

## **Table of Contents**

- ***One city, two raids, three fines***
  - ***Germany rejects extradition request***
  - ***19 years' jail to follow forcible return?***
  - ***Three years' jail, five years' religion ban***
  - ***165 administrative prosecutions in 2018 – list***
  - ***Courts' book-destroying "barbarism" continues***
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## **One city, two raids, three fines**

***Police in Taraz – including anti-terrorism officers – raided two Baptist worship meetings on successive Sundays in February. Police summarily fined three Baptists and issued two warnings. Despite claiming "our laws don't ban praying", state religious affairs official Balgabek Myrzayev defended punishing people who meet for worship without state permission.***

By Felix Corley

Forum 18 (04.03.2019) - <https://bit.ly/2u2FoMW> - Police anti-terrorism officers and other officials raided two Baptist worship services on successive Sunday mornings in February in Taraz in the southern Zhambyl Region. Police issued three summary fines of one and two months' average wages and two warnings to punish meeting for worship without state permission.

The two congregations belong to the Council of Churches Baptists, who choose not to seek state registration in any of the former Soviet countries. They also follow a policy of civil disobedience, refusing to pay fines handed down to punish the exercise of their freedom of religion or belief.

The man who answered the phone at Zhambyl Regional Police's Anti-Extremism and Anti-Terrorism Department in Taraz did not respond to Forum 18's questions as to why the Baptist communities were raided and put the phone down. When Forum 18 called back, the line had been switched to a fax machine (see below).

One police officer admitted that he had taken part in the first raid. But he refused to answer any of Forum 18's questions as to why police raided the community (see below).

The head of the Regional Religious Affairs Department in Taraz told Forum 18 he had no information about the raids and that his officials had not been involved. But he insisted that people cannot meet for worship without state registration (see below).

Similarly, Balgabek Myrzayev, acting head of the Social Harmony Committee (which restricts freedom of religion and belief) in the capital Astana, told Forum 18 on 4 March that he was not informed about the raids on the Baptists and fines in Taraz.

Despite claiming that "our laws don't ban praying", Myrzayev defended punishing people who meet for worship without state permission. "Our laws don't allow unregistered

religious organisations and I don't have the right to change the law," he told Forum 18. "If a law has been adopted and comes into force, everyone must abide by it."

Following a 21 February government shake-up, President Nursultan Nazarbayev on 25 February handed religious affairs to yet another ministry, this time the newly-created Information and Social Development Ministry. He named Dauren Abayev as the new minister. Myrzayev had been named acting head of the Ministry's Social Harmony Committee (which controls religious activity) on 21 February.

A court in the commercial capital Almaty fined another Council of Churches Baptist two months' average wages on 28 February for unapproved worship. Police raided his congregation in late 2018 during a midweek worship service and conducted an "expert analysis" of seized religious literature. The Baptist intends to appeal against the fine when the court decision is issued in writing (see below).

Police in the Caspian port city of Atyrau raided a meeting of the Hare Krishna community on 3 February. Officials claimed that the community - which gained state registration in October 2018 - was meeting at an unapproved venue. An administrative case against the community is likely to reach court soon (see below).

### ***Frequent raids, fines***

Raids on locations where the government says religious worship is not allowed are frequent. In 2018, at least 37 administrative cases were launched to punish individuals, charities or companies for hosting, holding or participating in meetings for worship. Known cases were brought against 25 Muslims, 7 Protestants (all Council of Churches Baptists), 3 companies, 1 Jehovah's Witness, and 1 charity. Of these 37 known cases in 2018, 28 ended up with fines.

In three known cases in 2018, two administrative cases and one criminal case, courts ordered religious literature seized from individuals to be destroyed. In December 2018, a judge in Atyrau ordered several Muslim books seized from two defendants in a criminal case to be destroyed. These included a collection of hadith (sayings attributed to the Muslim prophet Muhammad). The judge refused to discuss his order to destroy the books with Forum 18.

Myrzayev of the Social Harmony Committee - an official of the state-backed Muslim Board from 2010 to 2013 between appointments in the state's religious affairs bodies - did not sound surprised to hear of courts ordering religious literature to be destroyed.

"We can reconsider this," Myrzayev told Forum 18 about the book-destruction orders. Told that the court decisions had already entered into force and it was therefore too late, he responded: "I mean about the future."

### ***First 2019 Taraz raid***

On 10 February, about ten officers and individuals in civilian clothes arrived at the house in Taraz where one of the city's Council of Churches Baptist communities was meeting for Sunday morning worship, church members told Forum 18. Among them were at least one officer of the Police Anti-Extremism and Anti-Terrorism Department, a criminologist B. Shermatov, operational officers Zh. Satkanbayev, local police inspector Zhalgas Sugirbek and Talgat Taishiybayev of the city administration's Internal Policy Department.

The intruders began to film the service and all those present. "They waited for the end of the service, then the officials approached church members at the front and asked: 'Why are you meeting without registration?'," church members noted.

Officers demanded that several church members write statements. "They wrote that they meet here to worship God," church members told Forum 18.

Two days later, on 12 February, local police summoned two church members, the brothers Yakov and Viktor Fot, to the police station. There officers demanded that they sign the records of an offence drawn up against them. Both refused.

On 23 March, police sent the two brothers by post the decisions to fine them. Police declared Yakov Fot guilty of violating Administrative Code Article 489, Part 9. The police handed him a summary fine of 100 Monthly Financial Indicators (MFIs), 252,500 Tenge. This represents about two months' average wages for those in formal work.

Police declared the 37-year-old Viktor Fot guilty of violating Administrative Code Article 489, Part 10. The police handed him a summary fine of 50 MFIs, 126,250 Tenge. This represents about one month's average wages for those in formal work.

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

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

The Fot brothers intend to appeal against their fines to Taraz Specialised Administrative Court, church members say.

The man who answered the phone of the head of Zhambyl Region's Anti-Extremism and Anti-Terrorism Police in Taraz did not respond to Forum 18's questions as to why the Baptist communities were raided and put the phone down. When Forum 18 called back, the line had been switched to a fax machine.

Police Inspector Sugirbek admitted from Taraz on 4 March that he had taken part in the raid. But he refused to answer any of Forum 18's questions as to why police raided the community, and put the phone down.

Forum 18 was unable on 4 March to reach Daniyar Musayev, the head of Taraz Police Station No. 2, which oversees policing in that part of the city.

Taishiybayev of the city administration's Internal Policy Department insisted that although the Baptists had done nothing wrong they had to register their communities. "We've got nothing against holding prayers," he claimed to Forum 18 from Taraz on 4 March. Asked to justify raiding a community at worship, and asked whether a group of people drinking vodka together or watching football on television would have been raided, Taishiybayev did not respond.

Zhangeldi Omarov, the head of Zhambyl Regional Religious Affairs Department, said that he had no information about the 10 or 17 February raids and that his officials had not been involved. But he insisted that people cannot meet for worship without state registration. "If the Baptists are unhappy, let them appeal to us," he told Forum 18 from Taraz on 4 March.

### ***Second 2019 Taraz raid***

On 17 February, exactly one week after the first raid of 2019, police raided the Sunday morning worship service of another Council of Churches Baptist community in Taraz.

Four officers arrived, Captain A. Shukamonov, Captain S. Kazbekov, senior operational officer N. Zholmukhamedov and another officer who did not identify himself. They demanded that all those present remain after the service and write statements. However, in the end they took statements only from a few church members.

Police summoned the 37-year-old Vitaly Ryzhkov to the police station on 18 February. There local police officer N. Syzdykov drew up a record of an offence against Ryzhkov under Article 489, Part 10 and handed him a slip instructing him to pay a fine of 50 MFIs, 126,250 Tenge.

Police also issued an official warning to two other church members, Aleksandr Bogdanov and Sergei Tyan.

Ryzhkov has lodged an appeal against his fine to Taraz Specialised Administrative Court. Judge Duman Maulenov is due to hear the appeal on 12 March, according to court records.

### ***Earlier Taraz raids***

Police and other officials have repeatedly raided the Council of Churches Baptist communities in Taraz.

Police raided one of the Taraz Baptist congregations during their meeting for worship on Easter Sunday, 16 April 2017. Police handed summary fines to three church members, including Ryzhkov and Yakov Fot. Police launched further raids in May and June 2017. Officers took church members' fingerprints, photographed them both face on and from the side, and recorded their home addresses and other personal data. Police issued summary fines with no court hearing to eight of those present, including Yakov Fot again and Viktor Fot.

### ***Almaty raid, fine***

Police in Almaty raided a Council of Churches Baptist congregation in late 2018, fellow Baptists complained to Forum 18. Officers filmed all those present and seized religious literature the community has available at the entrance to the church.

Police sent the literature for an "expert analysis", but this found nothing extremist, fellow Baptists said. "They have checked our literature so many times and found nothing," they added.

Although Eduard Neifeld was not preaching at the time of the raid, he stepped forward when the police officers asked who was responsible. "That's why they drew up a record of an offence against him," Baptists told Forum 18. "They had to draw it up against someone."

Neifeld was accused of violating Administrative Code Article 490, Part 1 and Article 490, Part 3.

Article 490, Part 1 punishes: "Violating the requirements of the Religion Law", including by holding unapproved worship. The punishment is a fine on individuals of 50 MFIs.

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which

is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

The case against Neifeld reached Almaty's Specialised Inter-District Administrative Court on 30 January 2019, according to court records. It was assigned to Judge Murat Alimbek. On 28 February he found Neifeld guilty and fined him 100 MFIs, 252,500 Tenge, two months' average wages, Baptists told Forum 18. They said that as soon as the Judge issues the decision in writing Neifeld will appeal to Almaty City Court.

### ***Atyrau raid on registered Hare Krishna community***

On 3 February, police in Atyrau raided a flat of a community member where the registered Hare Krishna community was meeting for worship. More than 10 officers and officials interrupted the prayers, filmed those present and demanded that many of them write statements. Officials insisted that the worship meeting was illegal because the registered community has the right to meet only at its registered address.

The Regional Religious Affairs Department prepared a record of an offence against the community under Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

Any administrative case would be heard at Atyrau Specialised Administrative Court.

### ***Restrictive legal amendments to be re-presented in 2020?***

Acting head of the Social Harmony Committee Balgabek Myrzayev insisted to Forum 18 that the government has no intention "at present" of presenting the restrictive legal amendments about religion in 2020.

Myrzayev was among Ministry officials invited to Parliament in 2018 as the Amending Law was being considered.

In January 2019 the government finally withdrew from Parliament amendments to a variety of laws which would have restricted the exercise of freedom of religion or belief still further. The draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws. Then Prime Minister Bakytzhan Sagantayev issued the brief decree withdrawing the Amending Law from the lower house of parliament, the Majilis, on 29 January. The decree gave no reason for the decision.

However, the then Social Development Minister Darkhan Kalatayev told the journalist Svetlana Glushkova of CurrentTime.tv on 18 February that the government is working on revising the Amending Law and would submit it to Parliament again in 2020.

President Nazarbayev removed Kalatayev several days later during the government reorganisation and created the Information and Social Development Ministry.

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## **Germany rejects extradition request**

***Germany rejected Kazakhstan's request to extradite Murat Bakrayev for talks on Islam Kazakhstan insists incited hatred and terrorism. A Kazakh judge ordered Muslim books destroyed, including a hadith collection. A Kazakh court rejected***

## ***Muslim prisoner of conscience Kuanysh Bashpayev's request for conditional release after earlier torture.***

By Felix Corley

Forum 18 (01.03.2019) - <https://bit.ly/2HdjajY> - A court in the German state of Bavaria has rejected Kazakhstan's attempt to have Sunni Muslim Murat Bakrayev extradited back to Kazakhstan for trial. Bamberg court freed him from detention on 21 February. However, he remains on Kazakhstan's list of wanted "criminals".

Bakrayev rejected all of Kazakhstan's claims that he had incited religious hatred and promoted terrorism. Detained by the German authorities on 20 September 2018, he spent a total of five months in custody in Germany as he fought Kazakhstan's extradition request (see below).

The German authorities detained Bakrayev on the basis of an Interpol Red Notice initiated by Kazakhstan. Human rights defenders have criticised governments' misuse of Interpol Red Notices to target individuals – including human rights defenders – on political grounds (see below).

The verdict by an Atyrau court in western Kazakhstan in the cases of two childhood friends of Bakrayev, given suspended sentences in December 2018, reveals that the judge ordered several Muslim books seized from them to be destroyed. These included a collection of hadith (sayings attributed to the Muslim prophet Muhammad). The judge refused to discuss his order to destroy the books with Forum 18 (see below).

Kazakh courts on occasion order religious literature seized in criminal or administrative cases to be destroyed. Human rights defender Yevgeny Zhovtis described such court-ordered book destructions to Forum 18 in 2015 as "barbarism".

A court in Aktau has rejected an appeal by Muslim prisoner of conscience Kuanysh Bashpayev to be transferred to a non-custodial sentence after serving more than half his jail term. His 14 January appeal to the court, seen by Forum 18, notes his six young children at home, as well as his health problems caused by prison conditions and torture inflicted on him while in a labour camp in Pavlodar (see below).

Meanwhile, two more Muslim prisoners of conscience have been added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Being added to the List means that any bank accounts an individual may have are blocked with no further legal process. Their families are allowed to withdraw only small amounts for daily living if they do not have other sources of income.

Abilai Bokbasarov, jailed in Balkhash on 9 January for alleged membership of the Tabligh Jamaat Muslim missionary movement, was added on 15 February. Dadash Mazhenov, jailed in Burabai on 16 November 2018 for posting online talks on Islam which the authorities claim promoted terrorism, was added on 25 February 2019.

Mazhenov's family have vowed to continue their fight to have his conviction overturned, through the Supreme Court, a review of the investigation, or an appeal to the United Nations human rights bodies. Mazhenov was transferred on 21 February to a labour camp in the southern city of Shymkent to serve his sentence, about 1,200 kms from his home (see below).

### ***Bakrayev: Extradition request rejected***

The Kazakh authorities have been trying to get back Atyrau-born Sunni Muslim Murat Bakrayev, who left the country with his family in 2005 after threats to arrest him in Atyrau and settled in the Czech Republic.

While working in the Czech Republic, Bakrayev continued to study his Islamic faith and improve his knowledge of Arabic. As well as translating Islamic books from Arabic to Russian he also recorded talks about his faith which he sent to friends who had requested them.

Bakrayev's more than 100 talks covered subjects such as how to fast correctly, how to wash, and marriage. "In no lecture did he call for extremism or violence," a Kazakh friend who is also a refugee told Forum 18 from the Czech Republic in October 2018. "On the contrary, he called on young people to show Islam's good side and to be an example."

By January 2017 the authorities in Atyrau had launched a criminal case against Bakrayev. On 9 January 2017 Atyrau City Court No. 2 upheld the Prosecutor's Office suit to have Bakrayev arrested and held in pre-trial detention. The Prosecutor accused Bakrayev of violating Article 164, Part 1 and Article 233-1, Part 2 of the Criminal Code in force until the end of 2014. He also accused Bakrayev of violating Article 405, Part 1 of the current Criminal Code, which came into force on 1 January 2015.

After they failed to find him in Kazakhstan, the Kazakh authorities requested that Interpol issue a Red Notice, which it did in 2017. The German authorities detained Bakrayev on the basis of this Red Notice on 15 September 2018 as he crossed into the country from the Czech Republic.

On 21 February, a panel of three judges at Bamberg court rejected Kazakhstan's extradition request as "inadmissible" and ordered Bakrayev's release from custody, according to the decision seen by Forum 18.

Bakrayev told the court he did not need the compensation available to those who have been held in custody for long periods, his family told Forum 18. He returned to his home the same day.

Bakrayev intends to try to have Interpol annul the 2017 Red Notice initiated by Kazakhstan. Interpol's headquarters in the French city of Lyon told Forum 18 on 28 February declined to comment. It noted that in such cases, "this information remains under the ownership of that member country. Interpol does not therefore comment on specific cases or individuals except in special circumstances and with the approval of the member country concerned."

Human rights defenders have criticised governments' misuse of Interpol Red Notices to target individuals – including human rights defenders - on political grounds.

As of 1 March, Kazakhstan's General Prosecutor's Office continues to list Bakrayev in its online database of wanted "criminals".

### ***Kazakh court orders Muslim books destroyed***

Two men from Atyrau arrested in an apparent attempt to pressure them to give testimony against Murat Bakrayev, were convicted on 6 December 2018. Judge Zhumagali Tashimov of Atyrau City Court No. 2 gave Erzhan Sharmukhambetov and Ermek Kuanshaliyev restricted freedom terms of three and a half years each.

The verdict in the cases, seen by Forum 18, reveals that the judge ordered several Muslim books seized from the two men to be destroyed. The books ordered destroyed included: "Sahih al-Bukhari", a collection of hadith (sayings attributed to the Muslim prophet Muhammad) by the ninth-century scholar Muhammad al-Bukhari; "Gardens of the Righteous" by the thirteenth-century scholar Imam al-Nawawi; and a book by Sheikh Mukhammad-Khusein Alsabekov, an advisor to Kazakhstan's Chief Mufti. The verdict gives no reason for the order to destroy the books.

Judge Tashimov refused to discuss his order to destroy the books. "I won't answer any questions by phone," he repeatedly told Forum 18 on 27 February. He then put the phone down.

### ***Bashpayev: Early release rejected***

A court in Aktau has rejected an appeal by Muslim prisoner of conscience Kuanysch Ablayevich Bashpayev (born 3 February 1987) to be transferred to a non-custodial sentence after serving more than half his jail term.

Bashpayev was arrested in October 2016 when he returned to Kazakhstan from his home in Saudi Arabia on what he intended would be a short visit. Pavlodar City Court No. 2 sentenced him in April 2017, jailing him for four and a half years under the old Criminal Code Article 164, Part 1 ("inciting religious hatred") for speaking about Islam.

Imprisoned initially in Pavlodar, camp officials subjected Bashpayev to torture. "No-one has ever been punished for this torture," Bashpayev's lawyer Aiman Umarova told Forum 18 on 1 March.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kazakhstan is obliged to arrest any person suspected on good grounds of having committed torture, and to try them under criminal law.

Bashpayev is currently serving his sentence at a labour camp in Aktau in the western Mangistau Region. He has been in solitary confinement there since autumn 2017. A prison official refused to discuss with Forum 18 in December 2018 why he is being held in solitary confinement.

"Many prisoners jailed on charges of extremism or terrorism – like Bashpayev - are held in harsher conditions than the verdict prescribes," Umarova complained.

Bashpayev submitted an appeal for early conditional release to Aktau City Court on 14 January 2019. His appeal, seen by Forum 18, notes his six young children (aged between 2 and 12) at home and a wife "burdened by the everyday difficulties". He also speaks of his health problems – including with the back, liver and chest – "caused by prison conditions and as a result of torture inflicted on me by officials of labour camp AP-162/3 [in Pavlodar]".

However, after hearings on 7 and 18 February, Judge Maret Kovrayeva of Aktau City Court rejected Bashpayev's suit, court officials told Forum 18 on 27 February. They refused to explain why she had rejected it.

Bashpayev's lawyer Umarova said that Judge Kovrayeva had referred to the Criminal Code provision allowing individuals jailed on extremism or terrorism charges to be freed conditionally if they promise to help unmask other terrorists or extremists. "If he is sitting in a solitary cell, how can he assist in 'exposing members of a terrorist or extremist group'?" Umarova asked.

Umarova said she was preparing an appeal against the rejection of her client's suit to Mangistau Regional Court. "I don't think they will give him early release – it will be a challenge," she told Forum 18.

Bashpayev's prison address:

Mangistauskaya Oblast  
g. Aktau  
25 mikroraion  
Zdanie No. 49  
Uchr. GM-172/10  
Bashpayevu Kuanyshu Ablayevichu  
Kazakhstan

### ***Mazhenov: Prison transfer as family vows to continue appeals***

Muslim prisoner of conscience Dadash Temergaliyevich Mazhenov (born 28 September 1990) was transferred out of the Investigation Prison in Kokshetau on 21 February, his family told Forum 18.

A Committee for the Criminal Execution System letter of 27 February, seen by Forum 18, identifies the destination as labour camp ICh-167/3 in the southern city of Shymkent. This is nearly 1,200 kms (740 miles) away from Mazhenov's home in Shchuchinsk and will entail long journeys for his family to be able to visit him.

The Special Department at labour camp ICh-167/3 refused to tell Forum 18 on 1 March if Mazhenov has arrived at the camp.

In a case initiated by the KNB secret police, Mazhenov was accused of posting online four talks on Islam by Kuanysh Bashpayev. Burabai District Court jailed Mazhenov in November 2018 for seven years and eight months in a general regime labour camp. Akmola Regional Court went ahead with an appeal hearing on 30 January 2019, despite Mazhenov's decision to withdraw his appeal. The Regional Court left his jail term unchanged.

Mazhenov's family have vowed to continue their fight to have his conviction overturned, through the Supreme Court, a review of the investigation, or an appeal to the United Nations human rights bodies. "The whole case was fabricated," a relative insisted to Forum 18. "Whatever a prosecutor demands, no court would reject it."

Mazhenov's new prison address:

g. Shymkent  
Temirlanskoe shosse 28  
Uchr. ICh-167/3  
Kazakhstan

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## **19 years' jail to follow forcible return?**

***Forcibly returned from Saudi Arabia in December 2018, Dilmurat Makhamatov is in pre-trial detention in Shymkent as the KNB secret police investigate him for allegedly "inciting religious hatred" and "propaganda of terrorism" for remarks***

## ***on Islam. The KNB investigator repeatedly refused to discuss Makhamatov's case with Forum 18.***

By Felix Corley

Forum 18 (27.02.2019) - <https://bit.ly/2VSDq6C> - A court in Kazakhstan's southern city of Shymkent in mid-February extended for another month the pre-trial detention of Dilmurat Makhamatov. The 40-year-old ethnic Uzbek Sunni Muslim has been in detention since mid-December 2018, when the Kazakh authorities succeeded in forcibly returning him from Saudi Arabia, where he and his family had lived for about 20 years. If eventually tried and convicted, he faces imprisonment for up to 19 years.

The National Security Committee (KNB) secret police is investigating Makhamatov on charges of "inciting religious hatred" (with a maximum seven year jail term) and "propaganda of terrorism" (with a maximum 12 year jail term) in remarks he made in Saudi Arabia about Islam. His friends told Forum 18 the charges are baseless (see below).

The KNB has been seeking to extradite and prosecute Makhamatov since 2016, and has commissioned at least three "expert analyses" of his comments on Islam (see below).

KNB investigator Lieutenant-Colonel Abzal Sarsebayev has repeatedly refused to discuss with Forum 18 why the Kazakh authorities wanted Makhamatov's return and why he thinks he is guilty (see below).

If eventually brought to trial and convicted, Makhamatov is also likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Being added to the List means that any bank accounts an individual may have are blocked with no further legal process. Their families are allowed to withdraw only small amounts for daily living if they do not have other sources of income.

### ***Jailings follow return***

Kazakhstan has sought the extradition and return to the country of Muslims living and working abroad in order to jail them.

Kazakhstan gained Imam Abdukhilil Abduzhabbarov's extradition from Saudi Arabia and he was arrested as he landed back in the country in 2017. He was jailed for eight years in August 2017 for sermons he gave before he left Kazakhstan in 2006. The Supreme Court refused to hear his last-ditch appeal in November 2018.

In addition, four Sunni Muslims who had studied their faith at a Saudi Arabian university and had themselves returned to Kazakhstan were jailed in separate cases in 2017.

One Muslim however, Murat Bakrayev, was saved from extradition back to Kazakhstan. The Kazakh authorities were seeking his extradition to punish him for talks on Islam others had recorded and posted online. A German court rejected Kazakhstan's extradition request and freed him from detention on 21 February 2019.

### ***Arrested on return***

Dilmurat Sultanmuratovich Makhamatov (born 21 February 1979) has lived with his family in Saudi Arabia for some 20 years, his friends told Forum 18. "People came to him from Kazakhstan and other former Soviet republics to ask him about Islam and the

Koran," one person told Forum 18. "They often recorded his remarks and put them on the internet. The Kazakh authorities claim these were lectures, but they weren't."

Makhamatov had rarely visited Kazakhstan since his move to Saudi Arabia. He returned in 2014 to get a new passport. "During that visit, the KNB secret police warned him to stop making public remarks," the individual told Forum 18.

Forum 18 has been unable to establish when the KNB secret police began moves to extradite Makhamatov from Saudi Arabia. However, it appears such moves began in 2016, the first year the KNB commissioned an "expert analysis" of some of Makhamatov's remarks on Islam. The KNB commissioned further such analyses in 2017 and 2018.

The KNB Investigator in the case, Lieutenant-Colonel Abzal Sarsebayev, repeatedly refused to discuss the prosecution of Makhamatov. "I give no interviews. Don't ring me again," he told Forum 18 from Shymkent on 14 February. "I told you before not to call me," he told Forum 18 on 27 February.

"A representative of the Salafi movement, Dilmurat Makhamatov, born in the city of Saryagash, engaged in illegal missionary activity, was detained by the law-enforcement agencies of the Kingdom of Saudi Arabia," an unidentified District Police told local news agencies on 15 October 2018. "Being in that country, he engaged in illegal preaching among Kazakhstanis via the internet."

Soon after detaining him, the Saudi authorities apologised to Makhamatov and released him. However, Kazakh KNB officers seized him in Saudi Arabia in December 2018 and forced him onto a flight at Jeddah airport back to the country via Abu Dhabi. They told him they had issues they needed to discuss with him back in Kazakhstan.

Once in the Kazakh capital Astana, officers put him on a flight to the southern city of Shymkent. Officers arrested him as soon as he landed there on 19 December. He was transferred to the KNB Investigation Prison in Shymkent. On 21 December, Judge Kamshybek Anarbayev of Shymkent Investigation Court ordered him held in pre-trial detention for two months.

The KNB went back to Shymkent Investigation Court to extend the pre-trial detention. On 19 February the court authorised a further month in pre-trial detention.

Makhamatov has two wives and a total of nine children. His family, who returned from Saudi Arabia soon after his return, is now living in a village near his birthplace of Saryagash in Turkistan Region, the region surrounding Shymkent.

### ***"Incitement" and "terrorism" charges***

The KNB secret police is investigating Makhamatov under two Criminal Code Articles, Article 174, Part 1 and Article 256, Part 2.

Article 174, Part 1 punishes "Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord" with a maximum punishment of a seven-year jail term.

Article 256, Part 2 punishes: "Propaganda of terrorism or public calls to commit terrorism" - which includes the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or other communication networks, or with foreign support, or in a group". The punishment is seven to 12 years' imprisonment with confiscation of property.

KNB Investigator Sarsebayev ordered a further "expert analysis" of recordings of some of Makhamatov's remarks on Islam. As the Investigator refuses to discuss the case with Forum 18, it has been unable to find out what claims the "experts" made about Makhamatov's remarks in this and the earlier analyses.

Makhamatov's friends insisted to Forum 18 that he made no remarks calling for the violation of others' human rights.

The lawyer Bauyrzhan Azanov is defending Makhamatov. "He lodged a suit to Shymkent Investigation Court to complain that his client was being interrogated in his absence," a friend of Makhamatov told Forum 18.

### ***Prison conditions "satisfactory"***

Makhamatov's conditions in the KNB Investigation Prison in Shymkent are "satisfactory", a friend told Forum 18. "He can pray the namaz there and has access to the Koran." He is allowed two short visits from relatives each month.

The telephone at the Investigation Prison went unanswered each time Forum 18 called on 27 February.

Many Muslim prisoners of conscience jailed for exercising their freedom of religion or belief have stated that they are banned from reading the Koran and other religious books, and prevented from saying the namaz (obligatory Muslim daily prayers). This and the forcible shaving off of beards appears to be a standard punishment imposed on such prisoners.

Makhamatov's address in pre-trial detention:

g. Shymkent  
Al-Farabyisky raion  
Ul. Kazybek bi 36  
Sledstvenny izolyator KNB  
Kazakhstan

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## **Three years' jail, five years' religion ban**

***A Balkhash court jailed Abilai Bokbasarov for three years to punish him for meetings about Islam. It also banned him from exercising freedom of religion for five years after his term, the equal longest such ban. A judge refused to explain what he will be banned from doing.***

By Felix Corley

Forum 18 (14.02.2019) - A 28-year-old resident of Balkhash has become the 73rd Muslim known to have been convicted and punished in Kazakhstan for alleged membership of the Tabligh Jamaat Muslim missionary movement since the beginning of 2015. Balkhash City Court jailed Abilai Bokbasarov for three years on 9 January and, after his release, banned him from exercising freedom of religion or belief for five years.

"The verdict was three years' imprisonment in a medium-security institution and deprivation of the right to engage in religious activity for five years," the Judge who speaks on behalf of the Court told Forum 18.

Although courts often hand down post-prison bans on the exercise of freedom of religion or belief, the five-year ban handed to Bokbasarov is the equal longest known to Forum 18. The Judge who speaks on behalf of the Court refused to discuss the ban with Forum 18 or to specify what the ban will mean in practice (see below).

After Sunni Muslim Saken Tulbayev was in 2015 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".

As with all the other criminal convictions in recent years to punish the exercise of freedom of religion or belief – including of Muslims, Jehovah's Witnesses and a Seventh-day Adventist – the case against Bokbasarov was initiated by the National Security Committee (KNB) secret police.

An Astana court banned Tabligh Jamaat in Kazakhstan as "extremist" in February 2013. The movement's adherents often travel around the country encouraging other Muslims to greater piety, for which many members have also been fined.

Of the 73 known criminal convictions of alleged Tabligh Jamaat adherents since the beginning of 2015 to punish them for exercising freedom of religion or belief, 52 were given prison terms while 21 were given restricted freedom sentences. In the most recent known case, in July 2018 a judge in Aktobe Region punished seven Muslims with restricted freedom sentences of one to three years for holding religious meetings which the prosecution argued were "extremist".

Now that his verdict has come into force, Bokbasarov is likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Being added to the List means that any bank accounts an individual may have will be blocked with no further legal process. Their families will be allowed to withdraw only small amounts for daily living if they do not have other sources of income.

The seven Muslims given restricted freedom sentences in Aktobe Region in July 2018 are among those recently added to the financial blacklist (see below).

Two men from Atyrau arrested in an apparent attempt to pressure them to give testimony against Murat Bakrayev, a Muslim Kazakhstan's authorities are trying to extradite from Germany, were convicted in December 2018. An Atyrau court gave Erzhan Sharmukhambetov and Ermek Kuanshaliyev restricted freedom terms of three and a half years each. Prosecutor Marat Khabibullin refused to discuss the cases with Forum 18 (see below).

Akmola Regional Court went ahead with an appeal hearing in the case of another jailed Muslim Dadash Mazhenov on 30 January, despite his decision to withdraw his appeal. The Regional Court left his jail term of seven years and eight months unchanged (see below).

### ***Government abandons restrictive legal amendments***

The government has finally withdrawn from Parliament amendments to a variety of laws which would have restricted the exercise of freedom of religion or belief still further. It handed to Parliament the draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws in late 2017. The Amending Law was approved by the lower house, the Majilis, and then the upper house, the Senate, but was returned to the Majilis in September 2018.

Prime Minister Bakytzhan Sagantayev issued the brief decree withdrawing the Amending Law from the Majilis on 29 January 2019. The decree gave no reason for the decision.

### ***Balkhash: Three-year jail term in secret police-initiated case***

The KNB secret police accused a Muslim resident of the south-eastern city of Balkhash in Karaganda Region of trying to recruit other Muslims to the banned Tabligh Jamaat movement. It claimed that Abilai Aidaruly Bokbasarov (born 12 February 1991) held "secret meetings" about his faith at a flat he rented for this purpose in the city, during which he "propagandised the ideas of the movement".

Bokbasarov had hoped to recruit "the maximum number of people", Nur.kz reported on 15 January, but KNB secret police officers "speedily neutralised the suspect".

The KNB arrested Bokbasarov and a court ordered him held in pre-trial detention. A case was brought against him 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.

The KNB secret police commissioned an "expert" psychological/philological analysis, which was completed in August 2018.

Bokbasarov admitted his guilt during the investigation and Balkhash Prosecutor's Office agreed a plea bargain with him, Judge Nurgul Berlikesheva of Balkhash City Court told Forum 18 on 14 February 2019.

On 9 January, Judge Bakhtiyar Akanov of Balkhash City Court found Bokbasarov guilty under Criminal Code Article 405, Part 1. "The verdict was three years' imprisonment in a medium-security institution and deprivation of the right to engage in religious activity for five years," Judge Berlikesheva told Forum 18. Local lawyer Anatoly Golovin defended Bokbasarov in court.

Judge Berlikesheva would not discuss why her colleague had imposed a five-year ban on Bokbasarov exercising his right to freedom of religion or belief after completing his jail term. Nor would she specify the terms of the ban.

Judge Akanov also ordered that Bokbasarov pay "compensation" to "victims" of 48,100 Tenge (about two weeks' average wages for those in formal work) and a fee of 1,255 Tenge for the "expert analysis" the KNB secret police commissioned, according to court records. Judge Berlikesheva told Forum 18 Bokbasarov had to pay the "compensation", even though there were no victims of his actions.

Bokbasarov did not appeal against the conviction because of the plea bargain, Judge Berlikesheva added, and it has now come into force.

Balkhash Prosecutor's Office refused to discuss Bokbasarov's case with Forum 18 on 13 February.

Now that his verdict has come into force, Bokbasarov is likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism".

This means, for those on the List, that any bank accounts they may have will be blocked with no further legal process. Their families will be allowed to withdraw only small amounts for daily living if they do not have other sources of income.

### ***Atyrau: Two restricted freedom sentences***

Two men from the western city of Atyrau who were arrested in an apparent attempt to pressure them to give testimony against Murat Bakrayev, a Muslim the authorities are trying to extradite from Germany, were convicted in December 2018.

On 20 October 2018, the KNB secret police arrested Erzhan Ruslanovich Sharmukhambetov (born 26 November 1980) in Atyrau. Arrested with him was his wife, but she was freed the following day. Also arrested the same day was Ermek Serikovich Kuanshaliyev (born 29 December 1980).

Sharmukhambetov and Kuanshaliyev are childhood friends of Sunni Muslim Bakrayev, who has not visited Kazakhstan since he and his family left in 2005. He was arrested in Germany on 15 September 2018 at the request of the Kazakh authorities, who had issued an Interpol Red Notice against him and are seeking his extradition. He remains in custody in Germany as he fights the extradition request, his relatives told Forum 18 on 13 February.

KNB Investigator Nurzhan Bisengaliyev initially investigated the cases against Sharmukhambetov and Kuanshaliyev. He refused to discuss the cases with Forum 18 in October 2018. The KNB secret police then handed the cases over to the Regional Prosecutor's Office.

Prosecutors brought charges against Sharmukhambetov and Kuanshaliyev under Criminal Code Article 174, Part 1 and Article 405, Part 2.

Article 174, Part 1 punishes "Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord" with a maximum punishment of a seven-year jail term.

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.

On 6 December 2018, Judge Zhumagali Tashimov of Atyrau City Court No. 2 found both Sharmukhambetov and Kuanshaliyev guilty under both charges. He sentenced both men

to restricted freedom terms of three and a half years. Marat Khabibullin of Atyrau Regional Prosecutor's Office led the prosecution case in court, the court chancellery told Forum 18 on 14 February 2019.

Prosecutor Khabibullin refused to discuss the cases with Forum 18 on 14 February.

The two men did not appeal against their sentences. Sharmukhambetov was added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism" on 16 January.

Since the men's release the KNB secret police are reportedly watching them closely, friends told Forum 18. KNB cars are frequently parked outside their homes and officers visit them. The two men are said to be afraid to maintain contact with others.

### ***Added to Financial blacklist***

Other prisoners of conscience punished for exercising freedom of religion or belief have been added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", blocking their bank accounts.

A group of Muslims given restricted freedom sentences of up to 3 years in Aktobe Region in July 2018 for alleged Tabligh Jamaat membership were added to the List in August 2018: Amanzhol Kishkentekov and Zhanat Dosalin on 10 August, and the other five - Zhasulan Zhappargaliuly, Mukharam Baizakov, Daulet Elemesov, Aslan Temiralin and Miras Murzagulov - on 14 August.

Muslim prisoner Galymzhan Abilkairov, jailed in Shchuchinsk in October 2018 for posting on social media four talks about Islam by prisoner of conscience Kuanyshtashpayev, was added to the List on 23 January 2019. Akmola Regional Court had rejected Abilkairov's appeal against his prison term of seven years and seven months on 26 December 2018, according to court records. He is serving his sentence in Taraz, friends told Forum 18.

### ***Akmola Region: Muslim's appeal rejected***

Akmola Regional Court went ahead with an appeal hearing in the case of another jailed Muslim Dadash Mazhenov on 30 January, despite his decision to withdraw his appeal. The Regional Court left his jail term of seven years and eight months unchanged, according to court records.

"Dadash wrote to say he was rejecting an appeal as practice showed that the appeal court changed nothing and there was no point in an appeal," Mazhenov's relatives told Forum 18 on 14 February. "But without his agreement they went ahead with the appeal with a duty lawyer."

Burabai District Court in the central Akmola Region jailed Mazhenov on 16 November 2018 for posting online talks on Islam which the authorities claim promoted terrorism. The court handed the 28-year-old father of one a term of seven years and eight months in a general regime labour camp.

Mazhenov is still being held in Kokshetau's Investigation Prison (ETs 166/23) but expecting to be transferred to a labour camp soon, relatives told Forum 18.

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## **165 administrative prosecutions in 2018 – list**

***Full list of 165 known administrative prosecutions in 2018 to punish exercising freedom of religion or belief. Of these, 139 ended up with punishments, including fines, worship bans, seizures and destruction of religious literature, short-term jail terms and one deportation.***

By Felix Corley

Forum 18 (01.02.2019) - <https://bit.ly/2VIB7QC> - Kazakhstan's authorities are known to have brought at least 165 administrative prosecutions in 2018 to punish individuals, religious communities, charities and companies for their exercise of freedom of religion or belief. Of these, 139 ended up with punishments.

Punishments included fines, temporary bans on activity (including bans on meeting for worship), seizures and destruction of religious literature, two short-term jail terms and one deportation, according to a review of the known 2018 cases compiled by Forum 18 (see full list below).

Muslims, Protestants (especially Council of Churches Baptists), Jehovah's Witnesses, and commercial and private sellers were many of the targets of these prosecutions.

Fines were mostly the equivalent of between three weeks' and four months' average wages for those in formal work (35 to 200 Monthly Financial Indicators, MFIs, 84,175 Tenge to 481,000 Tenge in 2018).

In two cases, courts ordered seized religious literature to be destroyed, 85 Islamic booklets in one case and one Christian book, "Bible Stories", in the other.

One foreign citizen (a Kyrgyz-born Russian Muslim) was ordered deported.

Two individuals (both Council of Churches Baptists) were jailed (for 1 and 5 days) for refusing to pay earlier fines to punish them for exercising freedom of religion or belief. Council of Churches Baptists have a policy of not paying such fines.

Administrative prosecutions are known to have been brought in 2018 (with comparisons to 2017) to punish:

- 37 individuals, charities and companies for meeting for worship, hosting such meetings or maintaining places for such meetings (88 in 2017).
- 10 individuals and charities for offering religious literature to others for free (39 in 2017).
- 32 individuals and companies for offering religious literature, icons or other items for sale (58 in 2017).
- 18 individuals for offering religious items for sale online (10 in 2017).
- 23 individuals for posting religious materials online (12 in 2017).

- 17 individuals for sharing faith with others (31 in 2017).
- 20 Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen" (22 in 2017, the first year such punishments were imposed).
- 3 individuals for teaching their faith (2 in 2017).
- 1 religious leader for allowing children to be present or conducting religious rites against the wishes of one parent (9 in 2017).
- 2 religious communities for "inadequate" security or security measures for their places of worship, for example not having enough video cameras (5 in 2017).
- 2 individuals for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief (2 in 2017).

A total of 159 of these cases were heard in court, but 6 fines (all later annulled) are known to have been summarily handed down by police (the total number could be higher).

Of the 153 administrative cases known to have been brought against individuals in 2018, 117 were against men and 36 against women. Women represented more than half of individuals prosecuted to punish offering religious literature and other items for sale, both in shops and online.

Of the 153 known administrative prosecutions against individuals in 2018, at least 11 began as cases under Criminal Code Article 174 ("Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord").

The administrative cases were launched when prosecutors decided not to pursue the Article 174 criminal cases except in one case, where the court sent the administrative case for further investigation as a possible criminal case.

### ***Full list of known 2018 administrative prosecutions***

The list of known 2018 administrative prosecutions below is based on court decisions and other information reaching Forum 18. It includes the date of initial decision by lower court/police, name of defendant, affiliation, court/police issuing decision, Administrative Code Article, reason for prosecution, outcome:

#### ***- Punishing unapproved meetings, rituals***

Known administrative cases: 37

Known convictions: 28

200 MFI fines: 1

140 MFI fines: 3

50 MFI fines: 10

35 MFI fines: 14

3-month bans: 8

Literature retention: 1

Muslims: 25  
Protestants: 7 (all Council of Churches Baptists)  
Jehovah's Witnesses: 1  
Companies: 3  
Charity: 1

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

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

Article 490, Part 1, Point 1 punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.

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

1) 21 January 2018, Sergei Krasnov, Council of Churches Baptist, Oral police, Article 489, Part 9, worship meetings in unregistered venue, 100 MFI fine (Oral police annulled fine on 17 May)

2) 21 January 2018, Kenzhetai Baytinov, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

3) 21 January 2018, Serkali Kumargaliyev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

4) 21 January 2018, Dmitry Isayev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

5) 21 January 2018, Ivan Isayev, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

6) 21 January 2018, I Novikov, Council of Churches Baptist, Oral police, Article 489, Part 10, worship meetings in unregistered venue, 50 MFI fine (Oral police annulled fine on 17 May)

7) 13 February 2018, Taisiya Yezhova, JW, Sarykol District Court, Article 490, Part 1, Point 1, worship meetings in unregistered venue, 35 MFI fine

8) 5 March 2018, Pavel Leonov, Council of Churches Baptist, Almaty Specialised Administrative Court, Article 490, Part 1, Point 1, worship meetings in unregistered venue, 50 MFI fine and 3-month ban

9) 27 March 2018, Nuriddin Basharov, Muslim, Almaty Specialised Administrative Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine

10) 3 April 2018, Tursinali Kambarov, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, praying in unapproved location, 50 MFI fine and 3-month ban

- 11) 10 April 2018, Abdizhalil Bakhiyev, Muslim, Maktaaral District Court No. 2, Article 490, Part 1, Point 1, prayers in unregistered mosque, 35 MFI fine and 3-month ban and confiscation of 20 Arabic books and 1 DVD
- 12) 17 April 2018, Bagdat Dauletyar, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, praying in unapproved location, 50 MFI fine
- 13) 26 April 2018, Sarsengali Yakhshibayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine
- 14) 10 May 2018, Zhanar Darmenova, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, praying in unapproved location, dismissed because not filed within 2 months
- 15) 10 May 2018, Sharbanu Kairzhanova, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, praying in unapproved location, dismissed because not filed within 2 months
- 16) 18 May 2018, Rauan Galimov, Muslim, Zhaksy District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine
- 17) 18 May 2018, Suyeu Kystaubayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 35 MFI fine
- 18) 7 June 2018, Rakhmatulla Sadikov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine
- 19) 12 June 2018, Umarbek Butayev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine
- 20) 21 June 2018, Sultan Karimov, Muslim, Kokshetau Specialised Administrative Court, Article 490, Part 1, Point 1, hospital doctor allowed prayers in unapproved venue (room in hospital), acquitted
- 21) 11 July 2018, Turkaz Caspyi, company, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 4, established prayer room during Ramadan in unapproved venue (canteen), 140 MFI fine and 3-month ban on canteen
- 22) 18 July 2018, Sembai Abilkhasanov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue, 35 MFI fine
- 23) 18 July 2018, Karim Imanat, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (tea house), 35 MFI fine
- 24) 18 July 2018, Meirambek Sakhanov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work tea room), 35 MFI fine
- 25) 18 July 2018, Estai Mutishev, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work tea room), 35 MFI fine
- 26) 18 July 2018, Sagitzhan Muratkhanov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work room), 35 MFI fine
- 27) 18 July 2018, Mukhit Parakhatov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work room), 35 MFI fine

28) 18 July 2018, Nurtas Shameshov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work room), 35 MFI fine

29) 18 July 2018, Yermek Yusupov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 1, prayers in unapproved venue (work room), 35 MFI fine

30) 28 September 2018, Yerzhan Kiyuazarov, Muslim, Zhiloi District Court, Article 490, Part 1, Point 4, established prayer room in unapproved venue (canteen), 50 MFI fine and 3-month ban

31) 29 October 2018, Grand Sport-T, company, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 1, had unapproved Muslim prayer room in business centre, 140 MFI fine and 3-month ban on prayer room

32) 13 November 2018, Nabi, company, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 1, employees prayed namaz in staff room (company claimed 2 employees signed statements they had not read out of fear of police), 140 MFI fine and 3-month ban on prayer room

33) 13 November 2018, Nazar Kozhabai, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, prayers in unregistered venue, 50 MFI fine

34) 26 November 2018, Murager, charity, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 200 MFI fine and 3-month ban

35) 28 November 2018, Makhkambai Matvafayev, Muslim, Aktau Specialised Administrative Court, Article 490, Part 1, Point 1, prayers in unregistered venue, 50 MFI fine

36) 6 December 2018, Bolat Khisin, Muslim, Akzhai District Court No. 2, Article 490, Part 1, Point 1, conducted religious marriage in mosque without state permission, 35 MFI fine

37) 26 December 2018, Ruslan Yelemesov, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 1, prayers in unregistered venue (cafe), 50 MFI fine and 3-month ban

### ***- Punishing offering free religious literature***

Known administrative cases: 10

Known convictions: 8

140 MFI fines: 1

50 MFI fines: 3

35 MFI fines: 3

Warning: 1

3-month bans: 3

Protestants: 5 (including 4 Council of Churches Baptists)

Muslims: 3 (including 1 unconfirmed)

Charity: 1

Organisation: 1

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

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 23 January 2018, Nikolai Popov, Council of Churches Baptist, Balkhash Specialised Administrative Court, Article 490, Part 3, offering religious literature, 100 MFI fine (fine changed to verbal warning on appeal)

2) 20 February 2018, Shukhrat Khakimov, Muslim, Munaili District Court, Article 490, Part 1, Point 3, offering religious literature, 35 MFI fine

3) 22 February 2018, Aleksandr Turusov, Council of Churches Baptist, Zyryanovsk District Court No. 2, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine (and 3-month ban added on appeal)

4) 20 March 2018, Erlan Kurbanov, ?Muslim, Burabai District Court, Article 490, Part 1, Point 3, offering religious literature, 35 MFI fine

5) 5 April 2018, Vyacheslav Poptsov, Baptist, Aktobe Specialised Administrative Court, Article 490, Part 3, Point 1, offering 8 religious books which have not undergone state censorship inside registered church premises, acquitted

6) 21 May 2018, Pavel Chernov, Council of Churches Baptist, Zhaksy District Court, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine

7) 15 June 2018, Aleksandr Bekarev, Council of Churches Baptist, Sarkan District Court, Article 490, Part 1, Point 3, offering religious literature, 50 MFI fine and 3-month ban

8) 11 July 2018, Azamat Temirbekov, Muslim, Zhanaozen City Court, Article 490, Part 1, Point 3, offering 26 copies of the Koran at 2 mosques, 35 MFI fine

9) 7 September 2018, Miras charity, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature, case closed as filed too late

10) 1 October 2018, Ashyk Alakan (Open Palm) organisation, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering one-page hadith leaflets in shopping centre, 140 MFI fine and 3-month ban

### ***- Punishing offering religious literature, items for sale***

Known administrative cases: 32

Known convictions: 31

Initial criminal cases (Article 174): 3 (possibly 4)

200 MFI fines: 2

140 MFI fines: 1

50 MFI fines: 9

35 MFI fines: 19

3-month bans: 23

Literature destruction orders: 1

Literature retention: 2

Commercial traders: 28

Companies: 4

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

1) 17 January 2018, Kuat Makhmetov, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 140 MFI fine and 3-month ban

2) 1 February 2018, Ulzhan Tsoi, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3 (after criminal investigation – possibly under Article 174 - closed), offering religious literature and items for sale, 35 MFI fine and 3-month ban

3) 29 March 2018, Academician Sharmanov Book Shop, company, Satpayev Town Court, Article 490, Part 1, Point 3, offering religious literature for sale, 200 MFI fine and 3-month ban

4) 5 April 2018, Zulfiya Kudaibergenova, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature and items for sale, 35 MFI fine and 3-month ban

5) 14 May 2018, Sergei Tsarev, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 50 MFI fine and 3-month ban

6) 14 May 2018, Rakhima Usipbayeva, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 35 MFI fine and 3-month ban

7) 21 May 2018, Asel Nurlanova, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 35 MFI fine and 3-month ban

8) 1 June 2018, Retail Trade, company, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 18 icons for sale, 200 MFI fine and 3-month ban

9) 4 June 2018, Saltanat Keulimzhayeva, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offered 54 religious books for sale, 35 MFI fine

10) 6 June 2018, Kuralai Terlikbayeva, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Koran for sale, 140 MFI fine (reduced to 35 MFI fine on appeal) and 3-month ban on selling religious literature

11) 11 June 2018, Zhasulan Bazarbayev, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 35 MFI fine and 3-month ban

12) 12 June 2018, Dauren Shyntemirov, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature for sale, 35 MFI fine

- 13) 21 June 2018, Gulsara Erzhigitova, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering an icon for sale, 35 MFI fine
- 14) 22 June 2018, Aliya Abdykarimova, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 Orthodox icons for sale, 35 MFI fine
- 15) 10 July 2018, Aisulu Tleuzhanova, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 7 neck crosses and 2 pendants for sale, 50 MFI fine
- 16) 20 July 2018, Sergei Shutov, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 3 Orthodox neck crosses and 4 amulets for sale, 35 MFI fine
- 17) 1 August 2018, Svetlana Doskach, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering Islamic books and 4 Orthodox icons in stone for sale, 35 MFI fine and 3-month ban on selling religious literature
- 18) 1 August 2018, Gulnara Sagitova, commercial seller, Astana Specialised Administrative Court, Article 490, Part 1, Point 3, offering 47 religious books for sale, 35 MFI fine and 3-month ban on selling religious literature
- 19) 7 August 2018, Nurbek Myrzakulov, commercial seller, Shieli District Court, Article 490, Part 1, Point 3 (Criminal Code Article 174, Part 1 case closed after state "expert analysis" found no incitement in books), offering Islamic books for sale, 50 MFI fine and 3-month ban on selling religious literature
- 20) 24 August 2018, Zolotoi Stil, company, Astana Specialised Administrative Court, Article 490, Part 1, offering 9 Christian icons for sale, acquitted (only 1 was deemed an icon and was owner's property)
- 21) 17 September 2018, Kirill Beskrovny, commercial seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering a necklace with cross for sale in car parts shop, 35 MFI fine and 3-month ban
- 22) 19 September 2018, Kulyaikhan Tulengutova, commercial seller, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, offering Islamic literature for sale at station stall, 50 MFI fine and 3-month ban
- 23) 19 September 2018, Askarbek Sarsenov, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3 (Criminal Code Article 174 case closed for lack of a crime), offering 85 Islamic booklets for sale, 35 MFI fine and 3-month ban and destruction of booklets
- 24) 10 October 2018, Dinara Tashchanova, commercial seller, Atyrau Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious literature and items for sale, 35 MFI fine
- 25) 15 October 2018, Nina Agalakova, commercial seller, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering necklaces with crosses for sale, 50 MFI fine and 3-month ban
- 26) 17 October 2018, Orynbasar Khanapina, commercial seller, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, 50 MFI fine and 3-month ban on selling religious items

27) 17 October 2018, Kurmanbek Uteuliyev, commercial seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), offering religious items for sale, 50 MFI fine

28) 22 October 2018, Leonard Syritsa, commercial seller, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 3 neck crosses for sale, 35 MFI fine and 3-month ban on selling religious items

29) 24 October 2018, Damezhan Salimbetova, commercial seller, Astana Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 5 necklaces with crosses for sale, 50 MFI fine and 3-month ban on shop

30) 20 November 2018, Almaz Shaiken on behalf of Ummastore bookshop, company, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious literature and items for sale, 200 MFI fine and 3-month ban (fine reduced to 50 MFIs on appeal)

31) 7 December 2018, Aidos Tanbyshov, commercial seller, Kazaly District Court, Article 490, Part 1, Point 3, offering Islamic books for sale at market, 35 MFI fine and 3-month ban on shop and confiscation of books

32) 26 December 2018, Anuar Almagambetov, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 "pendants in the form of a cross" for sale, 35 MFI fine and 3-month ban

### ***- Punishing offering religious literature, items for sale online***

Known administrative cases: 18

Known convictions: 18

50 MFI fines: 6

35 MFI fines: 11

3-month bans: 5

1-month bans: 1

Literature destruction: 1

Private sellers: 16

Commercial sellers: 2

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

1) 27 March 2018, Natalya Pivovarova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering 3 Bibles for sale online, 50 MFI fine

2) 24 April 2018, Anastasiya Krivoruchenko, commercial seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one icon for sale online, 35 MFI fine and 3-month ban

3) 24 April 2018, Natalya Orekhova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one children's Bible for sale online, 35 MFI fine

- 4) 5 June 2018, Ayzhan Ayazbayeva, commercial seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering dolls dressed in hijabs online, 35 MFI fine
- 5) 13 June 2018, Pavel Larionov, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 3 icons for sale online, 35 MFI fine
- 6) 20 June 2018, Akmaral Sydykova, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Russian-language Koran for sale online, 35 MFI fine
- 7) 6 August 2018, Konstantin Burkov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Bible for sale online, 50 MFI fine and 3-month ban
- 8) 19 September 2018, Dmitry Peremykin, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering one icon of Jesus and 3 "unidentified saints" for sale online, 35 MFI fine and 3-month ban
- 9) 20 September 2018, Zaur Kerimov, seller, Glubokoe District Court, Article 490, Part 1, Point 3, offering icons for sale online, 50 MFI fine
- 10) 26 September 2018, Mikhail Syzdykov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering German-language Bible for sale online (for 5,000 Tenge), 50 MFI fine and 1-month ban on distributing religious literature
- 11) 28 September 2018, Azamat Tokanov, seller, Yesil District Court, Article 490, Part 1, Point 3, offering German-language Bible published 1872 for sale online, 50 MFI fine and 3-month ban on distributing religious literature and items
- 12) 27 September 2018, Roman Akhmetvaliyev, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible and Bible reference book for sale online, 35 MFI fine and 3-month ban
- 13) 11 October 2018, Natalya Matyusha, seller, Sharbakty District Court, Article 490, Part 1, Point 3, offering 3 Muslim books for sale online (state religious "expert" analysis found they were not against the Constitution), 50 MFI fine
- 14) 15 October 2018, Saule Mamedova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one Bible for sale online (for 5,000 Tenge), 35 MFI fine
- 15) 23 October 2018, Alina Zhanabilova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering 2 Muslim books for sale online, 35 MFI fine
- 16) 6 November 2018, Natalya Palyanova, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering one metal icon of Virgin Mary for sale online, 35 MFI fine
- 17) 25 December 2018, Olga Kondakova, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering one metal icon of Virgin Mary for sale online, 50 MFI fine (fine annulled on appeal because "offence" insignificant)
- 18) 29 December 2018, Zairash Amanova, seller, Zharma District Court, Article 490, Part 3, offering 2 religious books for sale online (one for 500 Tenge), 35 MFI fine and one book "Biblical Stories" ordered destroyed

## **- Punishing posting religious materials online**

Known administrative cases: 23  
Known convictions: 22  
Initial criminal cases (Article 174): 8 (possibly 9)  
70 MFI fines: 3  
50 MFI fines: 10  
35 MFI fines: 9  
3-month bans: 7  
1-month bans: 2  
Disc confiscation orders: 1

Muslims: 19  
Unknown religious affiliation: 4

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

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

- 1) 16 January 2018, Ersai Saylaubayev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, posting religious materials online, 70 MFI fine
- 2) 21 February 2018, Ruslan Avezbayev, Muslim, Zyryanov District Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 2 investigation), posting religious materials online, 35 MFI fine
- 3) 1 March 2018, Lors Kusiyeu, Muslim, Bulandy District Court, Article 490, Part 1, Point 3 (initial Criminal Code investigation, probably Article 174), posting religious materials online, 50 MFI fine
- 4) 11 April 2018, Kazbek Bekeyev, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine and 3-month ban on distributing religious literature
- 5) 15 May 2018, Chingiz Kapsalyamov, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, posting religious materials online, 70 MFI fine
- 6) 22 May 2018, Tolegen Adamov, Muslim, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), posting religious materials online, 35 MFI fine
- 7) 23 May 2018, Bakuzhan Kozhakhmetuli, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine, and 3-month ban and seizure of disc

- 8) 5 June 2018, Zhandos Kaliyev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3 (initial Criminal Code Article 174 investigation), posting religious materials online, case closed (sent for possible consideration under Criminal Code)
- 9) 14 June 2018, Yerken Akanov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), sharing religious materials on WhatsApp, 50 MFI fine and 3-month ban on distributing religious literature
- 10) 14 June 2018, Yerlan Aubakirov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), sharing religious materials on WhatsApp, 50 MFI fine and 3-month ban on distributing religious literature
- 11) 25 June 2018, Airat Imanbayev, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine
- 12) 25 June 2018, Azamat Baimaganbetov, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine
- 13) 28 June 2018, Anar Faradzhev, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 14) 11 July 2018, Rakhymzhan Aitmukhanov, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine and 3-month ban
- 15) 23 July 2018, Bolat Esmagambetov, unknown faith, Bulandy District Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 16) 20 August 2018, Anuar Yesimseitov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (Criminal Code Article 174, Part 1 case closed), posting religious materials online, 50 MFI fine and 1-month ban on distributing religious literature
- 17) 23 August 2018, Rasul Akhmet, Muslim, Shal Akyn District Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), posting religious materials online, 50 MFI fine
- 18) 3 September 2018, Auelbek Ramazanov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), sharing religious materials on WhatsApp, 50 MFI fine and 1-month ban on distributing religious literature
- 19) 29 October 2018, Berik Kanagatov, faith unknown, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine and 3-month ban
- 20) 29 October 2018, Sakhakazak Kulbekov, faith unknown, Almaty Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine and 3-month ban
- 21) 20 November 2018, Sakhrat Akzhigitov, Muslim, Temirtau Specialised Administrative Court, Article 490, Part 1, Point 3, sharing religious materials on Telegram, 35 MFI fine
- 22) 5 December 2018, Murat Nurguzhinov, Muslim, Temirtau Specialised Administrative Court, Article 490, Part 1, Point 3, sharing religious materials on Telegram, 35 MFI fine

23) 24 December 2018, Anastasiya Rabek, unknown faith, Satpayev District Court, Article 490, Part 3, sharing faith, 100 MFI fine (reduced to 70 MFI on appeal)

**- Punishing sharing faith**

Known administrative cases: 17  
Known convictions: 10  
Initial criminal cases (Article 174): 1  
100 MFI fines: 3  
70 MFI fines: 7  
Literature retention order: 1  
Deportation order: 1

Jehovah's Witnesses: 9  
Muslims: 6  
Protestants: 2 (including 1 Council of Churches Baptist)

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 17 January 2018, Viktor Shtrek, JW, Aiyrtau District Court, Article 490, Part 3, sharing faith, 100 MFI fine

2) 7 February 2018, Maksim Ivakhnik, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

3) 8 February 2018, Estai Asainov, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

4) 8 February 2018, Timur Koshkunbayev, JW, Sarykol District Court, Article 490, Part 3, sharing faith, 70 MFI fine

5) 27 February 2018, Yerpolat Duisengaliyev, Council of Churches Baptist, Karasai Specialised Administrative Court, Article 490, Part 3, shared faith at home meeting, 70 MFI fine (acquitted on appeal)

6) 28 February 2018, Eldar Kenzhetayev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 70 MFI fine (investigated in Karaganda Tabligh Jamaat criminal case)

7) 12 March 2018, Maksat Ergeshov, JW, Kentau District Court, Article 490, Part 3, sharing faith, acquitted

8) 13 March 2018, Dilobarkhon Sultanova, New Life Pentecostal, Shymkent Specialised Administrative Court, Article 490, Part 3, helping download online Bible, acquitted

9) 29 March 2018, Akilbek Kasen, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 70 MFI fine (investigated in Karaganda Tabligh Jamaat criminal case)

10) 29 March 2018, Valeriya Gerdt, JW, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, acquitted

11) 2 April 2018, Taskali Naurzgaliyev, Muslim, Karaganda Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine (jailed in Karaganda Tabligh Jamaat criminal case)

12) 16 April 2018, Beket Saryev, JW, Maktaaral District Court, Article 490, Part 3, sharing faith, acquitted

13) 24 April 2018, Zhasulan Karabayev, Muslim, Abai District Court, Article 490, Part 3, sharing faith, 100 MFI fine (reduced to 70 MFI fine on appeal) (investigated in Karaganda Tabligh Jamaat criminal case)

14) 6 June 2018, Fariza Dairabina, JW, Zhezkazgan City Court, Article 490, Part 3, sharing faith, acquitted

15) 6 June 2018, Arailym Turebekova, JW, Zhezkazgan City Court, Article 490, Part 3, sharing faith, acquitted

16) 3 August 2018, Nurzhan Turapov, Muslim, Saryagash Specialised Administrative Court, Article 490, Part 3, sharing faith with taxi driver, 70 MFI fine and confiscation of book

17) 22 August 2018, Ulanbek Zhumashov, Muslim, Maktaaral District Court, Article 490, Part 3, sharing faith, 100 MFI fine and deportation (Kyrgyz-born Russian citizen)

### ***- Punishing violating mosques' internal rules***

Known administrative cases: 20

Known convictions: 20

200 MFI fines: 1

50 MFI fines: 6

35 MFI fines: 12

No punishment: 1

Muslims: 20

Article 490, Part 2 punishes: "Impeding lawful religious activity as well as violation of the civil rights of physical persons on grounds of their religious views or insulting their feelings or profanation of items, buildings and places revered by followers of any religion, unless there are signs of criminally punishable actions". The punishment for individuals is 50 Monthly Financial Indicators (MFIs), and for legal entities 200 MFIs.

1) 10 January 2018, Yerbolat Gazimov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

2) 14 February 2018, Asauturlan Talpakov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

3) 12 April 2018, Nurlan Turebekov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

4) 16 May 2018, Azamat Sarsenov, Muslim, Kurmangazy District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

- 5) 24 July 2018, Iztai Omirtai, Muslim, Kyzylkoga District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 6) 15 August 2018, Sandibek Kalapov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 7) 15 August 2018, Kairat Makhanov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 8) 17 August 2018, Dzhambul Zhapelov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 9) 24 August 2018, Nursultan Tushmayev, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 10) 24 September 2018, Abdimalal Abdullayev, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 11) 26 September 2018, Aslan Seitkaliyev, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 12) 1 October 2018, Kairat Makhanov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 8, Amen in mosque (second prosecution in same year – see above), 200 MFI fine
- 13) 1 October 2018, Kurmangazy Makulov, Muslim, Isitai District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 14) 2 October 2018, Zhasulan Shomanov, Muslim, Isatai District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 15) 2 October 2018, Adilbek Serzhanov, Muslim, Isatai District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 16) 2 October 2018, Yerlan Yerbatyrov, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 17) 11 October 2018, Rinat Zibirov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, convicted but released from any punishment because of "insignificance" of "offence"
- 18) 23 October 2018, Rustem Adaibayev, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 19) 19 November 2018, Azat Komutov, Muslim, Abai District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 20) 27 November 2018, Serikbek Sydykov, Muslim, Ayagoz District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

### ***- Punishing religious teaching***

Known administrative cases: 3

Known convictions: 3

150 MFI fines: 1

50 MFI fines: 1

35 MFI fines: 1  
Permanent ban on activity: 2

Muslims : 3

Article 490, Part 3 punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

1) 20 February 2018, Dastan Abdrakhmanov, Muslim, Karkarali District Court, teaching religion to school-age children, Article 490, Part 1, Point 1, 35 MFI fine

2) 6 August 2018, Aidir Kharsanov, Muslim, Kordai District Court, teaching Koran to school-age girls, Article 490, Part 1, Point 1, and Article 490, Part 3, 150 MFI total fine and a ban on activity

3) 6 August 2018, Zarina Manu, Muslim, Kordai District Court, teaching Koran to school-age girls, Article 490, Part 1, Point 1, and Article 490, Part 3, 50 MFI total fine and a ban on activity

#### ***- Punishing involvement of children***

Known administrative cases: 1  
Known convictions: 1  
50 MFI fines: 1

Protestants: 1

Article 490, Part 7 punishes leaders of registered religious organisations who fail to abide by the 2011 Religion Law's requirement "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". Punishment is a fine of 50 MFIs and deportation from the country.

1) 7 February 2018, Vyacheslav Poptsov, Baptist, Aktobe Specialised Administrative Court, Article 490, Part 7, children present at church event, 50 MFI fine

#### ***- Punishing inadequate security measures***

Known administrative cases: 2  
Known convictions: 2  
70 MFI fines: 1  
Warning: 1

Protestant churches: 2

Article 462, Part 3 punishes "Non-fulfilment or inadequate fulfilment of legal orders" with a fine for organisations of 100 MFIs and a possible ban on all or some activity.

1) 22 February 2018, New Life Church, Pentecostal, Shymkent Specialised Administrative Court, Article 462, Part 3, having three not five fire detectors in a storage building, 100 MFI fine and 1-month ban (punishment cancelled on appeal and verbal warning issued)

2) 15 March 2018, Harvest Church, Pentecostal, Kostanai Specialised Administrative Court, Article 462, Part 3, technical fault on state-required video surveillance system did not store recordings for required 30-day minimum, 70 MFI fine

**- Punishing failing to pay earlier fines**

Known administrative cases: 2

Known convictions: 2

3-day jail term: 1

1-day jail term: 1

Council of Churches Baptists: 2

Article 669 punishes "Failure to fulfil a court decision" with a fine for individuals of 5 MFIs (10 MFIs until early 2018) or up to five days' jail.

1) 9 July 2018, Vitaly Yashchenko, Council of Churches Baptist, Bulandy District Court, Article 669, failing to pay earlier fine, 5-day jail term

2) 9 July 2018, Dmitry Isayev, Council of Churches Baptist, Bulandy District Court, Article 669, failing to pay earlier fine, 1-day jail term

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## **Courts' book-destroying "barbarism" continues**

***A Judge ordered destroyed 85 Islamic booklets seized from an individual for offering them for sale without state permission, telling Forum 18 he "doesn't need" them. Another court ordered "Bible Stories" destroyed. "Sad", "ABSURD" and "not in accord with international standards" are some responses to these destruction orders.***

By Felix Corley

Forum 18 (17.01.2019) - <https://bit.ly/2DFxcrP> - The Judge who ordered the destruction of 85 Islamic booklets in September 2018 has defended his decision. He claimed the seller from whom they had been seized "doesn't need these books". The Judge ordered the destruction as part punishment for selling religious books without state permission, alongside a fine and a three-month ban.

"There is a special mechanism to destroy such items," Judge Olzhas Abdusalikov of Kyzylorda Specialised Administrative Court told Forum 18. "I don't know how they destroy books." The Judge said the books were handed over to Kyzylorda City Police to carry out the destruction. Forum 18 was unable to reach anyone at the City Police (see below).

Judge Abdusalikov's destruction order was one of two such court decisions in 2018, found by Forum 18 in a review of administrative punishments for exercising freedom of religion or belief. About 180 individuals and companies are known to have faced prosecution, with most fined (see forthcoming F18News article).

The other known religious literature destruction in 2018 was ordered by Judge Aigul Sadvakasova of Zharma District Court. She ordered destroyed one copy of the 1994 Kazakh-language book "Bible Stories" on 29 December 2018. She refused to discuss her decision with Forum 18 (see below).

"Sad", "ABSURD" and "not in accord with international standards" are some of the responses to the court orders to destroy religious books (see below).

In 2015, human rights defender Yevgeni Zhovtis described an earlier court order to destroy religious books as "barbarism" (see below).

However, a state religious affairs official in the capital Astana who monitors religion-related administrative cases refused to discuss with Forum 18 court orders to destroy religious books – or the many other punishments handed down for exercising freedom of religion or belief (see below).

### ***Book destruction orders "sad", "absurd"***

"It's sad," one legal expert who had reviewed the courts' destruction orders told Forum 18 on 14 January 2019. "This is ABSURD!" another individual who had reviewed the orders told Forum 18 on 16 January.

Equally critical is Tamara Kaleyeva, head of the free speech organisation Adil Soz (Free Word). Such religious book confiscation and destruction orders "are not in accord with international standards – that's obvious", she told Forum 18 from Almaty on 17 January. "We of course condemn this."

Serik Alkhaliyev, an expert at the government's Social Harmony Committee (former Religious Affairs Committee) in Astana, has responsibility for monitoring religion-related administrative cases, his colleagues told Forum 18 on 17 February.

"I can't comment on our laws," Alkhaliyev told Forum 18 the same day. Asked about court-ordered religious book destructions – and other punishments for exercising freedom of religion or belief - he refused to discuss them and put the phone down. When Forum 18 immediately called back, the line had been switched to a fax machine.

"It is barbarism to destroy books"

Courts across Kazakhstan have long ordered religious literature seized in administrative or criminal cases to be destroyed. Forum 18 found nine such cases of religious literature ordered destroyed in 2017, including a copy of the Koran. The head of the District court bailiff service refused to tell Forum 18 if and how the Koran was destroyed.

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."

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned a similar court order to destroy books seized from Seventh-day Adventist Yklas Kabduakasov and others in a 2015 criminal 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."

Confiscation and destruction of religious literature seized in administrative prosecution cases remains a threat in many cases. After police officers seized a German-language

Bible from Mikhail Syzdykov on 2 August 2018 which he was trying to sell for 5,000 Tenge via the website Olx.kz, a court in Petropavl on 26 September fined him 120,250 Tenge.

"The seized book, the Bible in German, is to be returned to its owner," the court decision reads, "since it is not of value and is not subject to destruction."

### ***Tight censorship***

Kazakhstan imposes tight censorship on all religious literature. The government's Social Harmony Committee (former 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".

For those who distribute, sell or offer religious literature – and items such as pictures, icons or jewellery which have a religious motif – without specific state permission or in locations that the state has not specifically approved are routinely punished with, for individuals, fines of up to several months' average wages.

Tamara Kaleyeva of Adil Soz condemns this state censorship of religious materials. "This censorship contradicts international human rights standards," she told Forum 18 on 17 January, "but unfortunately it is in the law. All attempts to change this have not resulted in any change so far."

### ***Fine, Islamic booklet destruction order***

Trouble began for Askarbek Sarsenov, a then 64-year-old commercial seller in the southern city of Kyzylorda, on 22 June 2018. Police found him offering for sale on the street a total of 85 copies of 6 Islamic booklets, according to the subsequent court decision seen by Forum 18. The booklets covered themes such as learning the Koran or prayer.

Kyzylorda Police began investigating Sarsenov under Criminal Code Article 174, Part 1. This punishes "Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord". However, police dropped the case on 20 August "due to the absence of a crime".

On 4 September Police instead launched a case against Sarsenov under Administrative Code Article 490, Part 1, Point 3. This punishes "Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use". The punishment for individuals is a fine of 50 Monthly Financial Indicators (MFIs). This represents about a month's average wages for those in formal work (though a much greater burden for unemployed individuals and pensioners).

On 19 September 2018, Judge Olzhas Abdukalikov of Kyzylorda Specialised Administrative Court found Sarsenov guilty. He fined him 35 MFIs (about three weeks' average wages for those in formal work), imposed a three-month ban on unspecified activity and ordered the destruction of the booklets. The court decision orders that all 85 booklets be handed over to Kyzylorda Police to be destroyed.

Asked why he had ordered the Islamic booklets destroyed, Judge Abdukalikov responded: "Because [Sarsenov] doesn't need these books, plus he sold them where it wasn't allowed." He insisted to Forum 18 on 17 January that as a judge he is simply following the law. He refused to discuss whether it is the role of judges to order religious literature destroyed if they think an individual does not "need" it.

Forum 18 was unable to find out if Kyzylorda Police have destroyed Sarsenov's Islamic booklets and, if so, how. "There is a special mechanism to destroy such items," Judge Abdukalikov told Forum 18. "I don't know how they destroy books." The main telephone at Kyzylorda Police went unanswered each time Forum 18 called on 17 January.

### ***Fine, Christian book destruction order***

Trouble began for Zairash Amanova, a then 53-year-old resident of the village of Kalbatau in East Kazakhstan Region, on 7 November 2018. Officials found her offering for sale on the Olx.kz website two religious books – one of them "Bible Stories" for 500 Tenge, the other a book on prayer.

Amanova was among at least 16 individuals fined in 2018 for offering religious literature, icons or other items for sale via the Olx.kz website (see forthcoming F18News article).

An "expert analysis" of the 1994 book "Bible Stories", published by New Life, undertaken by the government's Scientific Research and Analytical Centre on Religious Issues in Astana found that it does not violate the Constitution, the subsequent court decision, seen by Forum 18, notes.

For offering the religious books for sale online, Amanova was accused of violating 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".

On 29 December 2018, Judge Aigul Sadvakasova of Zharma District Court found Amanova guilty. She fined her 35 MFIs (84,175 Tenge), about three weeks' average wages for those in formal work. She also ordered that the book "Bible Stories" be destroyed.

Forum 18 has been unable to find out to whom the task of destroying the book was assigned and whether the order has been carried out.

Judge Sadvakasova refused absolutely to discuss anything with Forum 18 on 17 January 2019. Asked why she had ordered Amanova's book destroyed, she immediately put the phone down.