercising their rights to freedom of religion or belief and freedom of assembly.

Despite the government's claims, many religious communities have complained of the complex, arbitrary and burdensome registration system. The reality of the system clearly

violates Kazakhstan's international human rights obligations, as outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Kazakhstan is an OSCE participating State and a Venice Commission member.

The government response also claimed that "no facts have been discovered" of restrictions on freedom of religion, belief or expression as a result of what the Committee describes as "overly broad and vague definitions" in Administrative Code and Criminal Code Articles that lead to punishment for exercising the right to freedom of religion or belief.

Literature destruction order "corrected"

Two different judges at Kostanai Regional Court on 13 May overturned lower court decisions ordering Christian literature confiscated from two Baptists to be destroyed. A court chancellery official told Forum 18 that that part of the lower court decision had been "corrected" and that the books have been ordered returned to Gennadi Zhirov and Yuri Bekker.

However, the fines on each of 35 MFIs, 74,235 Tenge, as well as the shared cost of the "judicial psychological/philological expert analysis of the confiscated literature" remains unchanged, the chancellery added.

The two Council of Churches Baptists were detained in September 2015 for offering Christian literature to passers-by in Arkalyk. The punishments were handed down at Arkalyk City Court on 24 March. Kostanai Regional Religious Affairs Department – which currently holds the seized literature – was ordered to destroy it.

Religious Affairs official Sapargali Abdiyev – who prepared the records of an "offence" against Zhirov and Bekker – said that he and his colleagues were ready to destroy the books had the lower court decision entered legal force. "If they say to destroy them we will destroy them," he told Forum 18.

Jehovah's Witness fined for inviting neighbors to a meeting

By Yulia Multilova

Moi gorod (12.05.2016) - <http://bit.ly/1XyUgf8> A specialized administrative court of the city of Uralsk fined one of the members of the Christian congregation of Jehovah's Witnesses of the West Kazakhstan province, a correspondent of the portal Moi Gorod reports.

Thus, on 25 April 2016 the administrative court imposed on a resident of Uralsk, Dina Sarsebekova, a fine of 100 times the monthly calculated index [MRP] for illegal conduct of missionary activity on the territory of the West Kazakhstan province.

According to the director of the administrative department for Administration of Religious Affairs of the West Kazakhstan province, Adil Nurmukhanov, Dina Sarsebekova arrived at the homes of deaf persons, introduced herself in sign language, and invited them to some activity that was supposed to occur on 23 March at the address Prospect Abulkhair Khan 73 (it is at this address that the religious association of Jehovah's Witnesses is registered—author's note), and then showed a video tape with religious contents on her tablet.

"Introducing herself as a sign language interpreter, Sarsebekova visited several families in which there are deaf persons. However after another visit to one of the families of the city, the parents of a deaf daughter sent to us in the administration a statement about propaganda of a certain religious movement. We collected the necessary materials, interrogated the suspect, and send the case to court," Adil Nurmukhanov explained. On 25 April sentencing occurred, where Sarsebekova did not admit her guilt. She maintained that she was not engaged in missionary activity in the name of the religious association of Jehovah's Witnesses but simply was sharing her opinion with neighbors.

However the court found 26-year-old Dina Sarsebekova guilty on the basis of article 490, part 3, of the Code of Administrative Violations of Law of the republic of Kazakhstan, "Violation of the legislation of the republic of Kazakhstan concerning religious activity and religious associations," and set a fine of 212,100 tenge.

It should be noted that for conducting missionary activity it is necessary to be registered in the Administration for Religious Affairs of the West Kazakhstan province. In 2016, six missionaries are officially active on the territory of the province.

Religious literature fines, prison, destruction

By Felix Corley

Forum 18 (11.05.2016) - <http://bit.ly/29BONhU> - Roman Dimmel served a second 3-day prison term for refusing to pay a fine for offering Christian literature. A court fined two fellow Baptists for offering literature and ordered it destroyed, which the Religious Affairs Department will do when the verdict comes into force.

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

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

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

Azilkhanov also refused to discuss the criminal convictions of 30 Sunni Muslims since December 2014 accused of membership of the banned Tabligh Jamaat movement, 18 of whom were imprisoned. Nor would he discuss the imprisonment of Seventh-day Adventist prisoner of conscience Yklas Kabduakasov. All these cases were initiated by the National Security Committee (KNB) secret police, where Azilkhanov worked from 1992 to 2011 before he joined the then Agency of Religious Affairs.

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

Religious literature destruction

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

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

An Astana-based court bailiff - who has witnessed the destruction of religious books - explained to Forum 18 in November 2015 that bailiffs throw books ordered destroyed - including religious books - into the rubbish bin. "They are normally disposed off at a general rubbish dump outside the city".

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

Fined for offering religious literature

Dimmel - a 53-year-old member of the Council of Churches Baptists - lives in the village of Saken Seifullin (formerly Zharyk) in Shet District of Karaganda Region. On 28 October 2014, he was detained for offering Christian literature and sharing his faith in the village of Konstantinovka in Taiynsha District of North Kazakhstan Region.

Dimmel was accused of violating Article 375, Part 1 of the then Code of Administrative Offences, which punished "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship". The Article has been transferred unchanged into the new Administrative Code as Article 490, Part 1. (The new Code came into force in January 2015.)

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

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

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

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

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

Two 3-day prison terms

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

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

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

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

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

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

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

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

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

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

Detained for offering literature

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

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

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

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

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

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

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

Fines, literature destruction

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

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

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

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

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

Bekker and David Leven were among four local Baptists brought to court in April 2014 for "illegal" religious literature distribution. However, they were acquitted as the Judge ruled that the prosecution had been brought too late.

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

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

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

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

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

**Now 30 Sunni Muslims convicted since December 2014,
KNB secret police spy**

By Felix Corley

Forum 18 (22.04.2016) - <http://bit.ly/29y10Hv> - Two more Sunni Muslims accused of membership of banned Muslim missionary movement Tabligh Jamaat were jailed in Kazakhstan in mid-March, Forum 18 News Service notes. These latest jailings bring to 30 the number of Sunni Muslims convicted for exercising freedom of religion or belief in Kazakhstan since December 2014, 18 of whom were jailed. The trial of another Muslim prisoner of conscience, which began in the capital Astana on 19 April, is due to resume on 28 April. All the cases were initiated by the National Security Committee (KNB) secret police, which has used a "senior operational officer" to infiltrate the movement – even though an earlier KNB-initiated study found that there was no reason to ban the movement. The KNB spy, 28-year-old Sanat Aktenberdy, refused to explain to Forum 18 what if any wrongdoing he might have found, or what exactly the alleged "extremist activity" of Tabligh Jamaat was. One court verdict states as an accusation that the movement displayed "intolerance" towards Shia Islam – even though the government has banned Shia Muslims from exercising freedom of religion or belief.

Two more Sunni Muslims accused of membership of the Muslim missionary movement Tabligh Jamaat were imprisoned in Kazakhstan in mid-March, Forum 18 News Service has learned. One of the prisoners of conscience received a three-year prison term at the

trial in Almaty Region. These latest jailings bring to 30 the number of Sunni Muslims convicted for exercising freedom of religion or belief in Kazakhstan since December 2014, 18 of whom were jailed. The trial of another Muslim prisoner of conscience, which began in the capital Astana on 19 April, is due to resume on 28 April. All the cases were initiated by the National Security Committee (KNB) secret police.

There is also one Christian prisoner of conscience who has been jailed for exercising freedom of religion or belief, Seventh-day Adventist Yklas Kabduakasov, who was jailed for two years on 29 December 2015 for speaking about his faith. As with the Muslim prisoners of conscience jailed for their beliefs, the KNB was also heavily involved in Kabduakasov's case, including with the use of informers.

Another KNB secret police spy

Sanat Aktenberdy is a 28-year-old KNB "senior operational officer" in Astana who was – in the words of case documents seen by Forum 18 – "inserted into the ranks of members of the Tabligh Jamaat organisation using the methods of conduct imitating [their] criminal conduct" on orders of KNB Investigator Senior Lieutenant Nurlan Belesov. Aktenberdy attended meetings to gather evidence against adherents.

However, Aktenberdy totally refused to explain what wrongdoing he might have found (if any) among the Muslims he encountered in his secret assignment.

"I can't see you – how can I talk to you?" Aktenberdy told Forum 18 from Astana on 21 April. "I can't answer any of your questions without discussing it with my bosses." When Forum 18 asked what "extremist activity" Tabligh Jamaat adherents had engaged in which he had witnessed or had heard discussed, he refused to answer and put the phone down.

All religious communities are thought to be under surveillance by the ordinary police and KNB secret police. Many communities are reluctant to discuss this – including KNB attempts to recruit informers – for fear of state reprisals.

Common KNB investigator

KNB Senior Lieutenant Belesov initiated the criminal cases against the five Muslims sentenced in Astana in February 2016 and against Seventh-day Adventist prisoner of conscience Kabduakasov, as well as against the current Muslim defendant in Astana.

Belesov signed many of the interrogation records of witnesses and accused as the cases were being prepared, according to documentation seen by Forum 18. The man at Astana KNB who answered his phone on 22 April put the phone down as soon as Forum 18 asked if he was Belesov.

18 prison terms, 12 restricted freedom sentences

Eighteen of the known alleged Tabligh Jamaat members convicted since December 2014 received prison terms, while 12 were given restricted freedom sentences.

The new sentences come as individuals continue to be prosecuted for exercising their right to freedom of religion or belief under the Code of Administrative Offences. Three Baptists were brought to trial in Arkalyk in Kostanai Region in March and April. Seized religious literature was ordered destroyed. Cases were lodged in Atyrau in April against two members of a New Life Pentecostal congregation.

Missionary movement banned

Tabligh Jamaat was banned by an Astana court in 2013, just a year after an extensive study commissioned by the KNB secret police and the government's then Religious Affairs Committee concluded that the Muslim movement is not "extremist" or "terrorist" and that there was no reason to ban it.

All 30 of those imprisoned or given restricted freedom sentences since December 2014 were convicted under Criminal Code Article 405 (or its equivalent under the old Criminal Code). Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment. Part 2 punishes participation in such a banned organisation with a fine or up to two years' imprisonment.

Two of those imprisoned were also convicted under Article 174, Part 1, which punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

3 year and 15 month prison terms

Two Sunni Muslim residents of Almaty Region, Estai Dzhakayev and Vakha Surkhayev, were charged with Tabligh Jamaat membership in a case which the KNB secret police initiated. Dzhakayev was charged under Criminal Code Article 405, Parts 1 and 2. Surkhayev was charged under Criminal Code Article 405, Part 1 only.

Dzhakayev is 37 years old. The 53-year-old Surkhayev, a Kazakh-born ethnic Chechen, was formerly a member of the pro-presidential Nur Otan party and the government-sponsored Assembly of the Peoples of Kazakhstan. Both were said to have visited Tabligh Jamaat centres abroad, where they received "training".

The case against the two men was handed to Alakol District Court in the town of Usharal on 17 February. The trial began on 29 February. On 11 March, the fourth and final day of hearings, Judge Zhumash Akbergenov found them both guilty, according to court records. He handed down a three-year ordinary regime prison term on Dzhakayev and a 1 year, 3 month ordinary regime prison term on Surkhayev, the Regional Prosecutor's Office announced on 24 March.

Surkhayev is also required to pay 89,724 Tenge (about 2,200 Norwegian Kroner, 240 Euros or 270 US Dollars) for the "expert analysis" used to convict him.

"The court also assigned an extra measure of punishment on the deprivation of the right to conduct certain activity according to this Article," the head of the court Shalkar Taldanbayev told local television station Zhetysu after the verdicts were announced.

Dzhakayev and Surkhayev had not been under arrest before the trial, but were arrested in the court room when the verdicts were announced on 11 March, Judge Akbergenov told Forum 18 from the court on 21 April. He said the sentences therefore run from 11 March. "The written verdicts were issued later and were given to them in the Investigation Prison in Taldykorgan. Both men have lodged appeals."

Judge Akbergenov totally refused to explain the bans he imposed on the two men after they complete their prison terms, who had suffered from their exercise of the right to freedom of religion or belief, or any other aspect of the case. "I can't comment on the verdict because it has not yet come into force," he told Forum 18.

Prosecutor Kairat Ermakhanov of Almaty Region Prosecutor's Office, who was involved in the prosecution of Dzhakayev and Surkhayev, was out of the office each time Forum 18 called on 21 and 22 April. No other official would discuss the case.

An official of the Regional Administration's Religious Affairs Department – who would not give his name - declined to discuss the prosecution. "Such prosecutions are carried out by the Prosecutor's Office and the courts, not us," the official told Forum 18 from Taldykorgan on 22 April. "It's nothing to do with us."

Earlier attempted prosecution

Prosecutors had already tried to prosecute Surkhayev for allegedly financing Tabligh Jamaat and building an unapproved prayer room on his land, arresting him in October 2011. The Finance Police brought a criminal case against him on criminal charges of "financing terrorist or extremist activity" under Article 233-3, Part 2 of the then Criminal Code.

However, on 12 May 2012 Judge Kaiyrzhan Baidakasov of Taldykorgan City Court closed the case when the prosecutor withdrew the charges, according to the decision seen by Forum 18. Surkhayev was freed in the court room after seven months' pre-trial detention. A religious book confiscated from him was ordered returned. He had denied any wrongdoing in court.

Who is hostile to Shia Islam?

At the time Tabligh Jamaat had not been banned in Kazakhstan, as Almaty Regional KNB secret police confirmed to the court. Nevertheless, the court decision describes it as a "radical" group aiming to "establish a theocratic dictatorship in the country". It claimed it displayed "intolerance towards other confessions, including towards the Shia branch of Islam, the exclusion of women from public life, as well as fanatical proselytism, based on the conviction that Islam must supplant all other religions".

Despite the authorities' claim that they do not like hostility to Shia Islam, the government has banned Shia Muslims from exercising freedom of religion or belief. The authorities have given the only permitted Muslim organisation in the entire country – the state-controlled Muslim Board – a monopoly over all Muslim activity. This has the impact of banning any non-Hanafi Sunni Muslim communities from functioning, as well as banning any non-Sunni Hanafi Muslim literature.

In prison, one awaiting appeal

"Dzhakayev and Surkhayev were brought here after the court decision was announced," an official of the Investigation Prison in Taldykorgan, the regional capital, told Forum 18 on 21 April. The official, who would not give her name, refused to discuss their condition, including whether they are able to pray or have religious literature.

Surkhayev lodged an appeal against his conviction. This reached Almaty Regional Court on 12 April and is due to be heard at 10 am on 26 April, the Court Chancellery told Forum 18 on 21 April. Although Dzhakayev had 15 days from receipt of the written verdict, he did not lodge an appeal against his sentence, the Chancellery of Alakol District Court told Forum 18 the same day.

"Official secret" non-existent prison prayer rooms

The Taldykorgan Investigation Prison official refused to say if the Muslim and Russian Orthodox prayer rooms opened in the prison in the 2000s are still open. "This is an official secret," she told Forum 18.

The Muslim prayer room opened in Taldykorgan Investigation Prison in summer 2009. The Russian Orthodox chapel was opened in September 2009 at the request of the

prison's then head, Adak Nuradilov, Taldykorgan Orthodox deanery noted on its website on 29 November 2010.

However, a staff member of the deanery said that the prison chapel was closed soon after the new Religion Law was adopted in 2011. "Our clergy are banned from going into the prison, even at the invitation of one of the prisoners," the staff member told Forum 18 from Taldykorgan on 22 April.

The authorities have long been systematically been closing or trying to close prayer rooms and chapels in public buildings, including prisons, colleges, hospitals, care homes, airports and administrative buildings. The enforced closures appear to have begun after the October 2011 adoption of a new Religion Law, and despite protests from Muslims, Russian Orthodox and others.

Relatives of other Sunni Muslim prisoners of conscience jailed for exercising their right to freedom of religion or belief have stated that the prisoners of conscience are not allowed the Koran or other religious literature. This directly contravenes the United Nations Standard Minimum Rules for the Treatment of Prisoners (adopted unanimously by the UN General Assembly in revised form on 17 December 2015 and known as the Mandela Rules, A/C.3/70/L.3), which require governments to respect the freedom of religion or belief and other human rights of prisoners. The Muslim prisoners of conscience are also barred from receiving other items they see as important, such as twigs for cleaning teeth they regard as being in accord with Islamic hygienic jurisprudence as advocated in the hadith (sayings attributed to the Muslim prophet Muhammad). Some have also had their beards forcibly shaved and had their head coverings taken away.

Astana trial begins

The trial in Astana of Sunni Muslim Murat Takaumov is due to resume at the city's Saryarka District Court No. 2 at 11 am on 28 April, according to court records. The 31-year-old Takaumov, who runs his own law firm, is married with four young children.

Arrested on 18 November 2015 and held in Astana's KNB secret police Investigation Prison, Takaumov is on trial under Criminal Code Article 405, Part 2 as an alleged member of Tabligh Jamaat.

Case documents seen by Forum 18 reveal that on 18 November 2015, the day of Takaumov's arrest, the head of Astana KNB's Investigation Department Colonel K. Myrzabekov formed an investigative group of six named KNB Investigation Department officers led by Senior Lieutenant Belesov to prepare the criminal case.

The 10-page indictment, seen by Forum 18, summarises the eight volumes of the criminal case against Takaumov which was formally opened on the day of his arrest. The indictment was completed by KNB secret police Senior Lieutenant Belesov on 26 February 2016 and countersigned by Serik Ishchanov of Astana Prosecutor's Office on 3 March.

It claimed that Takaumov had decided to study Islam himself from 2007 and had come into contact with Tabligh Jamaat members. From 2012 to 2015 he had spoken to others of his faith, "understanding the social danger of his criminal actions and the possibility of the emergence of socially-dangerous consequences in the form of a violent change of the constitutional set-up". The indictment claimed that Takaumov knew that the "true aim" of Tabligh Jamaat was allegedly the establishment of a Caliphate (Muslim-ruled territory), including in Kazakhstan.

KNB secret police "special operational/investigative measures"

The indictment alleged that Takaumov had met others in the Halal Cafe in Astana near a mosque on 5 May 2015 to report to a superior in the Tabligh Jamaat group about work he had undertaken. The KNB secret police secretly recorded the discussion on video and audio using "special operational/investigative measures", the indictment notes.

A "judicial complex expert analysis" concluded on 11 January 2016 that the content of the recording indicated that this had been a Tabligh Jamaat meeting. The men had discussed moves to share their Islamic faith with others in ways characteristic of Tabligh Jamaat – mission trips of three days or 40 days, and four-month visits to centres in the Indian sub-continent.

This 8-page 11 January analysis – also seen by Forum 18 – indicated that the conversation recorded by the KNB secret police contained no "incitement of social, national, clan, racial, or religious hatred or antagonism". KNB Senior Lieutenant Belesov gave the recordings to the Justice Ministry's Judicial Expertise Centre in Astana on five CDs, together with a 73-page transcript of the conversation.

The indictment notes that Takaumov denied any wrongdoing, but claimed that his testimony "was not in accordance with reality".

One "expert" and 28 witnesses were questioned and their testimony included in the case, including the five Sunni Muslim men convicted in Astana on 18 February. One of these witnesses was KNB secret police officer Aktenberdy, whose mission to pose as a member of the group had been approved by a special decision.

In addition, four "judicial complex expert analyses" were included in the case, as well as a "judicial psychiatric expert analysis" of Takaumov, which found that he is responsible for his actions.

In no case documents that Forum 18 has seen did Takaumov call for the harming of other people's human rights.

Astana trial begins

The initial hearing in Takaumov's trial was held on 24 March under Judge Umsyn Mukhangaliyeva. However, at the next hearing on 8 April she was abruptly replaced by Judge Birzhan Toregeldi, relatives told Forum 18. The trial continued with hearings on 19 and 20 April.

"Witnesses were questioned, including one from the Muslim Board," relatives told Forum 18. "Murat appealed to the Judge against violations by the prosecutor and asked for the prosecutor to be replaced. The judge then left the court room for 10 minutes and went into the consultation room. At the same time the prosecutor called someone and told them that they wanted to remove him, and then went into another room. He was not removed from the trial. Everything is decided with one phone call."

26 April appeals against prison terms

Hearing of the appeals of the five Sunni Muslim prisoners of conscience convicted in Astana of alleged Tabligh Jamaat membership is due to begin at Astana City Court at 10.30 am on 26 April, court records indicate.

Bolatbek Kozhageldinov, Nurzhan Nuradilov, Erbolat Omarbekov, Kubaidolla Tyulyubayev and Khalambakhi Khalym received prison terms of between two years and two and a half years on 18 February at the end of a long-running trial.

The five men lodged appeals against their convictions on 4 March. The men have been prevented from praying the namaz or having access to religious literature and other items at Astana's Interior Ministry Investigation Prison.

Good Friday in Almaty

Forum 18 (31.03.2016) - <http://bit.ly/1V1hiLz> - Police and officers of other security agencies raided 11 church premises and homes of the leaders of New Life Pentecostal Church in Kazakhstan's commercial capital Almaty on 25 March, the day the Church was commemorating Good Friday. This was the first the Church knew of a criminal case of alleged large-scale fraud opened against it in May 2015. The criminal investigation follows alleged complaints from individuals "about the fraudulent appropriation by the pastors of the local religious organisation of large financial sums, as well as moveable and immovable property, received under the guise of offerings", police claimed in a statement. "We're not fraudsters," one church member told Forum 18 News Service following the raids. "On the contrary, we help people. We've been working here in Kazakhstan for 26 years." Asked by Forum 18 if any other criminal cases have been opened against the Church, Adet Doskeyev of the city's Religious Affairs Department responded: "It's a secret."

On 25 March, as New Life Pentecostal Church in Kazakhstan's commercial capital Almaty was commemorating Good Friday, police launched simultaneous raids on five church-owned buildings and the homes of six pastors and church workers, Forum 18 News Service has learned. Although a court approved the searches in January, it remains unclear why the authorities waited for two months before conducting the raids. The raids came eight months after prosecutors opened a criminal case against the Church on charges of large-scale fraud, charges the Church vigorously rejects.

"We're not fraudsters," one church member told Forum 18 from Almaty following the raids. "On the contrary, we help people. We've been working here in Kazakhstan for 26 years." The church member expressed concern about widespread hostile reporting of the criminal case and raids in the local and foreign Russian-language press. "You can understand the impact this is having on children of church members, especially of the leaders, in school."

A member of another Protestant Church elsewhere in Kazakhstan expressed concern over the wider impact of the media coverage of Almaty's New Life Church. "This has an impact on all Christians across Kazakhstan," the church member told Forum 18 on 30 March. "People will be afraid to come to any church or to have anything to do with churches."

During the 25 March raid on the Church, police seized 54 computers, as well as financial documents and 94,650 Tenge of church money, Pastor Maxim Maximov, who now lives in the United States, wrote on his Facebook page. In addition, small amounts of personal money were taken from some of the pastors, church members told Forum 18. No religious literature was seized.

Church members describe as "a lie" an Almaty police statement of 29 March that "an unlicensed weapon and ammunition" had been found in the searches, without specifying where it was found and what the "weapon and ammunition" consisted of. "No weapon – whether licensed or unlicensed – or ammunition was found in the church building," church members told Forum 18 on 31 March. "We have the record of the confiscations and these make no mention of any confiscated weapon or ammunition."

This is not the first time police in Kazakhstan have launched searches and made strongly disputed allegations against churches repeated by local media with no right of reply

given. On October 2012 masked police searched Astana's Grace Church and seized computers, valuables and religious books they insisted were "extremist" (though they could not explain what was "extremist" or who had declared them so). Police requested church members to give blood specimens to see if the Church uses "hallucinogenic" substances for Communion – local media carried the same allegations. The alleged "hallucinogens" were a commonly drunk local red tea used as a non-alcoholic communion wine. Church members noted that police displayed a curious lack of interest in the allegations they were supposedly investigating.

In July 2015 about 20 police officers, Prosecutor's Office officials and Education Department officials raided a church-run children's summer camp near Almaty. Officials frightened the children and "behaved like they were detaining some criminals", Pastor Sergei Li of Kapshagai Baptist Church told Forum 18. "One seven-year old girl was frightened and cried, and after that I told them to stop questioning the children", he stated. Asked why Almaty TV channel and its subsidiary Almaty News attacked the Baptist Church without a right of reply and to the distress of members, Deputy Chief Editor Tatyana Lisitskaya responded: "The authorities gave us the materials for broadcast".

Criminal case opened July 2015

Almaty Police opened a criminal case against Almaty's New Life Church on 29 July 2015, according to a Police Press Service statement of 25 March. The statement was published on its social media accounts once the raids were completed. It said the Church was being investigated on suspicion of violating Article 190, Part 3, Point 1 of the Criminal Code. This punishes large-scale fraud with prison terms of three to seven years, as well as confiscation of the fraudulently-obtained property.

The 25 March Police Press Service statement claimed the criminal case had been launched in response to three complaints from individuals "about the fraudulent appropriation by the pastors of the local religious organisation of large financial sums, as well as moveable and immovable property, received under the guise of offerings". However, it did not identify those who had allegedly lodged the complaints.

A 29 March Police Press Service statement claimed five "former parishioners" had lodged such complaints against the Church. The statement insisted that the Police had to investigate such complaints and rejected suggestions that any religious motivation lay behind the criminal case and searches.

At the same time, the statement added, "we warn that anyone giving knowingly false information will be subject to prosecution under Criminal Code Article 274".

An official of the Police Press Service, who would not give her name, told Forum 18 on 31 March that the information in the statements came from the Police Investigation Department. She refused to explain where the weapon and ammunition had allegedly been found and refused to put Forum 18 through to the Investigation Department. "Everything we have to say is in the statements," she added.

Told that the Church vigorously denies the claim that an unlicensed weapon and ammunition had been found, the official responded: "Everything we published is true."

Searches approved

An Inter-Agency Investigatory/Operational Group was formed. Almaty Deputy Prosecutor Zharkynbek Bakashbayev approved applications to court to search all the Church's six properties and the homes of five senior pastors and church workers, according to court records made public by Almaty's Almaty District Court and seen by Forum 18.

On 19 January 2016, Judge Raykhan Ashkeyeva of Almaly District Court approved the applications to search the Church properties, as well as the homes of Pastors Maximov, Sergei Zaikin, Vadim Martynov, Erkin Nurmanov and Natalya Nefedova. Among the Church-owned properties ordered searched was the Church's rehabilitation centre for people dependent on drugs and alcohol.

The court orders approving the searches – in identical wording – identify the criminal case number. They claim: "In the course of pre-trial investigation of the case, precisely through the questioning of a range of people as witnesses and victims, it has been established that the above-named religious organisations engage in commercial activity, receive illegal income, send money abroad, and take money, jewellery and precious stones, as well as moveable and immoveable property from parishioners by means of the use of illegal techniques of psycho-therapeutic and psychological influence".

The assistant to Deputy Prosecutor Bakashbayev told Forum 18 each time it called on 30 and 31 March that he was out of the office in a meeting. The assistant to Judge Ashkeyeva declined to put Forum 18 through to her on 30 March and refused to give any more information about the cases.

Adet Doskeyev, the acting head of Almaty City Religious Affairs Department, referred all questions about the criminal case and the raid to the police. "The complaints were given to the police, not to us," he told Forum 18 on 31 March. Asked whether his Department is represented in the Inter-Agency Investigatory/Operational Group, he said: "No – it's the police and their Department for the Struggle with Extremism." Asked if the National Security Committee (KNB) secret police were also included, he responded: "Why them?"

Raids

At 10 am on 25 March, at least 70 officers in all in various uniforms launched raids on 11 properties. "Eight officers, including from the KNB, are raiding my home at the moment," Pastor Zaikin told Forum 18 from his home during the raid. The Church-linked television channel CNL broadcast live pictures from the Church's security cameras of police officers searching the premises.

Police subsequently gave their own film of the raids on his and on Maximov's home to local television station KTK, which broadcast them the same day and again on 28 March, marking the film as "operational video". The KTK reporter on both stories was Natalya Kunina.

Church members declined to tell Forum 18 about the raids, as many of them were forced to sign statements that they would face criminal prosecution if they reveal any details of the pre-trial investigation.

Forum 18 was unable to reach Kunina at KTK to find out whether the police had given her television station the operational video of the raids and whether the Prosecutor had authorised her use of the material as required under Article 201 of the Criminal Procedure Code. A colleague, Altynai Amanbayeva, told Forum 18 on 31 March that Kunina was out of the office and that only she had information about the footage.

Amanbayeva declined to say whether – had her own home been searched by police – she would have been happy to see pictures of the search shown on television.

Exit denial

Two of those whose homes were raided, Pastor Zaikin and Pastor Larissa Maximova, flew out of Kazakhstan in the night of 27 to 28 March. Although KTK in its 28 March broadcast

claimed they had fled the country, church members insisted to Forum 18 that their tickets had been bought on 18 January, the day before the court ordered the searches of their homes. Although the two were thoroughly searched, border guards found nothing to confiscate, church members added.

However, another of those whose home was searched, Pastor Martynov, was prevented from leaving the country at the land border with Kyrgyzstan on 27 March. He had offered to drive Pastor Ivan Kryukov, who leads the New Life Church in Oral [Uralsk], to Kyrgyzstan, where he was due on a long-planned visit. Although the KNB allowed Pastor Kryukov to leave Kazakhstan, he chose to remain at the border and await the release of Pastor Martynov from the KNB. After being stopped for one hour, Pastor Martynov was freed. The two pastors then returned to Almaty.

A certificate issued to Pastor Martynov by the KNB Border Service – shown on KTK television and seen by Forum 18 – merely informed him that he was not allowed to leave the country because restrictions had been imposed on his departure from the country.

"We knew nothing of the criminal case"

Although the criminal case against the Church was opened as long ago as July 2015 and despite the claim in the January 2016 court approval for the searches that "a range of" witnesses and alleged victims had been questioned, church members say they knew nothing about the criminal case until the 25 March raids. "We knew nothing of the criminal case until then," one church member told Forum 18.

The church member added that no church leader has yet been questioned by investigators in the case.

Forum 18 has been unable to find out from the Prosecutor's Office who is leading the criminal investigation.

Other criminal cases?

Forum 18 has been unable to establish if New Life Church faces any other criminal cases or investigations. No one at the Prosecutor's Office or the City Police was prepared to discuss this with Forum 18.

Asked by Forum 18 if any other criminal cases had been opened against the Church, Doskeyev of the Religious Affairs Department responded: "It's a secret."

Earlier raids on New Life Church

Almaty's New Life Church has the compulsory state registration, as a local religious organisation. It is in a "spiritual union" with other similar churches elsewhere in Kazakhstan, all of which operate independently.

New Life Churches have been frequent targets of government harassment over some years:

- On 30 January 2016, at least seven police officers raided New Life Church in the Caspian Sea port of Aktau as it met for worship in a rented cafe. The raid was led by the head of the police Department for the Struggle against Extremism, Separatism and Terrorism (see [F18News 8 February 2016](http://www.forum18.org/archive.php?article_id=2147) http://www.forum18.org/archive.php?article_id=2147).

- Members of New Life Church in Arkalyk [Arqalyq], in the northern Kostanai [Qostanai] Region, faced interrogations and threats, particularly targeting state employees. In

December 2013 two church members who have jobs in state institutions were summoned to the Akimat (local administration). The same month, a KNB secret police officer attended the Church's Sunday service, using a hidden camera to film those present. All 52 signatories to the Church's successful 2012 re-registration application seem to have been later summoned to the Prosecutor's Office or the Akimat (see F18News 28 January 2014 http://www.forum18.org/archive.php?article_id=1921).

- Police and KNB secret police officers raided the New Life congregation in the Caspian Sea port of Atyrau in October 2011, beating up one of those present. The raid came a month after the KNB secret police banned a church member who owned a hall to rent it to the church for worship meetings. At the same time a KNB-inspired article in the local media accused the church's pastor of "brainwashing" church members so that they would give the Church their money and all they have (see F18News 19 October 2011 http://www.forum18.org/archive.php?article_id=1627).

- The KNB secret police initiated a criminal case against Yerzhan Ushanov, Pastor of New Life Church in Taraz in the southern Zhambyl Region, for praying for someone's health in May 2011. He was convicted in September 2011 under Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence") and given a heavy fine. Only in April 2012 was he finally acquitted by the Supreme Court (see F18News 22 May 2012 http://www.forum18.org/archive.php?article_id=1705).

Written warnings

Several official agencies of Almaty Region issued written warnings to local religious leaders (seen by Forum 18) in early 2016.

On 2 February, Shynar Kekbayeva, Director of the Centre for Research into Problems in the Area of Religion under the Regional Religious Affairs Department, wrote to all religious leaders warning them not to allow children to attend religious events if one or other parent or guardian objects.

Alinur Shpekpayev, who prepared the letter for Kekbayeva to sign, rejected suggestions that religious communities might feel pressured by receiving such letters. "We've written such letters maybe three times in three years," he told Forum 18 from Almaty on 15 March. "We don't consider these religious leaders to be law-breakers."

On 28 January, Judge Zhanna Nurgaliyeva of Almaty's Specialised Interdistrict Administrative Court found the head of the local Jehovah's Witness community, Ruslan Bayanbayev, guilty of allowing five children from one family to attend a meeting for worship on 26 December 2015. The mother wanted them to be present with her, but the father objected, according to the decision seen by Forum 18.

At least three police officers arrived at the religious meeting and questioned Bayanbayev about the presence of the children. Police brought a case under Administrative Code Article 490, Part 7. The Judge fined Bayanbayev 50 Minimum Financial Indicators, 99,100 Tenge (2,400 Norwegian Kroner, 250 Euros or 280 US Dollars).

Bayanbayev's case had been handed to court in the city of Almaty on 19 January 2016, exactly two weeks before Kekbayeva's letter in the neighbouring Almaty Region.

However, both Bayanbayev and Almaty's Medeu District Prosecutor's Office appealed to Almaty City Court. On 16 February, Judge Nurlan Kurmangaliyev overturned the lower court decision and acquitted Bayanbayev of any offence.

The court decision, seen by Forum 18, notes that the police officer who drew up the original record of an "offence" against Bayanbayev was not authorised to do so (as

Bayanbayev's lawyer had pointed out in the lower court hearing). Only local officials, not the police, are empowered to prepare such records of violations of Administrative Code Article 490.

Doskeyev of the Religious Affairs Department refused to explain to Forum 18 why attempts had been made to punish Bayanbayev because children of a community member were present at a religious meeting.

Three new prison terms, legal advisor next?

Forum 18 (28.03.2016) - <http://bit.ly/25ZS5op> - Three Sunni Muslim prisoners of conscience - Aidin Shakentayev, Bauyrzhan Serikov and Murat Shopenov – were today (28 March) in Karaganda handed prison terms of up to 30 months each for alleged membership of the "extremist" Muslim missionary movement Tabligh Jamaat. They have been held by Kazakhstan's KNB secret police in detention for nearly six months from October 2015. Asked by Forum 18 News Service if the three men had committed violence or incited others to commit violence, Prosecutor Olga Kiryanova – who led the prosecution case in court - put the phone down. The trial in the capital Astana of a legal expert who gave professional advice to the wives of two other imprisoned alleged Tabligh Jamaat members is due to begin on 8 April. "My husband runs a law firm and gave advice in that capacity," Murat Takaumov's wife Aynur insisted to Forum 18. Tabligh Jamaat was abruptly banned in 2013, a year after a commission concluded – after months of work requested by the KNB secret police and the government's Religious Affairs Committee – that it was not "extremist" or "terrorist" and no reason existed for it to be banned.

Nearly six months after their October 2015 arrest by Kazakhstan's National Security Committee (KNB) secret police, a court in the city of Karaganda [Qaraghandy] has today (28 March 2016) handed down prison terms of up to 30 months on three further Sunni Muslim prisoners of conscience for exercising their right to freedom of religion or belief, Forum 18 News Service has learned. The criminal trial of a legal specialist - who gave professional advice to the wives of two of Sunni Muslim prisoners of conscience convicted in February – is due to begin in the capital Astana on 8 April.

The three new prison terms bring to 28 the number of individuals known to have been given criminal convictions since December 2014 for alleged association with the Muslim missionary movement Tabligh Jamaat. Sixteen of them received prison terms, while 12 were given restricted freedom sentences. The KNB secret police was involved in all 28 cases (see full list below).

Tabligh Jamaat was banned by an Astana court in 2013, just a year after an extensive study commissioned by the KNB secret police and the government's then Religious Affairs Committee concluded that the Muslim movement is not "extremist" or "terrorist" and that no reason to ban it existed (see below).

The latest criminal convictions in Karaganda came three days after police in Kazakhstan's commercial capital Almaty launched coordinated raids on New Life Church, a rehabilitation centre it runs and the homes of five of the church's pastors. The raids are part of a criminal investigation of the Church on charges of fraud, which church leaders vigorously refute.

Prison terms

On 28 March 2016, Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court handed down a 30-month ordinary regime prison term to 33-year-old Aidin

Shakentayev – described by the prosecution as the ringleader of the Tabligh Jamaat "cell", local media reported. She handed down two year ordinary regime prison terms to 38-year-old Bauyrzhan Serikov and 33-year-old Murat Shopenov. The sentences are deemed to run from the date of their arrest, 7 October 2015.

The three men have been held since their arrest at Karaganda KNB secret police Investigation Prison. Their trial began on 1 February 2016.

Shakentayev, Serikov and Shopenov are also required to pay the fees the state incurred for conducting "expert" analyses as part of the case.

The three were convicted under Criminal Code Article 405, Part 1. This punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment. All three denied the accusations against them.

Olga Kiryanova of Kazybek Bi District Prosecutor's Office – who led the prosecution case in court and who was present when the verdict was delivered – refused to explain to Forum 18 what harm the three convicted men had done to anyone. "I don't give interviews by telephone," she told Forum 18 from Karaganda on 28 March. She insisted that the court had handed down its punishment on the three men because of the 2013 court ban on Tabligh Jamaat.

Asked if Shakentayev, Serikov and Shopenov had committed violence or incited others to commit violence, Prosecutor Kiryanova put the phone down.

"We'll appeal as far as the Supreme Court and abroad"

About 30 people, mostly relatives of the three men, were in the small courtroom on 28 March to hear the verdict, Yelena Weber of Radio Free Europe's Kazakh Service noted after the hearing. "The men on trial were brought into the courtroom in handcuffs, accompanied by special security personnel in black masks, and placed in the secure box behind the glass," she reported.

The verdict was listened to in silence, Weber added. However, when Judge Egemberdiyeva was leaving the courtroom after the end of the hearing, some cried out: "What has happened to our humane and just court?" She said some of the female relatives wept. Each of the three men is married with several children.

Serikov's wife, Samal Mirzatayeva, rejected accusations in court that her husband had neglected the family because of his association with Tabligh Jamaat. "Where did they get this from?" Weber quoted her as asking. "Our children study in school. We don't live like hermits."

Mirzatayeva insisted no proof had been presented of the men's guilt. "We'll take this further. We'll appeal as far as the Supreme Court and abroad, if it gets that far."

8 April start for Astana full trial

The full trial of legal expert Marat Takaumov on charges of membership of Tabligh Jamaat is due to begin at 10 am on 8 April at Astana's Saryarka District Court No. 2, according to court records. Hearing the case is Judge Umsyn Mukhangaliyeva. The preliminary hearing in the case was held on 24 March.

The same Judge Mukhangaliyeva on 18 February convicted five other Sunni Muslims accused of Tabligh Jamaat membership - Bolatbek Kozhageldinov, Nurzhan Nuradilov,

Erbolat Omarbekov, Kubaidolla Tyulyubayev and Khalambakhi Khalym - at the end of a long-running trial. She handed down prison terms of two years each on four of the men and a two and a half year prison term on the fifth.

Takaumov is on trial accused under Criminal Code Article 405, Part 2. This punishes participation in "the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Forum 18 was unable to reach Serik Ishchanov of Astana Prosecutor's Office, believed to be the prosecutor who will lead the case in court. His colleagues told Forum 18 he was out of the office each time it called on 28 March. Another Prosecutor's Office official Kanatzhan Kamalbek told Forum 18 the same day that he does not know who will be leading the prosecution case.

Asked why an individual who simply gave professional legal advice to the wives of two of the defendants in a criminal case should himself be prosecuted, Kamalbek responded: "I don't know - I haven't studied the case materials." But he insisted it will be the court's decision whether Takaumov is guilty of any crime or not.

"My husband runs a law firm and gave advice in that capacity"

The 31-year-old Takaumov - who is married with four young children - runs his own law firm in Astana. The KNB secret police arrested him on 18 November 2015 and, at the request of KNB Investigator Nurlan Belesov, Saryarka Court No. 2 repeatedly ordered his detention in the KNB Investigation Prison in Astana, where he remains.

Takaumov simply gave legal advice to the wives of Nuradilov and Khalym, two of the five sentenced to prison terms on 18 February. "My husband runs a law firm and gave advice in that capacity," Takaumov's wife Aynur insisted to Forum 18 from Astana on 24 March.

She denies that she or her husband are Tabligh Jamaat members. "We pray the namaz and maintain relations with everyone," she told Forum 18. "We don't divide people into Muslims or non-Muslims. We try not to make divisions even among Muslims."

No appeal date set

Astana City Court has not yet set a date for hearing the appeals of the five Sunni Muslim prisoners of conscience convicted in Astana on 18 February, relatives and the court told Forum 18.

The five men lodged appeals against their convictions on 4 March. The men have been prevented from praying the namaz or having access to religious literature and other items at Astana's Interior Ministry Investigation Prison (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Tabligh Jamaat: peaceful in 2012, "extremist" in 2013

Following bans on Tabligh Jamaat in other nearby countries, the KNB secret police and the then Religious Affairs Committee under the Justice Ministry commissioned a study of the movement in January 2010. The commission which undertook the study was led by the rector of the Ruhaniyat Islamic University, Murat Mynbayev. It spent months on extensive travel within Kazakhstan and to the movement's religious centres in Pakistan, India and Bangladesh, from March to June 2010 and from October 2011 to March 2012.

By the time the commission reported back, the Religious Affairs Committee had been turned into the Agency of Religious Affairs, established in May 2011 (see F18News 28

July 2011 http://www.forum18.org/archive.php?article_id=1599). It was turned back into the Religious Affairs Committee in August 2014 and subordinated to the Culture and Sport Ministry.

After the commission finished its research, Professor Mynbayev was summoned as a witness in a criminal case in Almaty in spring 2012 of a man accused of financing the Tabligh Jamaat movement. The man was acquitted, partly as a result of Professor Mynbayev's testimony, according to the decision and transcript of the trial hearings seen by Forum 18.

According to Professor Mynbayev's testimony, as summarised in the verdict, "as a result of this study, the commission concluded that the Tabligh Jamaat religious missionary movement is not an extremist or terrorist organisation. The Tabligh Jamaat international movement represents a purely peaceful preaching social and international movement, strongly adhering to the principle of a non-political social and educational movement, speaking out against all forms of violence against individuals, including spiritual violence."

Despite the clear conclusion of the government-initiated commission, in February 2013, without prior public announcement, Astana's Saryarka District Court granted Astana City Prosecutor's Office suit to have Tabligh Jamaat banned throughout Kazakhstan as "extremist". The prosecutor claimed – without making any evidence public – that the group's "real aim" was the seizure of territory and creation on it of a caliphate, "including in Kazakhstan", which "presumes a violent change to the constitutional order". The ban was backed in court by the KNB secret police and the Interior Ministry.

Forum 18 tried to find out from the KNB secret police how it had ignored the views of the commission it had sponsored and pushed for the ban on the movement. Forum 18 also wished to find out why the 28 individuals have been convicted and given criminal sentences since December 2014, even though no one appears to have suffered from their religious activity. However, the press office telephone at the headquarters in Astana went unanswered each time Forum 18 called on 28 March.

The official who answered the phone of the Religious Affairs Committee in Astana the same day – who would not give his name – stressed that if Tabligh Jamaat is banned by a court "that is already the law". He declined to explain how a government-initiated commission which spent many months studying the movement could find it non-violent in 2012, but in 2013 official agencies pressed for a court ban of the movement.

Asked who had suffered from the activity of the 28 convicted Sunni Muslims, the Religious Affairs Committee official insisted: "Their activity was harmful." Asked to explain how and to whom, he put the phone down.

- Sixteen known Tabligh Jamaat prisoners of conscience

Sixteen known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhan Rashidovich Turashov; born 24 April 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.

2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code

(equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).

4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).

7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release .

8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.

9. Erbolat Kabzakievich Omarbekov; born 10 July 1971; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

10. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

11. Khalambakhi Khalym; born 12 August 1984; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment.

12. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

13. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

14. Aidin Zulfukarovich Shakentayev; born 15 August 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 and a half years' imprisonment.

15. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.

16. Murat Askarovich Shopenov; born 15 November 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.

- Twelve known Tabligh Jamaat restricted freedom sentences

Twelve known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.
5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
7. Serik Baimanovich Otyنشyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.
9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.
10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.
11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.
12. Serik Amangeldinovich Seitzhaparov; born 7 March 1984; sentenced 12 February 2016 Tselinograd District Court, Akmola Region; Article 405, Part 2; 2 years' restricted freedom.

- One alleged Tabligh Jamaat member known to be on trial

One alleged member of Tabligh Jamaat is on criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category gives his: name; date of birth; first pre-trial detention order date and court; Criminal Code Article; initial trial hearing; and place of pre-trial detention.

1. Murat Kazbekovich Takaumov; born 14 November 1984; first ordered detained 20 November 2015 Astana's Saryarka District Court No. 2; Article 405, Part 2; initial trial hearing 24 March; Astana KNB Investigation Prison.

Religious books banned as "extremist", but Prosecutor "can't remember" why

Forum 18 (16.03.2016) - <http://bit.ly/1Szvbdk> - On 15 February a court in Kazakhstan's capital Astana upheld the Prosecutor's suit to ban four further Christian books as "extremist", according to the decision seen by Forum 18. The books were among 47 items seized when Christian prisoner of conscience Yklas Kabduakasov was arrested. Prosecutor Temirlan Adilkhanov, who led the case in court, told Forum 18 he "can't remember" in what ways the books might have caused harm to anyone. "I knew nothing about the case until the court decision came into force on 15 March," one of the authors, Pastor Manarbek Baieke, complained to Forum 18. "They concocted all this out of thin air." He fears the ban might provide the authorities with a reason to arrest him. Religious believers have expressed concern over a list of 254 "radical" religious books, including Muslim, Ahmadi Muslim, Christian, Hare Krishna and Jehovah's Witness items. Shortandy District Administration said that Akmola Regional Religious Affairs Department gave them the list in late 2015 for publication. Asked the status of books on the list, an official of Akmola Regional Religious Affairs Department explained to Forum 18: "If it is on the list it is banned."

Four further religious books have been banned as "extremist" by a court in Kazakhstan's capital Astana on 15 February, according to the decision seen by Forum 18 News Service. Court officials told Forum 18 that the one-month period for lodging appeals against the ban has now passed and no appeals were received in that time. Local Christians told Forum 18 that nothing in the books incites violence, hostility or law-breaking. The Prosecutor who prepared and led the case in court, Temirlan Adilkhanov, told Forum 18 on 16 March that he "can't remember" in what ways the four Christian books might have caused harm to anyone.

The suit to ban the four Christian books was initiated following the August 2015 arrest of Seventh-day Adventist Yklas Kabduakasov. The books were among many the National Security Committee (KNB) secret police seized from his home on the day of his arrest. Kabduakasov was later convicted of inciting religious hatred – charges he and his fellow-believers vigorously reject. He is serving a two-year prison term in a labour camp in Pavlodar.

Although police have been confiscating copies of the four books in recent years and fining those who own them, the books appear not to have been banned by a court before. However, officials appear to have told no-one that they had brought the suit to court to ban the books, let alone the authors or publishers. Since the ban, local officials in some areas have written to leaders of registered religious communities not to use the four books and to "hand them in" if they have them.

In other court hearings, Jehovah's Witnesses have again failed to overturn bans on the import of some of their magazines and brochures. Some articles in them were said to have violated the law. In one case, Jehovah's Witnesses failed to get the court to even consider a suit to overturn a ban on a Uighur-language brochure (see below).

The bans were imposed by the Culture and Sport Ministry's Religious Affairs Committee as part of the government-instituted compulsory prior censorship of all religious literature published or distributed in Kazakhstan or imported into the country.

Galym Shoikin, head of the Religious Affairs Committee in Astana, put the phone down on 15 March as soon as Forum 18 began asking about the religious book bans. All subsequent calls went unanswered.

As well as members of religious communities, booksellers are frequent targets for punishment for selling books about religion without the compulsory licence from the Regional Administration.

The state-enforced religious censorship also extends to prisoners. They are only officially allowed to have religious books which have had prior approval and are stamped as approved. Even then, relatives of those imprisoned for exercising the right to freedom of religion or belief are often not allowed to hand in Korans or Bibles or other religious literature to their imprisoned relatives.

Are "radical" books banned or not?

Although the General Prosecutor's Office publishes on its website a list of 666 "religious" books and materials banned as "extremist", the list includes many books which are not religious (such as Adolf Hitler's "Mein Kampf") and does not include other religious books known to have been banned.

Moreover, religious believers have expressed concern to Forum 18 about a separate list of 254 religious books – including Muslim, Ahmadi Muslim, Christian, Hare Krishna and Jehovah's Witness publications – which are described as "radical". The list is available on the website of Shortandy District Administration. Officials there and at Akmola Regional Religious Affairs Department were unable to explain to Forum 18 if the listed books were banned or not, but said that the list had come from the Culture and Sport Ministry's Religious Affairs Committee in late 2015.

The list included 162 general Muslim books, 2 by Muhammad Yusuf Kandahlawi and Muhammad Zakariya Kandahlawi (which the list linked to the banned Tabligh Jamaat Muslim missionary movement), 24 which it linked to the Ahmadi Muslim community, 14 Jehovah's Witness publications, 5 Hare Krishna publications and 25 Christian publications.

Those the state regards as followers of Tabligh Jamaat face administrative and criminal prosecution. Of 29 criminal cases since December 2014, 13 men were given prison terms as prisoners of conscience, the other 12 being given sentences of restricted freedom. Three more men are on trial in Karaganda and another is awaiting trial in Astana.

All the Ahmadi Muslim communities in Kazakhstan have been banned from functioning with no clear official explanation. The authorities have allowed only one Muslim organisation in the entire country – the state-controlled Muslim Board – from gaining state registration. This gives it a monopoly over Muslim activity and effectively bans any non-Hanafi Sunni Muslim communities from functioning.

All four of the Christian books banned in Astana in February were already on the Shortandy District Administration website list, Forum 18 notes.

Saule Kusenova of Shortandy District Administration's Internal Policy Department – which oversees religious activity as part of its official tasks – said that Akmola Regional Religious Affairs Department gave them the list in late 2015 for publication. She told Forum 18 on 16 March that she was unable to explain whether items on the list were therefore banned or not.

An official of Akmola Regional Religious Affairs Department told Forum 18 the same day that such lists are produced and distributed by the Religious Affairs Committee in Astana

"so that people don't use" such literature. "People shouldn't read or use it," the official – who would not give his name – insisted. "If it is on the list it is banned."

No one at the Religious Affairs Committee in Astana was prepared to explain to Forum 18 whether the publications on the Shortandy District Administration website list but not on the General Prosecutor's Office list are also banned and, if so, when and where they were banned.

Secret police-commissioned "expert" analysis

On 14 August 2015, KNB secret police and ordinary police seized Christian materials from the Astana home of Adventist Kabduakasov. Many of the materials touched on Christianity and Christians and their relationship to Islam.

KNB secret police Investigator Nurlan Belesov sent the 47 books, discs and flash drives on 24 August 2015 for a "complex judicial psychological/philological expert analysis" to the Justice Ministry's Central Institute of Judicial Expert Analysis in Astana. The 29-page analysis (seen by Forum 18) – by Sholpan Sisimbayeva of the Centre and Roza Akbarova, nominated by the KNB secret police – was completed on 7 September 2015.

Sisimbayeva and Akbarova concluded that some of the items (including the four works subsequently banned) "contain expressions of the exclusivity and superiority of Christianity over Islam". Some also "contain features of inter-ethnic and religious hatred and discord, as well as expressions of the superiority of the Christian religion and the inadequacy of the Islamic religion". The four books subsequently banned also "contain propaganda for the subversion of state security, inter-confessional and inter-ethnic accord and social/political stability".

Court bans as "extremist"

On 27 January, Astana City Prosecutor's Office brought a suit to the city's Esil District Court to ban four of Kabduakasov's Christian books as "extremist". The four books were: "Worthy Answers" by two local Protestants, Galymzhan Tanatgan and Zhomart Temir (in Kazakh and in Russian translation); "Share Your Faith with a Muslim" by the late British Brethren author and former missionary to Algeria Charles Marsh (in Russian translation); "Called to the Great Commission" by local Protestant Kanat Oryntai uuli (in Russian); and "The History of Christianity in Central Asia and Kazakhstan" by local Protestant Manarbek Baieke (in Kazakh and in Russian translation).

Joining the Prosecutor's Office in court proceedings were the Religious Affairs Committee, the Interior Ministry, the Finance Ministry's State Income Committee and the Investment and Development Ministry's Communications, Informatisation and Information Committee. Bektyrsin Mirzabayev and Asel Kuzembayeva represented the Religious Affairs Committee in court and E. Mambetov the Interior Ministry.

On 15 February, Judge Zaure Zholamanova of Esil District Court accepted the Prosecutor's suit and banned the import, publication or distribution of the four books in Kazakhstan. "The decision is subject to immediate fulfilment," according to the court decision seen by Forum 18. The decision claims the hearing was open, but because it was not publicised in advance those unhappy at the suit did not know it was taking place and could not therefore attend.

The telephone of Judge Zholamanova went unanswered each time Forum 18 called on 15 and 16 March.

The General Prosecutor's Office added the four books to its list of banned religious materials on about 16 March.

"I knew nothing about the case"

The publishers of the four books – Litera-M in the case of "Worthy Answers" and "The History of Christianity in Central Asia and Kazakhstan", and the German Protestant mission Friedensstimme in the case of "Share Your Faith with a Muslim" – were not informed of the suit either before or after the case was heard, Friedensstimme mission told Forum 18 on 15 March. Nor were the authors who are still alive.

"I knew nothing about the case until the court decision came into force on 15 March," Pastor Baieke complained to Forum 18 on 16 March. "The court authorities did not inform me. So I have not been given the chance to appeal."

Pastor Baieke insisted that his book is not extremist "and does not even contain a hint of extremism". "They concocted all this out of thin air," he added. "They accused me in a one-sided way without the chance to respond." He fears the authorities may use the book ban as a reason to arrest him.

"Experts work in accordance with the law"?

Lyazzat Kalybekova, a colleague of Mirzabayev and Kuzembayeva at the Religious Affairs Committee in Astana, defended the process of banning religious books through the courts. "If material violates the law we prepare an expert analysis and a court takes a decision on this basis," she insisted to Forum 18 from Astana on 15 March. "Experts work in accordance with the law."

Asked why the four Christian books were banned when local Christians insist they contain nothing that incites hostility or violence in relation to other people of any faith or none, Kalybekova said she was not involved in the case.

Warning follows court ban

Following the Astana ban on the four Christian books, Internal Policy Departments of District Administrations in at least some parts of the country wrote to local leaders of registered religious organisations to inform them of the 15 February court ban on the four books, according to letters seen by Forum 18. The letter also reminded the religious leaders of two earlier court-ordered bans on Christian books.

In November 2012 an Almaty court banned the Russian translation of "Healing the Broken Family of Abraham" by American Protestant Don McCurry. In November 2014 an Akmola Region court banned the Russian translation of "Jesus: More than a Prophet", a collection of essays by 15 Muslims who became Christians, edited by Richard Wootton.

"In the light of the above [the ban on the six named books], we ask you - in the event of the presence of the given extremist materials – to hand them in voluntarily and not to use them in religious activity," declares a 9 March letter (seen by Forum 18) to all local religious leaders from Sultan Zharkynbekov, head of the Internal Policy Department of Ile District of Almaty Region.

Zharkynbekov was not available when Forum 18 called on 15 March. However, Department specialist Olzhas (who did not give his last name) said that he had drafted the letter for Zharkynbekov. Asked who religious leaders were supposed to hand in these "extremist" books to, Olzhas responded: "To us. Then we'll hand them on to the competent organs." Despite repeated requests he refused to identify which "competent organs" he had in mind.

Olzhas admitted that not one copy of any of these books has been handed in since the letter was sent. "All the leaders came to us and said: we don't have these books," he told Forum 18. He declined to say what would happen to any individual or community which had any of these books.

Asked whether banning religious books on such grounds was right, Olzhas responded: "I didn't ban them, the court did."

Other warnings

Letters outlining the ban on the six named Christian publications are not the only official warnings issued to leaders of registered religious communities. Written warnings from several official agencies of Almaty Region were issued in early 2016 (and seen by Forum 18).

On 5 March, the head of Almaty Regional Religious Affairs Department Tanyrbergen Kasymbekerbayev wrote to all religious leaders warning them to abide by the Religion Law and not to violate Administrative Code Article 490 (which punishes violations of the Religion Law, such as by talking about your faith to others in public and distribution of religious literature in an unapproved location or which has not undergone the state censorship).

Chief Specialist Mukhtar Tundebayev, who drafted the letter on behalf of Kasymbekerbayev, said the letter was necessary "because violations of the Religion Law occur". "Some people who violate the law then claim they don't know about it or what it says," he insisted to Forum 18 from Taldykorgan on 15 March.

Responding to concerns Forum 18 has heard from religious leaders that such letters characterise religious believers as suspicious and potential law-breakers, Tundebayev dismissed such concerns. "We're simply reminding people of the law. We only write such letters maybe once a year."

Tundebayev told Forum 18 that he was not aware of the February court ban on four Christian books.

Court challenges to Religious Affairs Committee literature bans fail – as usual

Jehovah's Witnesses have repeatedly tried to challenge through the courts Religious Affairs Committee bans on books, brochures or specific issues of their magazines. However, courts repeatedly refuse to hear such challenges, often on procedural grounds.

On 25 August 2015, the Religious Affairs Committee in Astana rejected a Jehovah's Witness request to be allowed to import the brochure "Good News From God!" in Uyghur, a language spoken by hundreds of thousands of people in Kazakhstan.

On 15 January 2016, Astana's Specialised Interdistrict Economic Court rejected the Jehovah's Witness suit against the Religious Affairs Committee, which had complained that the rejection of the import had been unjustified and violated the right to freedom of religion or belief. On 10 March, Judge Sayran Alimbayeva of Astana City Court rejected the Jehovah's Witnesses' challenge to that refusal to hear the suit, according to the decision seen by Forum 18.

On 22 August 2015, the Religious Affairs Committee in Astana rejected Jehovah's Witness requests to be allowed to import Russian translations of the books "What Does the Bible Really Teach?" and "Keep Yourselves in God's Love". On 22 September 2015, the Religious Affairs Committee rejected requests to import the 15 November 2015 issue

of "Watchtower" magazine in Kazakh and Russian, and the November 2015 issue of the magazine "Awake!" in Russian.

"Experts" appointed by the Religious Affairs Committee had given negative assessments of these works because of "the failure of certain assertions in the imported literature to accord with the norms of Kazakhstan's laws on the health of the nation, as well as the norms of morals and morality accepted in society, in particular the expression in the brochures of the idea of the superiority of the religious teaching of Jehovah's Witnesses to the detriment of other religions". The "experts" claimed this could cause division in families and society and upset people's feelings.

On 29 February, Judge Asiya Doshchanova of Astana's Specialised Interdistrict Economic Court rejected the Jehovah's Witness suit against the Religious Affairs Committee, according to the decision seen by Forum 18.

Jehovah's Witnesses complained in court that the import bans had violated their Constitutional rights to use the religious literature in their communities. However, the Religious Affairs Committee – represented in court by Kalybekova, as well as by Ainur Chigirova and A. Turtbayev of its Legal Department – denied that the bans violated Jehovah's Witness communities' Constitutional rights. The Judge agreed with the Religious Affairs Committee officials and dismissed the suit.

During the court hearing, the Religious Affairs Committee officials took the opportunity to warn Jehovah's Witnesses not to discuss their faith or offer their literature "in locations not approved by law".

Kalybekova insisted to Forum 18 that the "expert" analyses and the court had not declared the banned Jehovah's Witness literature "extremist". Asked how the literature could harm anyone, she was unable to say. Asked if it had incited murder, she responded: "No." But she absolutely refused to discuss its content further, referring Forum 18 to the "expert" analyses. Asked for copies of them, she referred Forum 18 to Jehovah's Witnesses themselves. "We shared the decision and reasons for it with them."

Chigirova of the Legal Department said that she had no responsibility for the legality of the bans on the import of the literature. "I merely defended the interests of the Religious Affairs Committee in court," she told Forum 18 on 15 March.

Crossword books, but no religious literature in prison

Forum 18 (09.03.2016) - <http://bit.ly/1S6yJ7v> - Prisoners are allowed to have crossword books, but no religious literature, a relative of one of the five Sunni Muslim prisoners of conscience held in Kazakhstan's capital Astana complained to Forum 18 News Service. "I asked the guards if I could bring a Koran. They said religious books, as well as political books, are not allowed." The relative also complained that the men had their beards shaved off and their religious head coverings taken from them. The duty officer at Astana's Interior Ministry Investigation Prison, where the five are held, claimed to Forum 18 that religious books are allowed, provided they are checked and stamped by the KNB secret police. A relative of another Sunni Muslim prisoner of conscience, Saken Tulbayev, complained to Forum 18 of restrictions in labour camp in Pavlodar. "If he prays they beat him. He can only pray to himself without anyone observing."

Relatives of five Sunni Muslim prisoners of conscience held in Kazakhstan's capital Astana have complained to Forum 18 News Service that they are being denied the Koran and other religious literature, have had their beards shaved off and are not allowed to wear clothing they regard as matching their religious faith. Similar complaints have come from

a relative of another Sunni Muslim prisoner of conscience, who told Forum 18 he is beaten if he tries to pray in his prison in Pavlodar.

All six prisoners of conscience were handed prison terms for alleged membership of the Tabligh Jamaat Muslim missionary movement. Tabligh Jamaat was banned as "extremist" in Kazakhstan by an Astana court in February 2013.

The five Astana prisoners of conscience were finally transferred from the city's National Security Committee (KNB) secret police Investigation Prison to the city's Interior Ministry Investigation Prison on 29 February, a relative told Forum 18. The five prisoners of conscience have lodged appeals against their convictions (see below).

Meanwhile, another trial of three Sunni Muslims – similarly alleged to be Tabligh Jamaat members – continues in Karaganda [Qaraghandy]. The next hearing is due at 2:30 pm on 15 March, according to court records (see below).

The criminal case against an Astana-based legal expert, who gave legal advice to the five Sunni Muslims convicted in the city in February, has still not been completed. He has been held in the city's KNB secret police Investigation Prison since November 2015 (see below).

Prosecutions also continue under the Administrative Code to punish individuals for exercising their right to freedom of religion or belief. A Jehovah's Witness fined for talking to others of his faith failed to overturn the fine on appeal in February (see below).

"Everyone is afraid"

Of the 29 Sunni Muslims known to have faced criminal cases since December 2014 for alleged Tabligh Jamaat membership, 13 were given prison terms as prisoners of conscience, 12 were given sentences of restricted freedom, 3 remain on trial and one in pre-trial imprisonment.

The widespread criminal prosecutions of Sunni Muslims have caused fears among others, especially relatives and close friends of those convicted, that they too could face similar imprisonment.

"Everyone is afraid," one Muslim told Forum 18 on 5 March. "They see that innocent people are being arrested, people who simply called others to be faithful to God. These people did nothing wrong. They didn't even get involved in politics."

Astana prisoners of conscience transferred

On 18 February Judge Umsyn Mukhangaliyeva at Astana's Saryarka District Court No. 2 sentenced 38-year-old Bolatbek Kozhageldinov, 36-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev to two years' imprisonment each in an ordinary regime labour camp. All were convicted of alleged Tabligh Jamaat membership under Criminal Code Article 405, Part 1.

Judge Mukhangaliyeva convicted the fifth defendant, 31-year-old Khalambakhi Khalym, under both Article 405, Part 2 and Article 164, Part 1 (the equivalent of Article 174, Part 1 in the current Criminal Code). She handed him a two and a half year prison term in an ordinary regime labour camp.

Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six

years' imprisonment. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

Article 174, Part 1 punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years or restricted freedom for the same period.

The Judge finally issued the 30-page written verdict, seen by Forum 18, on 26 February. The verdict notes that the prison terms are deemed to run from the date of the men's arrests in September 2015. The men are each required to pay procedural fees of 26,240 Tenge (650 Norwegian Kroner, 70 Euros or 75 US Dollars).

All five men lodged appeals against their convictions to Astana City Court on 4 March, relatives of several of the men told Forum 18. No date is yet listed for the appeal to be heard.

Prison with no religious literature

Following their September 2015 arrests, the five prisoners of conscience spent just over five months in KNB secret police imprisonment – including their time on trial - before being transferred to the Interior Ministry prison on 29 February 2016.

"The five men will be there while their appeal is heard. They had their beards shaved off and their religious head coverings taken from them," the relative complained.

The prisoners of conscience are not allowed the Koran or other religious books. "I asked the guards if I could bring a Koran," the relative added. "They said religious books, as well as political books, are not allowed. Only crosswords and ordinary newspapers and magazines, as long as they contain no politics."

The relative also tried to hand in miswak, twigs for cleaning teeth which the prisoners regard as being in accord with Islamic hygienic jurisprudence as advocated in the hadith (sayings attributed to the Muslim prophet Muhammad). This too was refused.

The duty officer at the Interior Ministry Investigation Prison insisted that prisoners are not denied religious books. "But they must be checked and must be stamped [as approved] by the Department," he told Forum 18 from the prison on 9 March. "We have a special operational officer who handles this." Asked which Department has to give its approval, the duty officer eventually said it was the KNB secret police. He confirmed that only religious books are subjected to such controls.

Asked why prisoners have had their beards shaved and their religious head coverings taken away, the duty officer put the phone down.

The prison address of the five prisoners of conscience is:

Kazakhstan
SI-12 (ETs 166/1)
Alash Tas Zhol street 30/1
010000 Astana

Thinner, but "no complaints"

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov has got thinner during his imprisonment. "But he has no complaints about his conditions and there are no restrictions on the part of the camp administration," his Pastor Andrei Teteryuk told Forum 18 on 3 March.

Kabduakasov is serving a two-year prison sentence on charges of inciting religious hatred, charges he denies. He is preparing to lodge a final appeal to the Supreme Court.

Kabduakasov was transferred to a labour camp in Pavlodar in late January. The ordinary regime camp is located in the city's northern industrial zone (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

Kabduakasov's prison address:

Kazakhstan
140000 g. Pavlodar
Severnaya promyshlennaya zona
Uchr. AP-162/3, 4 otryad
Kabduakasovu Yklasu Kairullinovichu

Two prisoners of conscience in one prison

Kabduakasov's transfer to the Pavlodar ordinary regime labour camp means he is being held in the same prison as prisoner of conscience Saken Tulbayev, punished for alleged Tabligh Jamaat membership.

Tulbayev was sentenced in July 2015 to four years eight months jail in a labour camp and banned from exercising freedom of religion or belief from his scheduled December 2019 release until December 2022.

"Saken is not allowed the Koran there and not allowed to pray – it's banned there," a relative told Forum 18 on 9 March. "If he prays they beat him. He can only pray to himself without anyone observing." The relative added that Tulbayev wants to be transferred back to his home town of Almaty "because of the harsh conditions in Pavlodar".

Tulbayev's prison address:

Kazakhstan
140000 g. Pavlodar
Severnaya promyshlennaya zona
Uchr. AP-162/3
Tulbayevu Sakenu Peisenovichu

Denials of religious literature, beard shaving standard punishments

The United Nations Standard Minimum Rules for the Treatment of Prisoners (as adopted unanimously by the UN General Assembly in revised form on 17 December 2015 and known as the Mandela Rules, A/C.3/70/L.3) require governments to respect the religious freedom and other human rights of prisoners.

"So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination", Rule 66 notes.

Rule 65 of the Standard Minimum Rules requires prisons to allow communal religious observance led by a "qualified representative" of that faith and private visits to prisoners by such representatives at individual prisoners' request.

Denials of the Koran and other Islamic literature, as well as the forcible shaving off of beards, appears to be a standard punishment imposed by the authorities on male Muslims jailed for exercising their freedom of religion or belief. In the case of prisoner of conscience Tulbayev, a prison Deputy Director in Almaty attempted to justify part of this punishment by claiming to Forum 18 that "even if it says Koran or Bible on the cover, maybe something else is written there".

Similar harsh treatment, and even the misuse of psychiatry, has been imposed by the authorities upon other prisoners of conscience jailed for exercising their freedom of religion or belief. Atheist writer Aleksandr Kharlamov and retired Presbyterian pastor Bakhytzhon Kashkumbayev were both as prisoners of conscience held against their will for over a month in a psychiatric hospital, and no evidence was ever produced that they needed psychiatric medical help. Kharlamov was also not allowed to wear glasses, stopping him from reading, or even have a toothbrush - allegedly on safety grounds. One doctor told Kharlamov that he had been sent to the psychiatric hospital "because you are an inconvenient person for the authorities".

Trial continues

The trial continued in Karaganda on 9 March of three Sunni Muslims accused of Tabligh Jamaat membership. It is due to resume on the afternoon of 15 March, according to court records.

"At the hearing the defence called for an imam to be called as an expert witness," Yuri Gusakov of the Karaganda branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the city. "The Judge didn't refuse, and the imam will testify on 15 March." He believes the trial is likely to conclude that day, with the verdicts being issued either at the end of the day or on the following day.

The criminal case against 38-year-old Bauyrzhan Serikov, 33-year-old Aidin Shakentayev and 33-year-old Murat Shopenov was initiated by the KNB secret police. The three were arrested in October 2015. Their trial began under Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court on 1 February 2016. All three men are being prosecuted under Criminal Code Article 405, Part 1.

The three prisoners of conscience remain in Karaganda's KNB secret police Investigation Prison while the trial continues. The address is:

Kazakhstan
SIZO KNB Karagandinskoi Oblasti
100000 g. Karaganda
Prospekt Bukha-Zhyrau 17

No trial date yet

The criminal case against Astana legal expert Murat Takaumov has still not been completed and presented to court, the chancellery of Astana's Saryarka District Court No. 2 told Forum 18 on 9 March. A case is being prepared against him under Criminal Code Article 405, Part 2.

Prosecutor Serik Ishchanov of Astana Prosecutor's Office supported the KNB secret police suit to have Takaumov held further at Astana's KNB secret police Investigation Prison at a hearing on 16 February. At the hearing Judge Malik Kaudinov extended Takaumov's pre-trial detention until 18 March. No further suit has been lodged to Saryarka District Court No. 2 to extend the detention period again, Judge Kaudinov's assistant told Forum 18 from the Court on 9 March.

On 9 March, Prosecutor Ishchanov refused absolutely to answer any of Forum 18's questions, including on when the criminal case is likely to be completed and handed to Saryarka District Court No. 2 for trial.

(Prosecutor Ishchanov also led the case in court against the five Sunni Muslim men).

Takaumov gave legal advice to the five Sunni Muslims convicted in Astana of Tabligh Jamaat membership in February. However, his wife Aynur has insisted that neither she nor her husband had any connection to the movement. Despite this, the KNB secret police arrested Takaumov in November 2015.

Takaumov's address at the KNB Investigation Prison:

Kazakhstan
SIZO KNB g. Astana
010003 Astana
Ul. Shyntas 2
Takaumovu Muratu Kazbekovichu

Administrative punishment for discussing religion

Prosecutions also continue under the Administrative Code to punish individuals for exercising their right to freedom of religion or belief. Punishments are often handed down to those who talk about their religious faith to others without having the compulsory personal licence as a "missionary". Also regularly punished are those who offer books on religion for sale without the compulsory state licence required to sell and religious books or materials.

On 25 January, Judge Torkaly Bektursunov of Ayirtau District Court in North Kazakhstan Region found 32-year-old Jehovah's Witness Viktor Shtrek guilty of talking to others about his faith under Article 490, Part 3. This 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 Monthly Financial Indicators (MFIs), with deportation if the individual is a foreign citizen.

Shtrek rejected any wrongdoing, insisting he had spoken to others of his faith from himself, not in the name of any religious organisation. The Judge fined him the prescribed 100 MFIs, 212,100 Tenge (5,200 Norwegian Kroner, 560 Euros or 615 US Dollars).

Shtrek appealed against the decision to North Kazakhstan Regional Court. At court hearings he insisted his rights to talk to others of his faith are protected under Article 20, Part 2 of Kazakhstan's Constitution (which guarantees freedom to give and to receive information) and Article 18 of the International Covenant on Civil and Political Rights.

However, on 26 February Judge Zhumabai Mukhamedzhan rejected Shtrek's arguments and upheld the original fine, according to the decision seen by Forum 18.

Bagdad Mukanova of North Kazakhstan Regional Religious Affairs Department refused to explain why Shtrek had been punished for exercising his right to freedom of religion or belief. "Such records of offences are prepared and sent to court by my colleague Bulat Omarov, but he is ill today," she told Forum 18 from Petropavl on 9 March. Asked if that meant Omarov was responsible for violating Shtrek's human rights, Mukanova laughed. She refused to answer any other questions.

Now 13 Sunni Muslim prisoners of conscience, 12 restricted freedom sentences over 15 months

Forum 18 (25.02.2016) - <http://bit.ly/1pIcm19> - Six more Sunni Muslims accused of membership of the Tabligh Jamaat Muslim missionary movement were convicted in two separate trials in Kazakhstan in February. Five men – who have been in secret police detention for five months – were given prison terms of up to two and a half years in the capital Astana on 18 February. The judge still has not issued the written verdicts, relatives complained to Forum 18 News Service. Two of the men have never seen their youngest children, born since their arrests. Another alleged Tabligh Jamaat member was given a term of two years' restricted freedom in nearby Akmola Region. The convictions bring to 25 the number of alleged members known to have been convicted since December 2015. Three more are on trial in Karaganda and one more in pre-trial detention in Astana.

Nearly five months after their arrests, five Sunni Muslims were handed prison terms of up to two and a half years in Kazakhstan's capital Astana on 18 February for alleged membership of the Tabligh Jamaat Muslim missionary movement, Forum 18 News Service has learned. The movement has been banned as "extremist" in Kazakhstan. The punishments came less than a week after another alleged Tabligh Jamaat member was given a term of two years' restricted freedom in nearby Akmola Region. All the cases were initiated by the National Security Committee (KNB) secret police.

These six February convictions bring to 25 the number of men known to have been given criminal convictions since December 2014 for alleged membership of Tabligh Jamaat. Thirteen of these were given prison terms as prisoners of conscience, the other 12 Muslims being given sentences of restricted freedom (see full list below).

Another criminal trial of three alleged Tabligh Jamaat members is due to resume in Karaganda on 2 March. And a legal expert, who helped those sentenced in Astana, has had his pre-trial detention at the city's KNB secret police Investigation Prison extended for a further month. His wife denies that the couple had any links with Tabligh Jamaat and insists that her husband had merely given legal assistance to those accused of membership (see below).

Tabligh Jamaat was banned as "extremist" in Kazakhstan by an Astana court in February 2013. Until the movement was banned, it used to send members on short-term missions to other towns and villages where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution.

Criminal charges, financial monitoring

Alleged Tabligh Jamaat members are prosecuted under Criminal Code Article 405. Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

Several alleged Tabligh Jamaat members have also been prosecuted under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years or restricted freedom for the same period.

In addition to criminal prosecution, several of the prisoners of conscience are known to be among nearly 500 individuals across Kazakhstan known to be under financial monitoring by the Financial Monitoring Committee of the Finance Ministry, according to Committee documents seen by Forum 18.

Secret police Investigator refuses comment - again

The criminal cases in the capital Astana and Akmola Region (the Region surrounding Astana) were initiated by KNB secret police Investigator Nurlan Belesov. He also initiated the criminal case against Seventh-day Adventist Yklas Kabduakasov. He is serving a two-year prison term for alleged incitement of religious hatred while talking to others of his faith, charges he and his fellow Church members reject. He was transferred in late January to a general regime labour camp in Pavlodar.

Reached on 19 February and again on 25 February, KNB secret police Investigator Belesov put the phone down as soon as Forum 18 introduced itself and began to ask about the prosecution of prisoners of conscience who had been exercising their right to freedom of religion or belief. Belesov had earlier refused to discuss the cases with Forum 18.

Five Astana prison terms

On 18 February, at the end of their long-running criminal trial in Astana's Saryarka District Court No. 2, five alleged Tabligh Jamaat members were convicted and given prison terms. As is normal in many courts in the country, during the trial the five men were locked in a cage in the courtroom. During later hearings, the men were guarded by armed men wearing masks and bulletproof jackets. "Maybe they wanted to frighten those present," relatives of the defendants complained to Forum 18.

Judge Umsyn Mukhangaliyeva sentenced 38-year-old Bolatbek Kozhageldinov, 36-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev to two years' imprisonment each in an ordinary regime labour camp. All were convicted under Criminal Code Article 405, Part 1.

Judge Mukhangaliyeva convicted the fifth defendant, 31-year-old Khalambakhi Khalym, under both Article 405, Part 2 and Article 164, Part 1 (the equivalent of Article 174, Part 1 in the current Criminal Code). She handed him a two and a half year prison term in an ordinary regime labour camp.

The Prosecutor had called on the Judge to punish Khalym with a five-year prison sentence and the other four defendants with a four-year prison term each.

"When the sentences were read out, one of those convicted thanked God with the words 'Alhamdulillah' ["Praise be to God" in Arabic]," Ruslan Botayuli of Radio Free Europe's Kazakh Service noted the same day. "About a dozen women in the courtroom wept."

As of the end of the working day in Astana on 25 February, Judge Mukhangaliyeva had still not issued the written verdicts, several relatives of the convicted prisoners of conscience complained to Forum 18.

The trial had begun on 22 January and the verdicts were handed down at the eighth hearing in the case.

The five prisoners of conscience remain in Astana's KNB secret police Investigation Prison, where they have been held since September 2015.

Tyulyubayev "didn't do any of this"

A relative of Tyulyubayev – who attended court hearings – rejected accusations that he had opposed the state, called for the establishment of an Islamic-ruled state or incited hostility to people of other faiths, as the prosecutor alleged of Tabligh Jamaat members in court. "He didn't do any of this, and nor did any of the others," the relative told Forum 18 on 13 February, before the Judge had reached her verdict. "The case materials contain no proof that any of them were involved in this."

The relative pointed out that Tyulyubayev "had given his own daughter in marriage to an ethnic Russian man from a Christian family".

"My husband has never seen his youngest son"

Zeynep Mukhatayeva, Nuradilov's wife, told Forum 18 that the couple have six children, ranging in age from seven to two months. "My husband has never seen his youngest son," she complained to Forum 18 on 23 February. "I have been able to visit my husband once in the KNB prison, but they refused to allow me to bring any of my children. The second time I got permission for a visit I wasn't allowed in."

Mukhatayeva lamented that the state-appointed lawyer for Nuradilov was "not very helpful" and did not defend him properly. She added that as soon as a written verdict is issued her husband will appeal against the conviction.

Similarly, Khalym has not yet seen his youngest daughter, born prematurely at 35 weeks the day after the police and secret police raided his home and arrested him on 22 September 2015.

"His wife was able to take the two eldest children when she was allowed a visit to her husband in the KNB prison on 22 January," a relative told Forum 18. "The family were allowed only to see Khalambakhi through the glass window, even though the children pleaded to be allowed to hold their father. The children were crying, Khalambakhi was crying. This had a strong impact on all of them. The children are waiting for their father to come home."

Tselinograd restricted freedom sentence

In a criminal case also initiated by Astana KNB secret police Investigator Belesov, Sunni Muslim Serik Seitzhapparov has been convicted of Tabligh Jamaat membership under Criminal Code Article 405, Part 2.

At the end of his long-running trial on 12 February at Tselinograd District Court of Akmola Region, Judge Tolegen Turgambayev sentenced Seitzhapparov to two years' restricted freedom, his friends told Forum 18 on 22 February.

Judge Turgambayev's assistant confirmed that Seitzhapparov had been sentenced but declined to discuss the sentence itself. She declined to put Forum 18 through on 24 February to Judge Turgambayev.

Typically, during sentences of restricted freedom individuals live at home, but are not able to leave their town or city without seeking permission. They are often also banned from visiting restaurants, cafes or places of public entertainment. Forum 218 has been

unable to find out what specific restrictions Judge Turgambayev imposed on Seitzhaparov.

Seitzhaparov's trial began on 23 December 2015, with six hearings in all, according to court materials.

Unlike the Sunni Muslim prisoners of conscience in Astana and Karaganda, who spent months in pre-trial detention, Seitzhaparov was not arrested. Instead he had to sign a declaration that he would not leave his home town while the investigation and trial proceeded.

On 1 February, Seitzhaparov had been summoned to the trial of the five men in Astana to testify as a witness (see above).

Karaganda trial continues

The eighth hearing in the criminal trial of three alleged Tabligh Jamaat members in Karaganda was held on 25 February. The trial is set to continue at 11 am on 2 March, according to court materials. The Judge's secretary refused to give Forum 18 any information on the trial after the 25 February hearing.

The trial of three Sunni Muslim prisoners of conscience – 38-year-old Bauyrzhan Serikov, 33-year-old Aidin Shakentayev and 33-year-old Murat Shopenov – began under Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court on 1 February. All three men are being prosecuted under Criminal Code Article 405, Part 1.

The three prisoners of conscience remain in Karaganda's KNB secret police Investigation Prison while the trial continues.

Pre-trial detention extended

A legal advisor to the five Sunni Muslims sentenced in Astana, Murat Takaumov, is himself still imprisoned under investigation on accusations of Tabligh Jamaat membership. He too is facing trial under Criminal Code Article 405, Part 2.

The 31-year-old Takaumov, who is married with four young children, was arrested on 18 November 2015. Like the other Astana Sunni Muslim prisoners, he has been held at Astana's KNB secret police Investigation Prison. At the request of KNB secret police Investigator Belesov, Astana's Saryarka District Court No. 2 ruled two days later that he should be held in two months' pre-trial detention. The same court extended the pre-trial detention for a further month on 14 January 2016.

On 16 February, Judge Malik Kaudinov of Saryarka District Court No. 2 ordered that Takaumov's period of pre-trial detention be extended for a further month, until 18 March, the Judge's assistant told Forum 18 from the Court on 22 February. The request came once again from KNB secret police Investigator Belesov, she added.

Investigator Belesov handed over the case to Kanatzhan Kamalbek, of Astana City Prosecutor's Office, to take to court. The telephone of Prosecutor Kamalbek went unanswered each time Forum 18 called between 20 and 24 February.

Takaumov's wife Aynur insisted to Madi Bekmaganbetov of Radio Free Europe's Kazakh Service on 23 February that neither she nor her husband had any connection to Tabligh Jamaat. She said they had prayed at the mosque together with the five men convicted in Astana and knew them from that. "My husband runs a company and they received legal advice from him," she added. "After their arrest they sought his help once or twice on how to complete a statement."

Aynur said her husband had gone to the KNB secret police prison with relatives of those arrested. "One day they released the relatives of those arrested, but arrested my husband."

"I represent several individuals similarly accused of Tabligh Jamaat membership," Takaumov's lawyer, Serik Nurlybayev, told Bekmaganbetov of Radio Free Europe on 23 February. "You get the feeling that all these cases are copied one to the next." On 18 February, the Investigator told Nurlybayev that the case was being completed. "Since then he has not responded to phone calls," the lawyer lamented.

The chancellery of Saryarka District Court No. 2 told Forum 18 on 25 February that the criminal case against Takaumov has not yet reached the court for trial.

As he awaits trial, Takaumov remains in Astana's KNB secret police Investigation Prison, the same prison where the five convicted prisoners of conscience convicted on 18 February are still being held.

- Thirteen known Tabligh Jamaat prisoners of conscience

Thirteen known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhan Rashidovich Turashov; born 24 April 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.

2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).

4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).

7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months'

imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release .

8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.

9. Erbolat Kabzakievich Omarbekov; born 10 July 1971; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

10. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

11. Khalambakhi Khalym; born 12 August 1984; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment.

12. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

13. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

- Twelve known Tabligh Jamaat restricted freedom sentences

Twelve known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

7. Serik Baimanovich Oтынshyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

12. Serik Amangeldinovich Seitzhapparov; born 7 March 1984; sentenced 12 February 2016 Tselinograd District Court, Akmola Region; Article 405, Part 2; 2 years' restricted freedom.

- Three alleged Tabligh Jamaat members known to be on trial

Three alleged members of Tabligh Jamaat are on criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category gives their: name; date of birth; first pre-trial detention order date and court; Criminal Code Article they are being investigated under; initial pre-trial detention period; and place of pre-trial detention.

1. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison.

2. Aidin Zufukarovich Shakentayev; born 15 August 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison.

3. Murat Askarovich Shopenov; born 15 November 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison.

- One alleged Tabligh Jamaat member known to be jailed awaiting trial

One alleged member of Tabligh Jamaat is detained as a prisoner of conscience awaiting criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category gives his: name; date of birth; first pre-trial detention order date and court; Criminal Code Article he is being investigated under; initial pre-trial detention period; and place of pre-trial detention.

1. Murat Kazbekovich Takaumov; born 14 November 1984; first ordered detained 20 November 2015 Astana's Saryarka District Court No. 2; Article 405, Part 2; 2 months' initial detention; Astana KNB Investigation Prison.

"What were they afraid of? We didn't take anyone away"

Forum 18 (08.02.2016) - <http://bit.ly/1ZsI92f> - Anti-"Extremism, Separatism and Terrorism" police Lieutenant Colonel Rashid Kuandikov, who led a January raid on a Protestant meeting in Aktau in Kazakhstan, has dismissed witness statements that officers deliberately insulted and intimidated people, including children. "What were they afraid of? We didn't take anyone away," he told Forum 18 News Service. He also denied

that police pressure on an Indian and two Azerbaijanis present was racism. And in December 2015, two female Jehovah's Witnesses failed to overturn large fines for talking to a passer-by on the streets about their faith. One of those fined, Nadezhda Chesnokova, was a 74-year-old pensioner. Two booksellers are known to have been fined in the southern city of Kyzylorda in 2015 for selling the Koran and other books on Islam, Christianity and Judaism. Farabi Uzakov of Kyzylorda Prosecutor's Office, asked how punishing people for exercising their freedoms of expression and of religion or belief accord with Kazakhstan's international human obligations, replied: "I don't understand what obligations you are talking about".

Anti-"Extremism, Separatism and Terrorism" police Lieutenant Colonel Rashid Kuandikov, who led a 30 January raid on a Protestant meeting for worship in Kazakhstan's Caspian Sea port of Aktau [Aktau], dismissed statements from those present that officers deliberately insulting and intimidated people, including children. "What were they afraid of? We didn't take anyone away," he told Forum 18 News Service from the city on 8 February. He said police raided the Church because they had heard foreigners were present. He denied that police pressure on an Indian and two Azerbaijanis present at the meeting was racism (see below).

And in December 2015, two female Jehovah's Witnesses failed to overturn large fines handed down to punish them for talking to a passer-by on the streets about their faith. One of those fined, Nadezhda Chesnokova, was a 74-year-old pensioner (see below).

Meanwhile, people who sell religious books without the compulsory state licences for selling religious literature continue to face prosecution. Two booksellers are known to have been fined in the southern city of Kyzylorda in 2015 for selling the Koran and other books on Islam, Christianity and Judaism (see below).

Three criminal trials – in Astana, Karaganda and Akmola Region - are continuing against Sunni Muslims accused of membership of the banned Muslim missionary movement Tabligh Jamaat (see below).

Exercising freedom of religion or belief is dangerous

Officials at many levels continue to use rhetoric that implies that exercising freedom of religion or belief is dangerous and allegedly linked to "extremism". Lectures and seminars are frequently held to promote this message. For example, in December 2015 simulated criminal and administrative prosecutions of individuals exercising the right to freedom of religion or belief were held for students in East Kazakhstan Region.

Raid

On the evening of 30 January 2016, at least seven police officers raided New Life Pentecostal Church in the Caspian Sea port of Aktau as it met for worship in a rented cafe, Church members told Forum 18. The raid was led by Lieutenant Colonel Rashid Kuandikov, head of the police Department for the Struggle against Extremism, Separatism and Terrorism.

New Life Church has been repeatedly targeted by the authorities, including previous raids by police Struggle against Extremism, Separatism and Terrorism officers, questions and threats against Church members and attempts to recruit a spy from amongst them.

On 30 January 2016 police – against Kazakh law - refused to show a search warrant, or a warrant permitting them to film those present. At first police also refused to show their identity documents, although six eventually did after Church members' insistent demands.

As soon as they arrived to break up the meeting one officer – Bekzat Urbisinov - began filming those present, despite the complaints from Church members. One officer – named only as Kairat – stood at the lectern at the front next to the pastor, chewing gum and watching Church members as they prayed.

Foreigners targeted

While other officers started demanding that those present write statements, Lieutenant Colonel Kuandikov took Pastor Maksim Tashenov into the foyer to ask if any foreign citizens were present. Pastor Tashenov responded that there were, as the Religion Law allows foreign citizens to attend religious services.

The officer identified as Kairat had already identified one of those present – an Indian who works legally in Aktau for a foreign company – as a foreign citizen. "Kairat was pressuring the Indian citizen psychologically," Church members stated, "trying to force him to write a statement stating why he was present and what he was doing." Kairat subjected to crude insults other Church members who tried to defend the Indian.

Pastor Tashenov explained to Lieutenant Colonel Kuandikov that as well as the Indian citizen, two invited pastors were present from Azerbaijan, Rasim Khalilov and Igor Galushko of Word of Life Church. New Life Church had lodged applications for permission for the two pastors to conduct "missionary" activity in Aktau to Mangistau Region Religious Affairs Department on 19 November 2015. "Religious Affairs Department officials had assured us firmly that we would get this permission on Friday 29 January 2016," Pastor Tashenov told the officer.

However, as Pastor Tashenov told Lieutenant Colonel Kuandikov, the Department had failed to issue the permission as they had promised. They had also failed to process the applications within the 30 days specified in procedures.

Children, old people, deliberately frightened by police

"All this time officers were moving around the hall, demanding statements from those present as to why they were there," Church members stated. "Noise was intense. Children who had come with their parents to the service were intimidated and frightened. Old people were also frightened. They treated us like bandits."

Officers also demanded statements from Pastor Tashenov and Pastor Khalilov, threatening to take them to the police station and force them to give statements if they refused.

"For an hour and a half we stood our ground, defending our rights to religious freedom and countering crudeness, threats and pressure officers were imposing on us," Church members noted. "Believers were cowed, many suffered shock, children were scared, our Indian Church member was intimidated, not understanding what was going on." One four-year-old child asked their parents whether the police were going to take them all away.

Lieutenant Colonel Kuandikov demanded that Pastor Tashenov and Pastor Khalilov come to the police on 1 February with the Church's documents and statements from parents allowing their children to be present at a religious meeting. Officials have refused to explain their delays, or discuss whether they tipped police off (see below).

As the officers left, Church members observed that other police officers on the street were laughing at how the officers had succeeded in frightening those present.

Bullying of children by police has often happened during raids.

"What were they afraid of? We didn't take anyone away"

Lieutenant Colonel Kuandikov dismissed Church members' statements about the raid. "We didn't threaten anyone," he claimed to Forum 18 from Aktau on 5 February. "We committed no violations. It was all in accordance with the law." Told that Church members stated that they were frightened during the raid, he responded: "What were they afraid of? We didn't take anyone away."

Asked why police had raided a meeting for worship, He said they had received information (he refused to say where from) that foreigners were present at the meeting. "We had to take statements from those present to find out that the foreigners were not leading the meeting. When we found out they had not, we left."

All religious or belief communities are thought to be under surveillance by the ordinary police and KNB secret police.

Racism?

Asked why officers had singled out the Indian citizen for attention which he found intimidating, and whether this constituted racism, Lieutenant Colonel Kuandikov denied it. "There was no racism," he claimed to Forum 18.

Asked why whether foreign citizens are or are not present at a religious meeting is a matter for the police Department for the Struggle against Extremism, Separatism and Terrorism – or any other branch of the police - Lieutenant Colonel Kuandikov insisted that the law requires them to make enquiries.

Asked why one of the officers had filmed those present against the express wishes of Church members, Lieutenant Colonel Kuandikov responded: "We have to film to make sure nothing wrong is done either by those present or by the police." He added that the film will be kept in the operational files.

Lieutenant Colonel Kuandikov told Forum 18 that no cases under the Criminal Code or Cod of Administrative Offences will follow the raid.

Another of the police officers involved in the raid – Captain Baurzhan Aibekov of Aktau's 11th microdistrict, where the Church meeting was held – similarly denied that officers had intimidated Church members during the raid. "No one was intimidated, no one was insulted," he insisted to Forum 18 from Aktau on 4 February. "We just checked up on what was happening."

Why did officials not process "missionary" permission application?

Esenali Isa of Mangistau Region Religious Affairs Department denied that his Department had failed to process New Life Church's applications for missionary permission for the two Azerbaijani pastors. "We process such documents in accordance with the law," he told Forum 18 from Aktau on 5 February. "We sent the documents for an 'expert' analysis."

"Missionary" activity is broadly defined and requires state permission to take place, can only take place in state-defined areas, and requires state censorship of all materials used.

Told that the law requires that such applications be processed within 30 days, he repeated his earlier response.

Isa refused to say if his Department had told the police that foreign citizens were likely to be present at the 30 January meeting.

The telephone of Religious Affairs Department head Erlan Esbergenov went unanswered each time Forum 18 called on 5 and 8 February.

Fined for talking about religion

Two Jehovah's Witnesses – Nadezhda Chesnokova (a 74-year-old pensioner) and Olga Mishina – failed to overturn fines handed down in East Kazakhstan Region to punish them for talking to a man on the street about their faith.

On 19 August 2015 Chesnokova and Mishina discussed their faith with a passer-by on the street in the regional capital Oskemen. They also showed him a Jehovah's Witness booklet "An Introduction to God's Word". The man later phoned the police to complain that the two women were conducting "illegal" missionary activity, according to the subsequent court decisions seen by Forum 18. Police confiscated the booklet from the two women.

An "expert" analysis a week later confirmed that the booklet did not contain "extremist" ideas. On 18 September 2015 potential prosecutions under Criminal Code Article 405, Part 1 were abandoned "because of the lack of a crime".

Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment.

The Regional Religious Affairs Department confirmed on 20 October 2015 that neither woman has the compulsory state permission required for individuals who conduct "missionary" activity.

On 26 October 2015, records of administrative offences were drawn up against Chesnokova and Mishina under Administrative Code Article 490, Part 3. This 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 Monthly Financial Indicators (MFIs), with deportation if the individual is a foreign citizen.

100 MFIs is more than nine months' official minimum wage.

On 16 November 2015, Judge Nazgulya Abdualiyeva of Oskemen Specialised Administrative Court fined Chesnokova 100 MFIs, then set at 198,200 Tenge. Although the court decision notes that mitigating factors in setting the penalty are that Chesnokova is a pensioner and has not been sentenced before, Judge Abdualiyeva did not reduce the fine.

In a separate hearing the same day, the same Judge also fined Mishina 100 MFIs.

The Judge ordered the booklet confiscated from the women to be handed to the local Jehovah's Witness community.

Chesnokova and Mishina – who both denied committing any offence – appealed against the punishments. However, on 9 and 10 December 2015, a panel of judges at East

Kazakhstan Regional Court rejected Chesnokova and Mishina's appeals, according to the decisions seen by Forum 18.

Prosecutor Dauren Alseitov of Oskemen Prosecutor's Office, who led the case against Mishina in the lower court, refused to explain why she and Chesnokova were punished for discussing their faith with a passer-by on the street. "I can't give any information by phone," he told Forum 18 from Oskemen on 8 February. "I don't know who you are." He then put the phone down.

Chesnokova is not the oldest person to be fined in Kazakhstan for exercising the right to freedom of religion or belief. Yakov Skornyakov – a Baptist and former Soviet-era freedom of religion or belief prisoner of conscience – was 79 when he was given a massive fine for his religious activity in 2006, two years before his death.

Two grandmothers aged 77 and 76 were among a group of Baptists fined in Ayagoz in East Kazakhstan Region in 2013.

Testimony from state-backed "specialist"

Taking part in both lower court hearings to condemn Jehovah's Witnesses as "one of the best known and most dangerous contemporary destructive cults" was Sergei Lebedev, described in the court decisions as a "specialist". He heads the state-financed Unity organisation in Oskemen, which claims to help victims of "destructive cults".

In 2014 Lebedev was a member of the East Kazakhstan Regional "Information and Propaganda Group on Questions of Religion". These groups promote state policy on restricting the exercise of the right to freedom of religion or belief.

"The police invited me to give my opinion on the case," Lebedev told Forum 18 from Oskemen on 8 February. "I was also in contact with the Regional Religious Affairs Department."

Asked the basis for his hostile remarks about Jehovah's Witnesses in court, which supported the prosecution of the two women, Lebedev claimed that: "I'm an independent expert – I'm fully neutral. I use material published internationally, including by Dvorkin."

Aleksandr Dvorkin is a controversial Russian "anti-sect" activist who visited Kazakhstan in 2009 to speak at a conference on "destructive sects". State-funded "anti-sect" centres often attack so-called "non-traditional" beliefs. Local media have often used comments from police, other officials and employees of "anti-sect centres" to attack people and communities exercising freedom of religion or belief.

Fined for selling the Koran and other religious books

Roza Sarsembayeva, who runs a shop in a shopping centre in the southern city of Kyzylorda, was in September 2015 fined for selling 18 religious books, including the Koran.

Strict state censorship is imposed on all religious literature and material, including a highly restrictive system of licences of where such material may be sold. Even some booksellers who have permission to sell religious material have told Forum 18 they do not want to sell it, to avoid trouble with the authorities. All Islamic material that is not Sunni Hanafi is banned.

Police raided Sarsembayeva's shop on 29 May 2015, amid a campaign to raid local shops selling religious literature without the compulsory state permission. Among the 18 religious books confiscated by police were several Muslim books, including a copy of the

Koran, a translation of the Koran into Russian by the Azerbaijani scholar Elmir Kuliyeu, a biography of the Muslim prophet Muhammad and a book on the haj pilgrimage. Other books confiscated included "The Earthly Life of the Mother of God" and a book entitled "Judaism".

On 28 July 2015 police decided evidence was not there to bring a case against Sarsembayeva under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years, or restricted freedom for the same period.

A case was then initiated against Sarsembayeva under Administrative Code Article 490, Part 1, Point 3 ("Violating the requirements of the Religion Law for .. import, production, publication and/or distribution of religious literature and other religious materials, and items for religious use"). The punishment for individuals is a fine of 50 MFIs.

On 21 September 2015, Judge Shalkhar Kozhantayev of Kyzylorda Specialised Administrative Court found Sarsembayeva guilty, according to the decision seen by Forum 18. He fined her 50 MFIs, then set at 99,100 Tenge, or more than four and half months' official minimum wage. He also banned her from selling books for three months. He ordered that the confiscated books be returned to her.

Sarsembayeva does not seem to have appealed against the decision.

Fined for book on "the Beautiful Names of Allah"

Sarsembayeva was not the only bookseller punished by Kyzylorda Specialised Administrative Court in 2015 for selling religious books without state permission.

During a 27 February 2015 raid on the Education bookshop in the city, police officers found and confiscated several religious publications, including one entitled "Explanation of the Beautiful Names of Allah in the Light of the Koran and Sunna".

Again prosecutors considered launching a case against the shop's owner, Nargiz Bekkhozhayeva, under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious hatred or antagonism"). However, after an "expert" analysis found no evidence of a crime an administrative case was launched against her under Administrative Code Article 490, Part 1, Point 3.

At her trial at Kyzylorda Specialised Administrative Court on 5 May 2015, Judge Kumis Espenbetova found Bekkhozhayeva guilty. She fined her 50 MFIs, then set at 99,100 Tenge, or more than four and half months' official minimum wage. Judge Espenbetova also banned Bekkhozhayeva from selling books for three months, according to the decision seen by Forum 18. The Judge ordered the confiscated books to be handed back.

Bekkhozhayeva does not appear to have appealed against the fine and ban.

"I don't understand what obligations you are talking about"

Farabi Uzakov of Kyzylorda City Prosecutor's Office, who oversaw the literature prosecutions in 2015, insisted that the prosecutions were justified under the Administrative Code, which specifies punishment for selling religious books without permission. "If the court decisions have come into force, they are legal," he told Forum 18 from Kyzylorda on 8 February 2016.

Asked how punishing people for exercising their internationally-recognised freedoms of expression and of religion or belief accord with Kazakhstan's international human

obligations, Uzakov responded: "I don't understand what obligations you are talking about".

Three criminal trials continue

Three criminal trials – in Astana, Karaganda and Akmola Region - are known to be underway against Sunni Muslims accused of membership of the banned Muslim missionary movement Tabligh Jamaat.

The latest hearing in the Karaganda trial was held on 8 February. The trial in Astana is due to resume at 10 am on 10 February. The latest hearing in the trial at Tselinograd District in Akmola Region was held on 4 February and is due to resume at 10 am on 12 February.

Nine Sunni Muslims on trial, another awaiting trial

Forum 18 (02.02.2016) - <http://bit.ly/1O0Zzuu> - In criminal prosecutions brought by the KNB secret police, nine Sunni Muslims are on trial in Astana, Karaganda and Akmola Region on charges of belonging to the Muslim missionary movement Tabligh Jamaat, which is banned as "extremist" in Kazakhstan. If convicted, they face possible imprisonment of up to seven years. Eight of the nine have already spent months in secret police Investigation Prison, Forum 18 News Service notes. A tenth is awaiting trial on the same charges, also in secret police Investigation Prison. KNB secret police investigator Nurlan Belesov – who brought the cases against seven of the men, as well as against Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, who has been transferred to labour camp in Pavlodar – refused to discuss anything with Forum 18 on 1 February. An individual close to the five Astana Sunni Muslim defendants insisted to Forum 18 that they met "simply to help people, visit the sick in hospital, help those in need and feed the hungry".

Eight Sunni Muslim prisoners of conscience are on trial on charges of membership of the Muslim missionary movement Tabligh Jamaat, which is banned as "extremist" in Kazakhstan. Five of them are on trial in the capital Astana and three in the northern city of Karaganda [Qaraghandy], Forum 18 News Service has learned. A ninth – who has not been arrested – is on trial in Akmola Region near the capital. A tenth had his pre-trial imprisonment extended until 18 February, but his friends expect his trial to begin in Astana in mid-February.

If all ten Sunni Muslims are convicted, this would bring to 29 the number of people known to have been convicted for alleged membership of Tabligh Jamaat since December 2014.

Of the 19 already convicted, eight were sentenced to prison terms, with the longest sentence being four years and eight months' imprisonment. A further 11 are known to have been given sentences of restricted freedom.

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov has been transferred to a labour camp in Pavlodar. He is serving a two-year prison sentence on charges of inciting religious hatred, charges he denies. He is preparing to lodge a final appeal to the Supreme Court (see below).

The National Security Committee (KNB) secret police has been leading the criminal prosecutions of all nine Sunni Muslims and the Adventist Kabduakasov.

Astana KNB secret police investigator Nurlan Belesov prepared the criminal cases against the six alleged Tabligh Jamaat members in the capital and the alleged member in Akmola Region, as well as Kabduakasov. Belesov refused absolutely to discuss anything. "Don't ring me again," he told Forum 18 on 1 February before putting the phone down. All subsequent calls went unanswered.

Meanwhile, in Astana Azizbek Abdurakhimov was fined on 12 January after a state "expert" said one of 12 Turkish-language Muslim books seized from him while travelling by train incited religious discord. The court ordered the book destroyed (see below).

Many freedom of religion or belief violations

Kazakhstan imposes harsh controls on all exercise of the right to freedom of religion or belief. Only religious communities which want to and have been able to gain state registration are allowed to exist. Even registered religious communities face severe restrictions, including on where they may hold religious events. Religious literature and the sharing of beliefs is also under tight state restrictions, which include prior compulsory censorship of all published or imported materials and a licensing system for where approved religious literature can be sold or distributed (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

There has been a significant rise from 2105 in violations of freedom of religion or belief, including the jailing of prisoners of conscience.

Astana trial

The criminal trial of five Sunni Muslim men from Astana and Karaganda - 38-year-old Bolatbek Kozhageldinov, 31-year-old Khalambakhi Khalym, 33-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 54-year-old Kubaidolla Tyulyubayev - began under Judge Umsyn Mukhangaliyeva at Astana's Saryarka District Court No. 2 on 22 January. The men were held in the cage in the courtroom during hearings.

Kozhageldinov, Nuradilov, Omarbekov and Tyulyubayev are on trial facing charges under Criminal Code Article 405, Part 1. Khalym is on trial facing charges under Criminal Code Article 405, Part 2.

Article 405, Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

Khalym is also on trial under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years or restricted freedom for the same period.

The men were arrested in September 2015 and ordered held in pre-trial imprisonment at the KNB secret police Investigation Prison in Astana.

"They met simply to help people"

Prosecutor Serik Isshchanov, who is leading the case in court, told the 22 January hearing that the indictment has two components, Radio Free Europe's Kazakh Service - which observed the hearing - noted the same day. These were "calls to Islam" made at meetings of fellow Muslims, and telephone conversations, where individuals phoned Tyulyubayev and asked how they should act. The Prosecutor claimed that Tyulyubayev had told them to continue their activity.

Tyulyubayev had earlier gone to the mosque and explained points of Islam to those with questions about it, he told the court. However, he insisted that when Tabligh Jamaat was banned in court in 2013 he and his friends had ceased their activity with the group.

Two of the defendants, Kozhageldinov and Nuradilov, had insisted to the Judge that they "had done nothing wrong and are normal Muslims who try to observe all the rules prescribed in Islam", Radio Free Europe noted.

So many relatives and supporters attended the trial that they could hardly fit into the courtroom, Radio Free Europe added.

"All of the men recognised their guilt," an individual close to the defendants who was present in court on 22 January told Forum 18 after the hearing. "For a long time the Judge couldn't understand what they were guilty of. They met simply to help people, visit the sick in hospital, help those in need and feed the hungry."

Did Investigator pressure, threaten witnesses?

Three or four of the witnesses in the case renounced their earlier statements. "They said Investigator Belesov had forced them to write them," the individual added. "They said he had intimidated them, threatening to arrest and imprison them."

While three witnesses had testified in court that the five defendants were "good and orderly people", only a KNB secret police officer had given hostile testimony, the individual noted. "He had attended meetings of Muslims only twice for about 15 minutes each time. His testimony was such that you could hardly understand what he was getting at."

The trial continued on 1 and 2 February. On 1 February, Serik Seitzhapparov (currently on trial in Tselinograd – see below) was summoned to the trial of the five men in Astana to testify as a witness.

At the 2 February hearing, KNB secret police Investigator Belesov was questioned about whether he had pressured witnesses to give incriminating testimony, one of those present told Forum 18. "He denied it, claiming he had applied no pressure on them." The individual added that Belesov had been in the corridor outside the courtroom at each of the hearings, listening in to how the trial was proceeding.

The next hearing is scheduled for 10 am on 3 February. "A secret witness is scheduled to be questioned," the person present at the hearings told Forum 18. "We don't know who this is – they won't say."

Tselinograd trial

Also on trial in a criminal case initiated by KNB Investigator Belesov is Sunni Muslim Seitzhapparov, accused of Tabligh Jamaat membership. A case was prepared against him under Criminal Code Article 405, Part 2. It was handed on 8 December 2015 to Tselinograd District Court of Akmola Region (the Region surrounding the capital Astana).

The trial began under Judge Tolegen Turgambayev on 23 December 2015, with further hearings on 8, 21 and 22 January 2016, according to court materials. It is due to resume on 4 February, those familiar with the case told Forum 18. The man who answered Judge Turgambayev's phone told Forum 18 "we don't give any information" and put the phone down.

However, unlike the Sunni Muslim prisoners of conscience in Astana and Karaganda, Seitzhapparov has not been arrested and is awaiting trial at home, his friends told Forum 18 on 28 January. He had to sign a declaration that he would not leave his home town while the investigation and trial proceeded.

On 1 February, Seitzhapparov was summoned to the trial of the five men in Astana to testify as a witness (see above).

Karaganda trial

The trial of three Sunni Muslim prisoners of conscience – 38-year-old Bauyrzhan Serikov, 33-year-old Aidin Shakentayev and 33-year-old Murat Shopenov – began under Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court on the morning of 1 February. All three men are being prosecuted under Criminal Code Article 405, Part 1.

The three men were arrested on 7 October 2015 and ordered held in pre-trial imprisonment at the KNB secret police Investigation Prison in Karaganda.

"The defendants were brought to court in a convoy, accompanied by several police officers in special clothes and black masks," Radio Free Europe's Kazakh Service noted on 1 February 2016. Many relatives of the defendants and others were present in the courtroom, it added.

"The hearing was very short and was adjourned until 10 am on 5 February," Yuri Gusakov of the Karaganda branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the city the same day. "The defendants' lawyers could not reach the court from Astana as snow drifts had closed the road." The Bureau's Karaganda-based lawyer attended the hearing as an observer.

Judge Egemberdiyeva warned the participants not to "disrupt" the trial proceedings and to ensure that all those who should be present at the next hearing are there, Radio Free Europe added. It said defence lawyers asked for more time to study the indictment, but this was refused.

Further Astana trial expected

The trial of Sunni Muslim prisoner of conscience Murat Takaumov is expected to begin at Astana's Saryarka District Court No. 2 in mid-February, his friends told Forum 18 from Astana. He is also facing trial under Criminal Code Article 405, Part 2.

The 31-year-old Takaumov was arrested on 18 November 2015 and, like the other Astana Sunni Muslim prisoners, has been held at Astana's KNB secret police Investigation Prison. At the request of KNB secret police Investigator Belesov, Takaumov was ordered held in two months' pre-trial imprisonment on 20 November 2015.

On 14 January 2016, at the request of Investigator Belesov, Judge Malik Kaudinov of Saryarka District Court No. 2 ordered that the period of pre-trial detention be extended for a further month, until 18 February, the Judge's assistant told Forum 18 from the Court on 2 February. The assistant added that the completed criminal case for trial has not yet reached the Court.

Investigator Belesov handed over the case to Kanatzhan Kamalbek, of Astana City Prosecutor's Office, to take to court. The telephone of Prosecutor Kamalbek went unanswered each time Forum 18 called on 1 and 2 February.

Transferred to labour camp

Adventist prisoner of conscience Kabduakasov was transferred on 27 January from the KNB secret police Investigation Prison in Astana to a general regime labour camp in Pavlodar, Pastor Andrei Teteryuk told Forum 18 from Astana on 29 January.

The 54-year-old Kabduakasov has not yet lodged a final appeal to the Supreme Court. "We are preparing this now," Pastor Teteryuk added.

Kabduakasov denied the accusations against him of inciting religious hatred on which he was convicted under Criminal Code Article 174, Part 1.

Members of other Christian churches in Astana told Forum 18 that they were "shocked" by the decision to increase Kabduakasov's punishment to a term of two years' imprisonment. "Yklas was punished for what he said about his faith and the state's 'experts' distorted what he said," one told Forum 18 in late January.

Astana's Saryarka Court No. 2 initially gave Kabduakasov a seven year sentence of restricted freedom at home. However, both he and the Prosecutor appealed against the sentence. On 28 December 2015 Astana City Court increased the punishment to two years' imprisonment in a general regime labour camp. The 12 weeks he spent in KNB secret police pre-trial detention will count towards his prison term.

Fined for religious book which is ordered destroyed

Azizbek Abdurakhimov has been fined in Astana for travelling by train with a Muslim book in his luggage which a state "expert" claims incited hatred of other religions. On 1 October 2015 police searched him at the station at Ereymentau on the line between Astana and Pavlodar, Astana City Court website declared on 1 February 2016. They found he was carrying 12 Turkish-language Muslim books he had bought in Turkey for his own use. Police confiscated the books.

A state-appointed "expert" found nothing wrong with 11 of the books, but claimed that one book incited hatred of other religions and had been "banned".

An administrative case was prepared against Abdurakhimov under Administrative Code Article 453, Part 4. This punishes production, storage, import, transfer and distribution of literature containing, among other things, "incitement of social, racial, ethnic, religious, class and clan discord" with a fine for individuals of 100 Monthly Financial Indicators (MFIs) and confiscation of the offending publications.

Since the beginning of 2016, 100 MFIs is 212,100 Tenge (5,150 Norwegian Kroner, 540 Euros or 590 US Dollars). This represents more than nine months' official minimum wage.

On 12 January 2016, Judge Aygul Kaidarova of Astana's Specialised Inter-District Administrative Court found Abdurakhimov guilty and fined him the prescribed 100 MFIs, the Judge's assistant – who did not give his name – told Forum 18 on 2 February. She ruled that the 11 Muslim books which did not contain any incitement should be returned to him. However, she ordered that the one which a state "expert" said did contain incitement should be confiscated and destroyed.

The City Court website announcement claimed that Abdurakhimov had "fully recognised his guilt". It added that the decision has come into legal force, indicating that he did not appeal against the decision to the City Court.

The Judge's assistant said that the court accepted the finding of the "expert" that one of the books incited hatred of other faiths. "The book was Muslim but distorted the faith,"

he told Forum 18. However, he refused to identify the book or the "expert" who had reached this decision.

The official who answered the phone of the Religious Affairs Department at Astana City Administration – who did not give his name - told Forum 18 on 2 February that he was unaware of the case against Abdurakhimov. He added that the "expert" had not been provided by his Department.

Muslim freedom of religion or belief prisoners of conscience' trials due

Forum18 (20.01.2016) – <http://www.forum18.org> - The trial of 5 Sunni Muslims for exercising freedom of religion or belief is due to begin in Kazakhstan's capital Astana on the morning of 22 January, officials have told Forum 18 News Service. The 5 prisoners of conscience, for one of whom there are health concerns, have been detained since September 2015 and face up to 6 years' jail. Another alleged member awaits criminal trial in Astana, but his trial date is unknown. Criminal cases against 3 more are expected to be heard in Karaganda later in January. 4 more alleged Tabligh Jamaat members were fined and sentenced to 1 year's restricted freedom for talking about their faith among themselves in December 2015. That same month Christian prisoner of conscience Yklas Kabduakasov was jailed for 2 years in a labour camp for talking about his faith with others. Since December 2014, 28 Sunni Muslims are known to have faced criminal charges for alleged membership of the Tabligh Jamaat missionary movement, Forum 18 notes. 8 Muslims have been jailed as prisoners of conscience, 11 Muslims have been sentenced to restricted freedom, and 9 more Muslims are known to be in pre-trial detention. Full lists of these cases are given in this article.

The criminal trial of five Sunni Muslims to punish them for exercising the right to freedom of religion or belief is due to begin in Kazakhstan's capital Astana on the morning of 22 January, court officials told Forum 18 News Service. The five prisoners of conscience, for one of whom there are health concerns, have been detained since September 2015 and are facing punishment of up to six years' imprisonment for alleged membership of Islamic missionary movement Tabligh Jamaat. This movement has been banned in Kazakhstan as "extremist".

Another alleged member is awaiting criminal trial in Astana, but his trial date is not known. Criminal cases against three more have been handed to court in Karaganda [Qaraghandy] and are expected to be heard later in January (see below).

Four more alleged Tabligh Jamaat members were fined and sentenced to one year's restricted freedom each in the southern Zhambyl Region in December 2015. Their "crime" was talking about their faith at home amongst themselves (see below).

28 Tabligh Jamaat criminal cases since December 2014

The Zhambyl Region sentences brought to 19 the number of Sunni Muslims known to have been convicted since December 2014 on criminal charges of alleged Tabligh Jamaat membership. Eight of these were given prison terms as prisoners of conscience, the other 11 Muslims being given sentences of restricted freedom. A further nine Muslims are known to be in pre-trial detention. Full lists of these cases are given at the end of this article.

All 28 Muslim men faced or are facing prosecution under Criminal Code Article 405. Part 1 punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection

with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

KNB secret police involvement, Christian prisoner of conscience

In all these prosecutions – and in that of Astana Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, now serving a two-year prison term for talking about his faith with others – the National Security Committee (KNB) secret police played a key role.

Prisoner of conscience Kabduakasov is considering whether to challenge his two-year prison term at the Supreme Court (see forthcoming F18News article). Astana City Court increased his sentence to two years' imprisonment in an ordinary regime labour camp on 28 December 2015.

Suspicion enough to trigger questionable criminal prosecution

Tabligh Jamaat was banned as "extremist" in Kazakhstan by an Astana court in February 2013. Until the movement was banned, it used to send members on short-term missions to other towns and villages where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution.

As was the case with prisoner of conscience Saken Tulbayev, there can be violations of legal procedure and credible claims of planted evidence during these criminal trials. Tulbayev was sentenced on 2 July 2015 to four years eight months' imprisonment for alleged Tabligh Jamaat membership. He was also banned from exercising freedom of religion or belief, including praying with others and reading the Koran, until the end of 2022.

Astana trial due to begin 22 January

The KNB secret police arrested 38-year-old Bolatbek Kozhageldinov, 31-year-old Khalambakhi Khalym, 33-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 54-year-old Kubaidolla Tyulyubayev in late September 2015. Astana's Saryarka District Court No. 2 ordered their pre-trial detention. All five prisoners of conscience are being held in Astana's KNB secret police Investigation Prison.

A criminal case was launched against the five prisoners of conscience under Criminal Code Article 405, Part 1. The case was prepared by KNB secret police Investigator Nurlan Belesov before being handed to prosecutors to bring to court.

The cases were handed to Astana's Saryarka District Court No. 2, where they were assigned to Judge Umisan Mukhangaliyeva, her assistant told Forum 18 from the court on 11 January. The trial is due to begin at 10 am on 22 January.

"Confess and be freed"

KNB secret police Investigator Belesov told at least one of the defendants, prisoner of conscience Tyulyubayev, that if he confessed he would be freed, those close to the case told Forum 18.

The telephones of KNB secret police Investigator Belesov went unanswered each time Forum 18 called on 11 and 12 January.

Search, poetry confiscated, wife had to be hospitalized

At the time of the prisoners of consciences' arrests in September 2015, police searched their homes looking for incriminating material. Among the homes searched was that of Tyulyubayev in Karaganda, relatives told Forum 18. He was not at home but his wife and adult daughter were. "Officers took books, a dictaphone and cassettes from the dictaphone," one relative told Forum 18. "His books were ordinary religious books – there was nothing evil there. They also took copies of his religious poetry."

Following the police raid, Tyulyubayev's wife suffered from stress and had to be taken several times to hospital, relatives added.

Concern for prisoner of conscience's health

Prisoner of conscience Tyulyubayev – a retired police officer - was arrested on 28 September 2015 while he was visiting the southern city of Taldykorgan. Astana's Saryarka District Court No. 2 ordered his pre-trial imprisonment the following day. Tyulyubayev's son applied to be his defender, but the application was rejected.

Tyulyubayev's family is concerned about his health. In December 2014 he underwent a serious operation in hospital and nearly died, relatives told Forum 18. Ever since, he has been required to live on a special diet.

Sixth Astana pre-trial prisoner of conscience

A sixth Sunni Muslim prisoner of conscience, Murat Takaumov, was arrested on 18 November 2015, just days after his 31st birthday. He too is awaiting trial in Astana under Criminal Code Article 405, Part 2. Like the other five Muslim prisoners of conscience, he is currently in detention at Astana's KNB secret police Investigation Prison.

In December 2015, Takaumov failed to overturn the court order to hold him in pre-trial detention.

Prisoner of conscience Takaumov's two-month pre-trial detention – handed down by Judge Nabi Pazylov (who has since retired) of Astana's Saryarka District Court No. 2 on 20 November 2015 – expires on 18 January 2016. Prosecutors have not yet lodged any application to extend this period, court officials told Forum 18 on 12 January.

The pre-trial detention order had been lodged by KNB secret police investigator Belesov, who had brought the criminal cases against the other five Sunni Muslim prisoners of conscience, as well as against Christian prisoner of conscience Kabduakasov. Takaumov's case was then handed over by Belesov to Kanatzhan Kamalbek of Astana City Prosecutor's Office, to take to court.

The telephone of Prosecutor Kamalbek went unanswered each time Forum 18 called on 11 January.

The lawyer who represented prisoner of conscience Takaumov in the court challenge, Daulet Erzhumanov, told Forum 18 from Astana on 12 January that he is no longer representing him.

Karaganda prisoners of conscience's criminal cases handed to court

Three more Sunni Muslim prisoners of conscience – who have already spent more than three months in pre-trial imprisonment - are facing imminent criminal trial in the northern city of Karaganda for alleged Tabligh Jamaat membership. The three prisoners of conscience - Bauyrzhan Serikov, Aidin Shakentayev and Murat Shopenov - were arrested on 7 October 2015 and ordered held in pre-trial imprisonment at Karaganda's Kazybek Bi District Court two days later.

All three prisoners of conscience tried to challenge the pre-trial detention orders, but in separate hearings on 16 October 2015 Judge Kairken Tuleuov of Karaganda Regional Court rejected these suits, according to the decisions seen by Forum 18. He agreed with the Investigator that, given the "socially dangerous nature of the actions", the men could go into hiding if they were transferred to house arrest.

At the Regional Court hearing, Shopenov's mother Chumadayeva insisted that her son had done nothing wrong and had worked hard to support his family.

Kazybek Bi District Court most recently extended the three men's pre-trial detention in late December 2015, taking the period of possible detention up to 7 February 2016.

The cases against all three prisoners of conscience under Criminal Code Article 405, Part 1 were launched by Investigator Alisher Sattar of the KNB secret police's Karaganda Region 9th Department (which oversees investigations), according to case documents. The cases were then handed to Sarzhan Sabyr of Karaganda Region Prosecutor's Office to bring to court.

The cases reached Karaganda's Kazybek Bi District Court on 11 January, a court official told Forum 18 the same day. They are yet to be allocated to a Judge and only then will a trial start date be set. Several people close to the cases told Forum 18 that they expect the trial to begin later in January.

Prisoner of conscience Serikov's lawyer, Mukhamed Akhmetov, told Forum 18 from Karaganda on 8 January that his client would be denying the accusations against him.

Pressure, no answers

Since the three men's arrests, their relatives and friends have been subjected to pressure from the authorities, friends of the accused complained to Forum 18.

Despite repeated calls to Prosecutor Sabyr on 11 and 12 January, his telephone went unanswered. On 11 January, the duty officer at the KNB secret police for Karaganda Region refused to put Forum 18 through to Investigator Sattar. After consulting with the 9th Department, the duty officer said the Department Head had passed on the response that any questions should be submitted in writing. Asked why Forum 18 could not put its questions directly to the Investigator who had initiated the criminal case against the three Muslims, the duty officer responded: "We are a closed organisation."

All three male prisoners of conscience are married. Serikov has five children, Shakentayev two and Shopenov three.

The three men have been held since their arrests in the KNB secret police Investigation Prison in Karaganda. Serikov's lawyer Akhmetov told Forum 18 that "all conditions have been provided" for the men to read the Koran and pray while in the Investigation Prison.

Zhambyl Muslims sentenced for talking about faith

Four Sunni Muslims have been convicted of alleged Tabligh Jamaat membership in the

southern Zhambyl Region. Cases were prepared against Rashid Erimbetov, Ruslan Abirov, Toktasyn Artykbayev and Erbol Sharipov under Criminal Code Article 405, Part 2 after their detention at a meeting to discuss their faith in a home in Shu.

Their trial began on 11 November 2015 under Judge Chokan Kenzhekhanov of Shu District Court. At the tenth hearing in the case on 10 December 2015, Judge Kenzhekhanov found all four guilty and punished each with a sentence of one year's restricted freedom, according to the decision seen by Forum 18. Each was also required to pay a court fee of 90,527.15 Tenge (2,300 Norwegian Kroner, 240 Euros or 260 US Dollars).

None of the four Muslims appears to have appealed against the sentences to Zhambyl Regional Court.

Surveillance

All four Muslims had earlier been warned that if they continued exercising their freedom of religion or belief they would face criminal prosecution. The prosecution made use of recordings of religious meetings secretly made by the KNB secret police.

All religious or belief communities are thought to be under surveillance by the ordinary police and KNB secret police. For example, several prominent leaders of registered Protestant churches have been placed on an official "signal register" (signalny uchet in Russian) which prevents them from changing their officially-registered place of residence, selling a legally-owned car, or gaining state child benefit for newly-born children. Individuals under state surveillance are also subject to close scrutiny and questioning when leaving Kazakhstan.

"No right to answer your questions"

Mukhtar Uderbayev of Shu Inter-District Prosecutor's Office, who led the prosecution in court, told Forum 18 on 12 January that he had "no right to answer your questions". He said an instruction from the General Prosecutor's Office banned prosecutors from answering questions.

One of those sentenced, Abirov, had been fined 50 Monthly Financial Indicators - 92,600 Tenge – under the Code of Administrative Offences in 2014. Forum 18 was unable to find out if this fine was to punish him for exercising the right to freedom of religion or belief.

- Eight known Tabligh Jamaat prisoners of conscience

Eight known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhan Rashidovich Turashov; born c. 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.

2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code

(equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).

4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).

6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).

7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release (see above).

8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.

- Eleven known Tabligh Jamaat restricted freedom sentences

Eleven known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

7. Serik Baimanovich Oтынshyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015

Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).

9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).

10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).

11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).

- Nine alleged Tabligh Jamaat members known to be jailed awaiting trial

Nine alleged members of Tabligh Jamaat (all men) are detained as prisoners of conscience awaiting criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category since December 2014 gives their: name; date of birth; first pre-trial detention order date and court; Criminal Code Article they are being investigated under; initial pre-trial detention period; and place of pre-trial detention.

1. Erbolat Kabzakievich Omarbekov; born 10 July 1971; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).

2. Bolatbek Kambarovich Kozhageldinov; born 1977; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).

3. Khalambakhi Khalym; born 12 August 1984; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).

4. Nurzhan Beisembayevich Nuradilov; born c. 1982; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).

5. Kubaidolla Abishevich Tyulyubayev; born 8 August 1961; first ordered detained 29 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' detention; Astana KNB Investigation Prison.

6. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).

7. Aidin Zulfukarovich Shakentayev; born 15 August 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).

8. Murat Askarovich Shopenov; born 15 November 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).

9. Murat Kazbekovich Takaumov; born 14 November 1984; first ordered detained 20

November 2015 Astana's Saryarka District Court No. 2; Article 405, Part 2; 2 months' initial detention; Astana KNB Investigation Prison (see above).