

Table of Contents

- ***Appeals rejected in absentia***
 - ***Imminent prison trial for ailing prisoner***
 - ***Three pastors' convictions "an unjust court decision"***
 - ***Years of intrusive questioning***
 - ***Officials try to force registration signature withdrawals***
 - ***Eight jailed for up to eight years***
 - ***Nine years' jail for online discussion group?***
 - ***104 administrative prosecutions in January-June 2019 - list***
 - ***Fined for worship, funeral prayer rooms***
 - ***"We don't have censorship", but three books banned***
 - ***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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24 prisoners of conscience, 6 restricted freedom sentences

By Felix Corley, Forum 18

In addition to one Muslim on trial in Almaty, 24 individuals - all Sunni Muslim men - are known to be jailed for exercising freedom of religion or belief. Three Protestants were given jail terms in absentia. A further 6 individuals are serving restricted freedom sentences. A further 15 are under post-jailing bans on specific activity. A further 27 who completed sentences still have their bank accounts blocked.

Forum18 (18.12.2019) - http://www.forum18.org/archive.php?article_id=2529 - As the criminal trial of Sunni Muslim Zhuldyzbek Taurbekov continues in Almaty, 24 individuals are known to be in jail for exercising their right to freedom of religion or belief. All of them are Sunni Muslim men. In addition, a further 6 individuals are known to be serving restricted freedom sentences for exercising their right to freedom of religion or belief. All but one of them are Sunni Muslim men.



Zhuldyzbek Taurbekov, Almaly District Court, Almaty, 5 June 2019
Private [CC BY-NC-ND 4.0]

The individuals or those close to them all deny that they harmed the human rights of others or called for the human rights of others to be harmed.

Some prisoners have been banned from access to religious literature and from praying visibly, or punished for trying to exercise freedom of religion or belief in jail. Some were beaten by prison officers – such as [Dadash Mazhenov in labour camp in Shymkent in spring 2019](#).

A further 3 Pentecostal Christians – who now live in the United States - were handed jail terms in absentia (see below).

Even when sentences are complete, punishment does not stop. A further 15 individuals who have completed prison terms or restricted freedom sentences are still under often vague post-jailing bans on specific activity. This is likely to be an underestimate, as such post-jailing bans are not often made public (see below).

Those serving restricted freedom sentences live at home under probation. They can be assigned community work and are banned from leaving the town or changing their job or residence without permission. They can also be banned from visiting locations, like cafes or casinos.

Post-jailing bans on specific activity, such as visiting specific places or sharing faith, are handed down as part of the sentence. For those convicted to punish exercise of freedom of religion or belief, such bans – which can be vaguely worded - often include bans on visiting places of worship or sharing their faith with others (see below).

In addition, a further 27 individuals who have completed prison terms or restricted freedom sentences, apparently as well as any possible post-jailing bans, still have access to any bank accounts blocked (see below).

Individuals jailed on "extremism" or "terrorism" related charges remain on the list for six or eight years after the sentence is completed. The use of undefined terms, such as "extremism" and "terrorism", by officials and in laws, has been strongly criticised by Kazakh human rights defenders and the United Nations Human Rights Committee (see below).

Criminal cases against almost all these individuals were initiated by the National Security Committee (KNB) secret police.

The trial of Sunni Muslim Zhuldyzbek Taurbekov in Almaty is due to resume in the afternoon of 20 December, according to court records. He is facing criminal charges of promoting "propaganda of terrorism" and "inciting hatred" for his participation in a WhatsApp discussion group about Islam which was monitored by the National Security Committee (KNB) secret police. He rejects the charges. Taurbekov is suffering from a serious heart condition and his lawyer says his condition is worsening "from day to day".

The same Almaty court jailed the other eight members of the WhatsApp Muslim discussion group in August for between five and a half and eight years. However, after Almaty City Court rejected the eight men's appeals on 20 November, the written decision mistakenly gave the start of the sentence not as 28 October 2018, the day of their arrest, but as 28 October 2019. This in effect added one year to each of the men's jail terms. The eight men had their bank accounts blocked on 5 December.

Known individuals on trial (1 person), serving prison sentences (24), sentenced in absentia (3), serving restricted freedom sentences (6), under post-jailing bans (15) and still on the financial blacklist after completing sentences (27) are listed below.

Who is targeted?

A large group of those jailed, sentenced to restricted freedom or under other restrictions are Muslims punished on charges of alleged membership of the Tabligh Jamaat Muslim missionary group. An Astana court banned the group in Kazakhstan in 2013.

Some of the individuals admitted adherence to the group. Others were punished for discussing their faith with other Muslims in mosques, on the streets or in homes.

Others jailed, such as the group of Muslims in Almaty, had discussed their faith on a WhatsApp group on their mobile phones (see above).



Dilmurat Makhamatov at sentencing hearing, Al-Farabi District Court, 2 May 2019
Dilara Isa (RFE/RL)

The KNB secret police have also initiated criminal cases against Muslims who earlier studied their faith in Saudi Arabia.

Another group are Muslims the Kazakh authorities have had returned from Saudi Arabia, who have been punished for talks or comments on Islam they or others have posted

recordings on the internet or otherwise distributed. Among these is Dilmurat Makhamatov.

The authorities are still seeking the return of other Muslims now based abroad. They failed to have Murat Bakrayev returned from Germany, when in February a German court refused to extradite him.

The KNB earlier arranged the criminal prosecution of three non-Muslims for talking about their faith to others, apparently set up by the KNB. Seventh-day Adventist Yklas Kabduakasov was jailed in 2015, while two Jehovah's Witnesses, Teymur Akhmedov and Asaf Guliyev were sentenced in 2017. Kabduakasov is still on the financial blacklist after completing his prison term, while Guliyev is still serving his restricted freedom sentence.

Then-President Nursultan Nazarbayev pardoned Akhmedov – a pensioner and cancer sufferer - in April 2018. He was freed from prison, had the post-prison three-year ban on exercising freedom of religion or belief removed and – one month later – was removed from the financial blacklist.

Criminal Code charges

All these individuals have been punished under one or several of three Articles of the current Criminal Code (or their earlier equivalents):

- Criminal Code Article 174, which 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".
- Criminal Code Article 256, which punishes "Propaganda of terrorism or public calls to commit terrorism".
- Criminal Code Article 405, which punishes "Organising or participating in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out".

The use of undefined terms, such as "extremism" and "terrorism", by officials and in laws has been strongly criticised by Kazakh human rights defenders and the United Nations Human Rights Committee.

The three Pentecostal Christians in Almaty were given prison terms in absentia in August 2019 under 1997 Criminal Code Article 103, Part 2 ("Deliberately causing severe harm to health"), 2014 Criminal Code Article 190, Part 3 ("Fraud"), 1997 Criminal Code Article 337, Part 1 ("Creation or leadership in the activity of illegal social and other associations") and 1997 Criminal Code Article 337, Part 3 ("Active participation in the activity of illegal social and other associations").

Post-jail bans



Saken Tulbayev, Bostandyk District Court, Almaty, 28 May 2015
Kazis Toguzbayev (RFE/RL)

Post-jailing bans on specific activity are often handed down as part of the sentence. For those convicted to punish exercise of freedom of religion or belief, such bans – which can be vaguely worded - often include bans on visiting places of worship or sharing their faith with others.

When a court jailed Muslim Saken Tulbayev in July 2015, it also banned him from exercising freedom of religion or belief, including praying with others and reading the Koran, until the end of 2022 three years after his release. In September 2016, the Supreme Court overturned the ban on exercising the right to freedom of religion or belief for three years after Tulbayev completes his prison term. However, it instead imposed a ban on any sharing of faith after his release.

Tulbayev was freed on 29 November 2019 from the Taldykorgan Investigation Prison where he had been serving the latter part of his sentence and has to report regularly to the police, those close to him told Forum 18. He is allowed to go to mosque, but banned from conducting "missionary activity" and membership of "extremist" organisations. Like many other former prisoners, his bank accounts remain blocked.

When an Astana court jailed Jehovah's Witness Teymur Akhmedov in May 2017, it also banned him from conducting "ideological/preaching activity in the area of religion" for three years after the end of his sentence. This ban was lifted when Akhmedov was freed and pardoned in April 2018.

Financial blacklisting

Those convicted for exercising freedom of religion or belief are almost always 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 often find out about the blocking of accounts only when they go to the bank. Families are allowed to withdraw only small amounts for daily living if they do not have other sources of income.

Individuals remain on the financial blacklist for six or eight years after their sentence has expired as they are deemed still to have a criminal record.

On trial

1) Zhuldyzbek Abikenovich Taurbekov; Sunni Muslim; born 20 September 1978; arrested 27 October 2018; trial began 3 December 2019 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2.

Jailed

The 24 individuals (all of them Sunni Muslim men) known to be serving prison sentences to punish them for exercising freedom of religion or belief. Listed in reverse order of date of release.

1) Bolatbek Dyusenbekovich Nurgaliyev; Sunni Muslim; born 12 December 1978; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 8 years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): October 2027.

2) Ernar Samatovich Samatov; Sunni Muslim; born 19 March 1980; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 7 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2027.

3) Beket Tastanbekovich Mynbasov; Sunni Muslim; born 10 January 1983; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 7 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2027.

4) Dilmurat Sultanmuratovich Makhmatov; Sunni Muslim; born 19 February 1978; arrested 19 December 2018; sentenced 2 May 2019 Shymkent's Al-Farabi District Court; Criminal Code Article 174, Part 2 and Article 256, Part 2; appeal rejected 26 June 2019 Shymkent City Court; 8 years in a general regime labour camp, plus bank accounts blocked. Expected prison release date: December 2026.

5) Dadash Temergaliyevich Mazhenov; Sunni Muslim; born 28 September 1990; arrested 23 April 2018; sentenced 16 November 2018 Burabai District Court; Criminal Code Article 256, Part 2; appeal rejected 30 January 2019 Akmola Regional Court; 7 years and 8 months in a general regime labour camp plus fee of 60,790.14 Tenge, plus bank accounts blocked. Expected prison release date: December 2025.

6) Galymzhan Ramazanovich Abilkairov; Sunni Muslim; born 29 January 1988; arrested 23 April 2018; sentenced 19 October 2018 Burabai District Court; Criminal Code Article 256, Part 2; appeal rejected 26 December 2018 Akmola Regional Court; 7 years and 7 months' jail term, plus bank accounts blocked. Expected prison release date: November 2025.

7) Nazim Alimzhanovich Abdrakhmanov; Sunni Muslim; born 10 March 1988; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 5 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees,

plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2025.

8) Samat Asylkhanovich Adilov; Sunni Muslim; born 28 August 1986; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 5 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2025.

9) Zhasulan Meiramovich Iskakov; Sunni Muslim; born 22 October 1984; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 5 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2025.

10) Esim Kadirzhumanovich Suleimenov; Sunni Muslim; born 1 February 1983; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 5 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2025.

11) Azamat Gaidarovich Umbetaliyev; Sunni Muslim; born 10 January 1992; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaly District Court; Criminal Code Article 174, Part 2; appeal rejected 20 November 2019 Almaty City Court; 5 and a half years' imprisonment plus "compensation" of 48,100 Tenge plus court fees, plus bank accounts blocked. Expected prison release date (because of mistake in appeal verdict): April 2025.

12) Abdukhalil Abdukhamidovich Abduzhabbarov; Sunni Muslim; born 6 April 1975; arrested 18 February 2017; sentenced 16 August 2017 Oral City Court; Old Criminal Code Article 164, Part 3 (equivalent to Article 174, Part 3 of new Code); 8 year prison term, plus bank accounts blocked. Expected prison release date: February 2025.

13) Nariman Kabdyrakhmanovich Seytzhanov; Sunni Muslim; born 2 May 1989; arrested 15 January 2017 (after earlier arrest in Kyrgyzstan); sentenced 9 June 2017 Kokshetau City Court; Criminal Code Article 174, Part 1; appeal rejected 16 August 2017 Akmola Regional Court; 5 year prison term, plus 91,693.58 Tenge fee, plus bank accounts blocked. Expected prison release date: January 2022.

14) Satymzhan Bagytzhanuli Azatov; Sunni Muslim; born 17 September 1989; arrested 4 January 2017; sentenced 10 July 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 1 and Article 256, Part 1; appeal rejected 12 September 2017 Astana City Court; 4 year and 8 month prison term, plus bank accounts blocked. Expected prison release date: September 2021.

15) Abilai Aidaruly Bokbasarov; Sunni Muslim; born 12 February 1991; arrested 13 August 2018; sentenced 9 January 2019 Balkhash City Court; Criminal Code Article 405, Part 1; no appeal; 3 years' imprisonment in a medium-security institution, plus 5-year post-prison ban on right to engage in religious activity, plus bank accounts blocked. Expected prison release date: August 2021.

16) Iliyan Raiymzhan; Sunni Muslim; born 8 February 1992; arrested April 2017; sentenced 1 August 2017 Tekeli City Court; Criminal Code Article

405, Parts 1 and 2; appeal rejected 19 September 2017 Almaty Regional Court 4 year prison term, plus 2 and a half years' post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected prison release date: April 2021.

17) Kuanysh Ablayevich Bashpayev; Sunni Muslim; born 3 February 1987 ; arrested 12 October 2016; sentenced 7 April 2017 Pavlodar City Court No. 2; appeal 15 June 2017 Pavlodar Regional Court modified labour camp provision; Old Criminal Code Article 164, Part 1 (equivalent to Article 174, Part 1 of new Code); 4 and a half years' imprisonment, plus bank accounts blocked. Expected prison release date: April 2021.

18) Bakhytzhhan Esimkhanovich Baimusayev; Sunni Muslim; born 15 November 1963; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus 4-year post-prison ban on activities, plus bank accounts blocked. Expected prison release date: April 2021.

19) Abduvakhab Salibekovich Shakirov; Sunni Muslim; born 21 December 1962; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus 4-year post-prison ban on activities, plus bank accounts blocked. Expected prison release date: April 2021.

20) Kazbek Asylkhanovich Laubayev; Sunni Muslim; born 30 October 1978; arrested 30 October 2017; sentenced 6 April 2018 Karaganda's October District Court; Criminal Code Article 405, Part 1; appeal rejected 22 May 2018 Karaganda Regional Court; 3 years' imprisonment in general regime labour camp, plus bank accounts blocked. Expected prison release date: October 2020.

21) Marat Amantayevich Konyrbayev; Sunni Muslim; born 16 March 1981; arrested 30 October 2017; sentenced 6 April 2018 Karaganda's October District Court; Criminal Code Article 405, Part 1; appeal rejected 22 May 2018 Karaganda Regional Court; 3 years' imprisonment in general regime labour camp, plus bank accounts blocked. Expected prison release date: October 2020.

22) Taskali Nasipkaliyevich Naurzgaliev; Sunni Muslim; born 3 May 1981; arrested 30 October 2017; sentenced 6 April 2018 Karaganda's October District Court; Criminal Code Article 405, Part 1; appeal rejected 22 May 2018 Karaganda Regional Court; 3 years' imprisonment in general regime labour camp, plus bank accounts blocked. Expected prison release date: October 2020.

23) Serik Elubayevich Kanaliyev; Sunni Muslim; born 25 April 1971; arrested 20 August 2016; sentenced 22 December 2016 Zhanaozen City Court; Criminal Code Article 405, Part 1 and Part 2; no appeal; 4 years' imprisonment, plus bank accounts blocked. Expected prison release date: August 2020.

24) Rollan Talgatovich Arystanbekov; Sunni Muslim; born 5 December 1981; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 3 year prison term, plus 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected prison release date: January 2020.

Jail terms in absentia

The 3 individuals (all leaders of Almaty's New Life Pentecostal Church who currently live in the United States) known to have been given jail terms in absentia to punish them for exercising freedom of religion or belief. Should they return to Kazakhstan they would expect to be arrested and jailed.

1) Maxim Alekseyevich Maximov; Pentecostal; born 2 July 1970; sentenced 29 July 2019 Almaty's Specialised Inter-District Court for Minors; Old Criminal Code Article 103, Part 2 and Article 337, Part 1, current Criminal Code Article 190, Part 3; appeal rejected 1 November 2019 Almaty Regional Court; 3 years' prison; 5 years' prison, plus compensation to "victims" plus court fee plus 1-year ban on leading religious organisations.

2) Sergei Borisovich Zaikin; Pentecostal; born 5 February 1975; sentenced 29 July 2019 Almaty's Specialised Inter-District Court for Minors; Old Criminal Code Article 103, Part 2 and Article 337, Part 1, current Criminal Code Article 190, Part 3; appeal rejected 1 November 2019 Almaty Regional Court; 4 years' prison plus compensation to "victims" plus court fee.

3) Larisa Anatolyevich Maximova; Pentecostal; born 7 March 1963; sentenced 29 July 2019 Almaty's Specialised Inter-District Court for Minors; Old Criminal Code Article 103, Part 2, Article 337, Part 1, and Article 337, Part 3; appeal rejected 1 November 2019 Almaty Regional Court; 4 years' prison plus compensation to "victims" plus court fee.

Restricted freedom sentences

The 6 individuals (all but one of them Sunni Muslim men) known to be serving restricted freedom sentences to punish them for exercising freedom of religion or belief. Individuals live at home on probation and under restrictions. Listed in reverse order of date of release.

1) Ermek Serikovich Kuanshaliyev; Sunni Muslim; born 29 December 1980; arrested 20 October 2018; sentenced 6 December 2018 Atyrau City Court No. 2; Criminal Code Article 174, Part 1 and Article 405, Part 2; no appeal; 3 and a half years' restricted freedom, plus book destruction. Expected restricted freedom release date: April 2022.

2) Erzhan Ruslanovich Sharmukhambetov; Sunni Muslim; born 26 November 1980; arrested 20 October 2018; sentenced 6 December 2018 Atyrau City Court No. 2; Criminal Code Article 174, Part 1 and Article 405, Part 2; no appeal; 3 and a half years' restricted freedom, plus bank accounts blocked. Expected restricted freedom release date: April 2022.

3) Denis Valeryevich Korzhavin; Sunni Muslim; born 21 May 1983; arrested 18 February 2017; sentenced 11 May 2017 Almaty's Almaty District Court; Criminal Code Article 174, Part 1; no appeal; 5 years' restricted freedom, plus bank accounts blocked. Expected restricted freedom release date: February 2022.

4) Asaf Gadzhiaga ogly Guliyev; Jehovah's Witness; born 4 October 1973; arrested 18 January 2017; sentenced 24 February 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 2; no appeal; 5 years' restricted freedom, plus bank accounts blocked. Expected restricted freedom release date: January 2022.

5) Amanzhol Zhaksylykovich Kishkentekov; Sunni Muslim; born 10 December 1973; arrested May 2018; sentenced 9 July 2018 Aktobe City Court No. 2; Criminal Code Article 405, Parts 1 and 2; no appeal; 3 years' restricted freedom plus 120 hours' community service, plus bank accounts blocked. Expected restricted freedom release date: May 2021.

6) Zhanat Sabyrzhanuly Dosalin; Sunni Muslim; born 15 May 1981; arrested May 2018; sentenced 9 July 2018 Aktobe City Court No. 2; Criminal Code Article 405, Parts 1 and 2;

no appeal; 3 years' restricted freedom, plus bank accounts blocked. Expected restricted freedom release date: May 2021.

Post-jail restrictions

The 15 individuals (all of them Sunni Muslim men) under often vague bans on conducting specific activity (related to the exercise of freedom of religion or belief) now their prison term has ended. This is almost certainly an underestimate, as many such post-prison bans do not become public. Listed in reverse order of when such bans expire.

1) Baurzhan Beisembai; Sunni Muslim; born 29 March 1982; arrested 1 August 2016; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 1 and Part 2; two and a half years' imprisonment in general regime labour camp, plus five year ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: February 2024.

2) Estai Kanatbekovich Dzhakayev; Sunni Muslim; born 17 May 1978; arrested at end of trial; sentenced 11 March 2016 Alakol District Court, Almaty Region; Criminal Code Article 405, Parts 1 and 2; no appeal; 3 years' imprisonment, plus 4 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: March 2023.

3) Saken Peisenovich Tulbayev; Sunni Muslim; born 16 June 1969; arrested 1 April 2015; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Criminal Code Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment, plus 3-year ban on sharing his faith with others and membership of "extremist" organisations, plus bank accounts blocked. Expected end of post-prison ban: December 2022.

4) Zhumabai Shaikhyuly Nurpeyis; Sunni Muslim; born 23 July 1961; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: January 2021.

5) Nurlan Amangeldyevich Ibrayev; Sunni Muslim; born 24 March 1977; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: January 2021.

6) Kanat Serikovich Shaigozhanov; Sunni Muslim; born 30 November 1984; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: January 2021.

7) Nuralim Archiyevich Tyupeyev; Sunni Muslim; born 13 November 1962; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: January 2021.

8) Ermek Tursynbayevich Akhmetov; Sunni Muslim; born 18 March 1964; arrested November 2016 (formally 12 January 2017); sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau

Regional Court; 2 year prison term, plus 2 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: January 2021.

9) Dmitry Valeryevich Tsilenko; Sunni Muslim; born 7 February 1991; arrested 5 October 2016; sentenced 12 May 2017 Kostanai City Court No. 2; Criminal Code Article 405, Part 1; appeal rejected 4 July 2017 Kostanai Regional Court; 3 year prison term, plus 278,038 Tenge fee, plus bank accounts blocked. Expected end of post-prison restrictions: October 2021.

10) Vakha Novlievich Surkhayev; Sunni Muslim; born 28 March 1963; arrested at end of trial; sentenced 11 March 2016 Alakol District Court, Almaty Region; Criminal Code Article 405, Part 1; 1 year, 3 months' imprisonment plus 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: June 2020.

11) Furkhat Farkhadovich Abatayev; Sunni Muslim; born 27 January 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: April 2020.

12) Abdivasit Abdikakharovich Abdirazakov; Sunni Muslim; born 28 August 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: April 2020.

13) Murodzhon Abdivakhabovich Abdullayev; Sunni Muslim; born 21 January 1969; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: April 2020.

14) Zhenisbek Erakhmetovich Manbetov; Sunni Muslim; born 16 July 1983; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: April 2020.

15) Meirambek Amalbekuli Sarymsak; Sunni Muslim; born 8 March 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on ban on exercise of religious freedom, plus bank accounts blocked. Expected end of post-prison ban: April 2020.

Bank accounts still blocked

The 27 individuals (26 Sunni Muslims, one Seventh-day Adventist) known to have their bank accounts still blocked although they have completed their sentences (and possibly an additional post-jailing ban on specific activity). It is possible some of these are still serving post-jailing bans.

1) Abdumazhit Kopurovich Abdullayev; Sunni Muslim; born 21 January 1968; arrested 8 July 2016; sentenced 28 December 2016 Almaty Region's Zhambyl District Court; Criminal Code Article 405, Parts 1 and 2; appeal rejected 28 February 2017; 2 and a half years' prison. Bank accounts still blocked.

- 2) Serzhan Dalelkhovich Akhmetov; Sunni Muslim; born 20 June 1982; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one year's imprisonment in a work camp. Bank accounts still blocked.
- 3) Orazbek Kabdrashovich Apakashev; Sunni Muslim; born 3 November 1971; arrested 22 February 2015; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Criminal Code Article 405, Part 1; 3 years' imprisonment. Bank accounts still blocked.
- 4) Asimtulla Rakhimtullayevich Baituryanov; Sunni Muslim; born 1 September 1971; arrested 8 July 2016; sentenced 28 December 2016 Almaty Region's Zhambyl District Court; Criminal Code Article 405, Parts 1 and 2; appeal rejected 28 February 2017; 1 and a half years' prison. Bank accounts still blocked.
- 5) Mukharam Bulikbayevich Baizakov; Sunni Muslim; born 13 February 1959; sentenced 9 July 2018 Aktobe City Court No. 2; Criminal Code Article 405, Part 2; no appeal; 1 year's restricted freedom plus 120 hours' community service. Bank accounts still blocked.
- 6) Baurzhan Beisembai; Sunni Muslim; born 29 March 1982; arrested 1 August 2016; sentenced 10 October 2016 Oskemen Court No. 2; Criminal Code Article 405, Part 1 and Part 2; 2 and a half years' imprisonment. Bank accounts still blocked.
- 7) Serik Kudaibergenovich Erimbetov; Sunni Muslim; born 12 September 1975; arrested 8 July 2016; sentenced 28 December 2016 Almaty Region's Zhambyl District Court; Criminal Code Article 405, Parts 1 and 2; appeal rejected 28 February 2017 Almaty Regional Court; 3 years' prison, plus fee. Bank accounts still blocked.
- 8) Parkhat Abdilgafurovich Gafurov; Sunni Muslim; born 15 November 1977; arrested 8 July 2016; sentenced 28 December 2016 Almaty Region's Zhambyl District Court; Criminal Code Article 405, Parts 1 and 2; appeal rejected 28 February 2017; 2 years' prison. Bank accounts still blocked.
- 9) Kublandy Urazbayevich Isatayev; Sunni Muslim; born 23 February 1977; arrested at end of trial; sentenced 6 October 2016 Aktobe Court No. 2; Criminal Code Article 405, Part 2; no appeal; 1 year's imprisonment, to be served in a work camp. Bank accounts still blocked.
- 10) Yklas Kairullinovich Kabduakasov; Seventh-day Adventist; born 19 February 1961; Seventh-day Adventist; Criminal Code Article 174, Part 1; sentenced 28 December 2015 Astana City Court; two years' imprisonment, plus book destruction. Bank accounts still blocked.
- 11) Rauan Kuanganovich Karagyzov; Sunni Muslim; born 21 March 1986; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one and a half years' imprisonment in a general regime labour camp. Bank accounts still blocked.
- 12) Khalambakhi Khalym; Sunni Muslim; born 12 August 1984; arrested 23 September 2015; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Criminal Code Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment. Bank accounts still blocked.
- 13) Oralgazhi Omarkhanovich Koshtybayev; Sunni Muslim; born 2 October 1966; arrested 8 July 2016; sentenced 28 December 2016 Almaty Region's Zhambyl District

Court; Criminal Code Article 405, Parts 1 and 2; appeal rejected 28 February 2017; 1 and a half years' prison. Bank accounts still blocked.

14) Bolatbek Kambarovich Kozhageldinov; Sunni Muslim; born 30 June 1977; arrested 23 September 2015; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

15) Rustam Imenzhanovich Musayev; Sunni Muslim; born 17 April 1985; arrested 4 April 2016; sentenced 1 June 2016 Karasai District Court; Criminal Code Article 174, Part 1; no appeal; 2 years' imprisonment in general regime labour camp, plus 35,890 Tenge fee. Bank accounts still blocked.

16) Nurzhan Beisembayevich Nuradilov; Sunni Muslim; born 13 January 1980; arrested 23 September 2015; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

17) Erbolat Kabzakievich Omarbekov; Sunni Muslim; born 10 July 1971; arrested 23 September 2015; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

18) Eldos Mukhametkarimovich Otarbayev; Sunni Muslim; born 15 August 1986; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one year's imprisonment in a work camp. Bank accounts still blocked.

19) Bauyrzhan Omirzhanovich Serikov; Sunni Muslim; born 20 November 1977; arrested 7 October 2015; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

20) Aidin Zulfukarovich Shakentayev; Sunni Muslim; born 15 August 1982; arrested 7 October 2015; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Criminal Code Article 405, Part 1; 2 and a half years' imprisonment. Bank accounts still blocked.

21) Murat Askarovich Shopenov; Sunni Muslim; born 15 November 1982; arrested 7 October 2015; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

22) Ulan Torekhanovich Smagulov; Sunni Muslim; born 25 August 1957; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one and a half years' imprisonment in general regime labour camp. Bank accounts still blocked.

23) Serik Kairbekovich Tastanbekov; Sunni Muslim; born 4 October 1971; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one and a half years' imprisonment in general regime labour camp. Bank accounts still blocked.

24) Duman Dautkanovich Toleukhanov; Sunni Muslim; born 24 October 1975; arrested at end of trial; sentenced 10 October 2016 Oskemen City Court No. 2; Criminal Code Article 405, Part 2; one and a half years' imprisonment in general regime labour camp. Bank accounts still blocked.

25) Mamurzhan Rashidovich Turashov; Sunni Muslim; born 24 April 1973; arrest date unknown; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment. Bank accounts still blocked.

26) Kubaidolla Abishevich Tyulyubayev; Sunni Muslim; born 6 August 1962; arrested 28 September 2015; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Criminal Code Article 405, Part 1; 2 years' imprisonment. Bank accounts still blocked.

27) Zholbarys Kaipbayevich Zhumanazarov; Sunni Muslim; born 3 August 1959; arrest date unknown; sentenced 28 December 2017 Karasai District Court; Criminal Code Article 405, Part 2; 1 year prison term, plus 56,174 Tenge fee. Bank accounts still blocked.

Appeals rejected in absentia

Eight prisoners of conscience have lost their appeals against long jail terms for discussing Islam on a WhatsApp group. Almaty City Court rejected the appeals on 20 November in their absence. Even before the decision came into force, the authorities transferred them to often distant labour camps. One is in a Shymkent camp, where another Muslim was tortured.

By Felix Corley

Forum 18 (28.11.2019) - <http://bit.ly/2YHwoeW> - On 20 November, Almaty City Court rejected the appeal by eight Muslims against their long jail terms for sharing Muslim texts on a private group on their mobile phones. A lower court in the city had handed down the jail terms of up to eight years on 5 August. The eight Muslims were not in court for the appeal hearing. The eight men have now been transferred to prison camps to serve their sentences.

The trial of the ninth defendant in the case, Zhuldyzbek Taurbekov, is due to begin in Almaty Investigation Prison in the afternoon of 3 December. This is despite his serious heart condition which his lawyer says should lead to immediate release. Like the other eight Muslims, Taurbekov has already spent 13 months in pre-trial detention since the National Security Committee (KNB) secret police arrested him in October 2018.

All eight convicted Muslims rejected prosecutors' accusations that their WhatsApp discussion group promoted "propaganda of terrorism" or "inciting hatred". In particular they objected to the "expert analysis" the prosecution had commissioned which backed these claims (see below).

The defence commissioned an analysis of the prosecution "expert analysis" from the St Petersburg Centre of Independent Expert Analysis and Evaluation in Russia, which found that the prosecution "analysis" failed to establish that the texts the men distributed contained "insulting features, negative emotional evaluations or negative positions", adding that the texts did not incite anyone to any hatred or discord or humiliation of others based on their identity. However, the judges at Almaty City Court refused to accept the St Petersburg analysis (see below).

Similarly, in the original trial an analysis for the defence by the Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech found no incitement to hostility, aggression, or violence towards others based on their religious affiliation, nor any assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation.

The mother of one of the defendants complained that Almaty City Court Chair had gone back on a promise that the eight Muslims would be allowed to attend the appeal hearing (see below).

She also complained that the eight are now required to pay "compensation" of one month's average wages to the Victims' Compensation Fund, even though the prosecution never claimed that anyone had been a victim of their discussion group (see below).

Within days of the rejection of their appeal, the eight prisoners of conscience were transferred from Almaty Investigation Prison to prisons in different regions. Only one of the prisoners has been transferred to a prison in Almaty Region. This will make it expensive and difficult for relatives to be able to visit (see below).

Now the eight men have lost their appeals, they are 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. Individuals remain on the financial blacklist for six or eight years after their sentence has expired.

Transferred to distant labour camps

Almaty City Court's rejection of the eight Muslims' appeals against their convictions was due to come into force only on 29 November, according to the one-page initial decision seen by Forum 18.

However, immediately after the Court issued its rejection on 20 November, the prison authorities began transferring the men to prison camps to begin serving their sentences. At least one of them was taken from Almaty Investigation Prison late at night on 23 November.

Relatives complained that the transfer to labour camps before the convictions had come into force was illegal.

The telephone at the Special Department of Investigation Prison LA-155/18 went unanswered each time Forum 18 called between 26 and 28 November. However, prison officials confirmed to Kazis Toguzbayev of Radio Free Europe's Kazakh Service on 25 November that the men had been transferred from the prison. However, they refused to discuss why the transfers took place before the verdicts had come into force.

The camps where the eight are being sent are across Kazakhstan. This means the men will serve their prison terms often a long way from their homes and families. This will make prison visits expensive, difficult and time-consuming for relatives.

- 1) Bolatbek Dyusenbekovich Nurgaliyev (born 12 December 1978) – 8 years' imprisonment -has been transferred to a labour camp in North Kazakhstan Region.
- 2) Ernar Samatovich Samatov (born 10 March 1980) – 7 and a half years' imprisonment - has been transferred to one of the three labour camps in the village of Zarechny in Almaty Region.
- 3) Beket Tastanbekovich Mynbasov (born 10 January 1983) – 7 and a half years' imprisonment - has been transferred to a labour camp, reportedly in the central Karaganda Region.
- 4) Nazim Alimzhanovich Abdrakhmanov (born 10 March 1988) – 5 and a half years' imprisonment - has been transferred to a labour camp in the northern Kostanai Region.

- 5) Samat Asylkhanovich Adilov (born 28 August 1986) – 5 and a half years' imprisonment - has been transferred to a labour camp in the western Aktobe Region.
- 6) Zhasulan Meiramovich Iskakov (born 22 October 1984) – 5 and a half years' imprisonment - has been transferred to a labour camp in Karaganda Region.
- 7) Esim Kadirzhumanovich Suleimenov (born 1 February 1983) – 5 and a half years' imprisonment - has been transferred to a labour camp in the south-western Kyzylorda Region.
- 8) Azamat Gaidarovich Umbetaliyev (born 10 January 1992) – 5 and a half years' imprisonment - has already arrived at labour camp ICh-167/3 in the southern city of Shymkent, where he is now in isolation ("quarantine").

160000, g. Shymkent
Abaisky raion
Temirlanskoe shosse 28
Uchr. ICh-167/3

Bagdat Asilbekov, the head of labour camp ICh-167/3, told Forum 18 from Shymkent on 28 November that Umbetaliyev is now in quarantine, which lasts for 15 days. He said his health is good.

Asilbekov refused to discuss how Umbetaliyev will be treated in future and whether he will be allowed to pray visibly and read the Koran if he wishes to.

Umbetaliyev's mother expressed concern to Forum 18 about the prison, noting that Muslim prisoner of conscience Dadash Mazhenov had been beaten there earlier in 2019 (see below).

However, Asilbekov said he "couldn't discuss" allegations of beatings at the labour camp and put the phone down.

Long jail terms

Arrested in October 2018, the eight Muslims were finally convicted and jailed on 5 August 2019 at Almaty's Almaty District Court. They were convicted for participating in a WhatsApp discussion group about Islam which was monitored by the National Security Committee (KNB) secret police. Prosecutors allege some of the distributed messages promoted "propaganda of terrorism" and "incited hatred". The eight Muslims all denied the accusations.

Among the messages the group's participants circulated was one by Azamat Umbetaliyev, warning about innovations in religion. An analysis of the message - commissioned by his defence lawyer from Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech - found neither any incitement to hostility, aggression, or violence towards others based on their religious affiliation, nor any assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation.

Three of the men - Nurgaliyev, Samatov and Mynbasov - were convicted under both Criminal Code Article 256, Part 2 and Criminal Code Article 174, Part 2. The other five - Abdrakhmanov, Adilov, Iskakov, Suleimenov and Umbetaliyev - were convicted only under Criminal Code Article 174, Part 2.

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, carries a punishment of five to nine years'

imprisonment plus confiscation of property. If 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.

Article 174, Part 2 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". Punishment under Part 2, when such actions are carried out by a group of people, is a jail term of between five and ten years.

Prison hunger strike

On 30 September, the eight jailed Muslims began a hunger strike in Almaty's Investigation Prison against what they regarded as the unjust convictions. They wrote to President Kasym-Jomart Tokayev, former president Nursultan Nazarbayev and various state agencies calling on them to look into their cases.

Four of them halted the hunger strike in early October, and the other four on 8 October. Officials then promised that they would be able to participate in their appeal hearing.

Appeal rejected in absentia

On 20 November, a panel of three Judges at Almaty City Court chaired by Yerzhan Kenenbayev rejected the eight Muslims' appeals against 5 August convictions, according to the decision seen by Forum 18. The decision notes that the full decision with reasoning is due to be issued on 29 November, when the decision comes into force.

The eight men will have up to one year to appeal further to the Supreme Court in the capital Nur-Sultan.

"We definitely intend to appeal to the Supreme Court and, if necessary, to the United Nations," Umbetaliyev's mother Anzhelika Belyayeva told Forum 18 from Almaty on 27 November.

The eight Muslims were convicted on the basis of prosecution claims that they ". However, of the state-nominated "experts", only Gulnara Mukhatayeva from Almaty found fault with Umbetaliyev's one repost to the group.

At the appeal hearing, lawyers for the eight Muslims presented to the Court a separate 39-page analysis of Mukhatayeva's "expert analysis". The defence had commissioned this from the St Petersburg Centre of Independent Expert Analysis and Evaluation, which had completed it on 15 October 2019 (and seen by Forum 18).

The St Petersburg analysis found that Mukhatayeva had conducted her analysis "subjectively". It found that she failed to establish that the texts the men distributed contained "insulting features, negative emotional evaluations or negative positions", adding that the texts did not incite anyone to any hatred or discord or humiliation of others based on their identity.

The St Petersburg analysis concluded that Mukhatayeva's "expert analysis" was, "because of the numerous violations, unreliable, cannot be regarded as bearing the truth and should not be taken account of in forming conclusions".

The Court dismissed defence attempts to have Mukhatayeva and other "experts" questioned during the appeal hearing and dismissed the St Petersburg analysis.

The representative of Almaty City Prosecutor's Office Sapar Torekul told the Court that no violations had occurred at the original trial and that the sentences should therefore be upheld, Kazis Toguzbayev of Radio Free Europe's Kazakh Service – who was present in court – noted the same day.

Forum 18 was unable to reach Judge Kenenbayev or Prosecutor Torekul between 26 and 28 November.

Why were victims absent?

The 20 November appeal hearing took place in the absence of the eight Muslims, who were then being held in Almaty's Investigation Prison.

Article 428 of the Criminal Procedural Code, which covers appeal hearings, requires convicted individuals to be present in court only if prosecutors are seeking to have punishment increased, or if new evidence will be heard that was not considered in the lower court trial. The appeal court decides on whether convicted individuals are to be summoned to the appeal hearing or not.

Umbetaliyev's mother Belyayeva told Forum 18 that the Chair of Almaty City Court, Nurgazy Abdikanov, had promised that the eight men would be able to be present for the appeal hearing. "He was lying!" Belyayeva insisted. "They didn't allow my son or the others to be brought from prison for the appeal hearing."

Forum 18 was unable to find out who took the decision to bar the men from participating in the appeal. "They were not banned from participating," an Almaty City Court official insisted to Forum 18 on 28 November.

The official said Abdikanov has stepped back as Chair of the Court (first she said he was on leave, then she said he was ill). The acting Chair is Bakhytzhan Karamanov, who took up the role on 18 November, two days before the men's appeal hearing. He told Forum 18 via the official that all had been done "in accordance with the law".

The official then pointed to provisions of the Criminal Procedural Code, which allow appeal hearings to take place in convicted individuals' absence.

She then referred Forum 18 to Judge Kenenbayev, the acting head of the Court's criminal division and who presided at the appeal hearing. However, despite repeated calls Forum 18 was unable to reach him between 26 and 28 November.

Told that relatives accused Court Chair Abdikanov of lying when he promised the men would be able to take part, the official responded: "It is not proved that he lied."

Paying the "victims"?

Umbetaliyev's mother Belyayeva complained that the eight, including her son, will be required to pay financial compensation to their "victims" in line with the 5 August verdict.

The verdict said each of the eight must pay 20 Monthly Financial Indicators, 48,100 Tenge, into the Victims' Compensation Fund. This represents about one month's average wage for those in formal work. In addition, the eight were also ordered to pay court fees.

"No one ever said who the victims were," Belyayeva told Forum 18. "But they insisted we have to pay into the Victims' Compensation Fund."

Muslim tortured in Shymkent camp

Muslim prisoner of conscience Dadash Temergaliyevich Mazhenov (born 28 September 1990) was tortured when he was held at labour camp ICh-167/3 in Shymkent, where Umbetaliyev has now been sent. Mazhenov was transferred to the camp in March 2019.

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.

Guards at the Shymkent camp subjected Mazhenov to beatings, his relatives told Forum 18.

"Those who marked Id al-Fitr [Muslim festival that in 2019 fell in early June] were fed rotten food and all were made ill," relatives complained. Later in June, prisoners were banned from praying the namaz. "Anyone praying the namaz during the daytime was threatened with having extra prison time added."

At the end of June, the prison authorities transferred Mazhenov to the Investigative Prison in Kyzylorda, 425 kms (265 miles) away. "They hide such prisoners in Investigation Prisons," his relatives told Forum 18, "so that there would be no publicity."

Imminent prison trial for ailing prisoner

Despite a serious heart condition – possibly needing an operation - Zhuldyzbek Taurbekov's criminal trial begins at Almaty's Investigation Prison No. 18 on 3 December. Eight arrested with him 13 months ago for participating in a WhatsApp group on Islam have already been jailed. Only six people – including only one relative – are allowed to attend the "open" trial.

By Felix Corley

Forum 18 (26.11.2019) - <http://bit.ly/2RIKjzI> - Only six people will be allowed to attend the criminal trial in an Almaty prison of ailing defendant Zhuldyzbek Taurbekov, including only one relative. The trial is due to begin in the afternoon of Tuesday 3 December at Almaty's Investigation Prison No. 18. Taurbekov is suffering from a serious heart condition and his lawyer says his condition is worsening "from day to day".

"Taurbekov shouldn't be in court – he should be freed," his lawyer Farkhad Guliyev told Forum 18 (see below).

"I fear for my health and life," Taurbekov wrote to the court in an appeal to be released from Investigation Prison (see below).

Taurbekov is facing criminal charges of promoting "propaganda of terrorism" and "inciting hatred" for his participation in a WhatsApp discussion group about Islam which was monitored by the National Security Committee (KNB) secret police. He rejects the charges (see below).

KNB secret police Investigator Lieutenant-Colonel Rakhat Rustemov claimed that the WhatsApp group promoted terrorism. Neither he, nor the indictment, nor the four successive prosecutors during the trials appear to have tried to establish whether or not any of the defendants had committed or called for terrorism.

Among the messages the group's participants circulated was one by Azamat Umbetaliyev, warning about innovations in religion. An analysis of the message - commissioned by his defence lawyer from Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech - found neither any incitement to hostility, aggression, or violence towards others based on their religious affiliation, nor any assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation.

A separate analysis of the prosecution's "expert analysis", commissioned by the defence from the St Petersburg Centre of Independent Expert Analysis and Evaluation, found that the Kazakh expert had conducted her analysis "subjectively".

The 41-year-old Taurbekov has already spent 13 months in pre-trial detention since the KNB arrested him and eight other Muslims in October 2018.

Taurbekov's mother, Asemgul Zhaurgasheva, is being allowed access to the trial in her capacity of Taurbekov's public defender, the Judge's secretary told Forum 18 (see below).

Despite repeated calls, Forum 18 was unable to reach Prosecutor Maksat Daurbayev, who is due to lead the prosecution case at the trial (see below).

Taurbekov's case was due to his ill health separated from that of the other eight Muslim prisoners of conscience (including Umbetaliyev) on 3 July. The other eight were jailed on 5 August for between five and a half and eight years for participating in the WhatsApp religious discussion group. Almaty City Court rejected their appeals on 20 November.

October 2018 arrest

On 27 October 2018, about 15 officers of the National Security Committee (KNB) with guns burst into the home of Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978) in Almaty's Alatau District.

"They came with no warning," Taurbekov's mother Asemgul Zhaurgasheva, who lives close by and was there at the time, told Forum 18 from Almaty on 26 November 2019. "The children were afraid, and we were in shock."

Zhaurgasheva said the KNB officers showed a search warrant, but the family did not examine it because of the shock of the raid. "It was like in a film," she recalled.

The KNB officers handcuffed Taurbekov and took him away. They also searched the family home, taking copies of the Koran, history books and other books, as well as a mobile phone and an old computer.

"None of these books or materials was banned and they later returned them," Zhaurgasheva added.

Taurbekov and the other eight Muslims were all taken to the KNB's Investigation Prison LA-155/18 in Almaty. Some of the men already knew each other, but others had never met and had only ever communicated via the group.

Criminal accusations

Taurbekov was accused under Criminal Code Article 256, Part 2 and Criminal Code Article 174, Part 2 for participating in a discussion group about Islam on their mobile phones using WhatsApp.

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, carries a punishment of five to nine years' imprisonment plus confiscation of property. If 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.

Article 174, Part 2 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". Punishment under Part 2, when such actions are carried out by a group of people, is a jail term of between five and ten years.

The 18 February 2019 indictment – seen by Forum 18 - claimed that because the WhatsApp group's founder Bolatbek Nurgaliyev is a Salafi Muslim, and that terrorist groups such as Islamic State have conducted terrorist activity, therefore the WhatsApp group promoted terrorism.

Neither KNB Investigator Rakhat Rustemov, nor the indictment, nor the four successive prosecutors during the trial of the eight at Almaty's Almaly District Court appear to have tried to establish whether or not Nurgaliyev and the other defendants had committed or called for terrorism.

Prosecutors presented the case against all nine Muslims – including Taurbekov – to Almaty's Almaly District Court on 27 February. The trial began on 12 March under Judge Kairat Imankulov. He jailed all eight other defendants for up to eight years at the end of the trial on 5 August.

Worsening health

Taurbekov attended some of the earlier hearings at the trial at Almaly District Court, but the last time he was brought to court was to the 24 June hearing. On 27 June he was taken from Investigation Prison to hospital.

As his health worsened, Judge Imankulov separated Taurbekov's case from that of the other eight Muslims on 3 July. On 30 July he was taken again to a cardiology centre but taken back to the Investigation Prison after four hours. Taurbekov's mother Zhaurgasheva stated that he needs a heart transplant.

Taurbekov's family stated in July that his health suffered because of lack of medical attention during his long detention in an Investigation Prison and he now needs a heart transplant.

The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) also applies to people such as Taurbekov in pre-trial

detention. Rule 27 states in part: "Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals .. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff."

On 22 October, the Public Health Administration certified that doctors had diagnosed Taurbekov with cardiomyopathy, a disease of the heart muscle that makes it harder for the heart to pump blood to the rest of the body. He was given a certificate as a "second category invalid", as someone who suffers "persistent severe impairment of bodily functions" which reduce his ability to move, look after himself or work.

Taurbekov's lawyer Farkhad Guliyev then submitted an appeal to Almaly District Court (seen by Forum 18) to have Taurbekov transferred out of pre-trial detention because of the diagnosis. He pointed out that under an Interior Ministry decree of 12 August 2014 individuals with cardiomyopathy are subject to exemption from serving sentences.

Taurbekov also submitted a two-page handwritten letter (seen by Forum 18) with his lawyer's appeal. "At any moment I could suffer a heart attack," he told the court. "In this prison I am not given any medical attention at all. I fear for my health and life." He directly attributed his worsening condition to the "negligent attitude" of the prison staff.

Taurbekov's mother Asemgul Zhaurgasheva says that her son's health was good when he was arrested. "He was healthy and sporty, regularly playing football," she told Forum 18. "But he was under heavy stress in prison, and the problems with his heart started then. I myself had a heart operation three years ago – I know how he feels."

Zhaurgasheva visited her son in prison on 25 November. "He is holding out, but needs to go to the capital for them to determine if he needs an operation," she told Forum 18.

"Open trial" in closed prison

Prosecutors handed the separate criminal case against Taurbekov to Almaly District Court on 5 August, according to court records. It too was assigned to Judge Kairat Imankulov who had, that day, sentenced the other eight Muslims to long jail terms.

Taurbekov's trial is due to begin at 2:30pm on 3 December in the court room of Almaty's Investigation Prison LA-155/18, the Judge's secretary told Forum 18 from the court on 26 November.

"It will be an open trial," the secretary insisted to Forum 18. Asked if Taurbekov's relatives and friends would therefore be free to attend, she replied: "No, it is a closed institution and entry will be by permit."

She said only six people will be able to attend, Judge Imankulov, herself as secretary, Prosecutor Maksat Daurbayev, lawyer Farkhad Guliyev, Taurbekov himself, and Taurbekov's mother Zhaurgasheva in her capacity as his public defender.

Forum 18 repeatedly tried to reach Prosecutor Daurbayev at Almaty City Prosecutor's Office on 26 November. However, his telephone went unanswered each time.

Taurbekov is being held in the police's Investigation Prison LA-155/18 in Almaty's Turksib District. It is there that his trial is due to be held.

Taurbekov's wife has not seen her husband for more than two months. Their two children (aged 3 and 2) have not seen Taurbekov since his October 2018 arrest. Taurbekov also has two older children from his first marriage.

The prison address:

050054, g. Almaty
Turksibsky raion
Ul. Krasnogorskaya d. 73
Uchr. LA-155/18

Three pastors' convictions "an unjust court decision"

An Almaty court has jailed three pastors in absentia for between four and five years in a case described by one human rights defender as "complete drive!". New Life Church has been told its problems will end if it pays money to officials or collaborates with the secret police.

By Felix Corley

Forum 18 (14.11.2019) - <http://bit.ly/2Pw9W46> - Three self-exiled Protestant pastors given long jail terms in absentia for leading New Life Pentecostal Church in Kazakhstan's commercial capital Almaty lost their appeal at Almaty City Court on 1 November. The decision came into force when the appeal verdict was issued in writing on 11 November. The three have said they will appeal to Kazakhstan's Supreme Court in the capital Nur-Sultan.

This latest criminal case was launched in July 2015, and was the third case against the Church or Church leaders brought over the years on a changing range of accusations.

The first two cases – which had heavy involvement of the National Security Committee (KNB) secret police - had been abandoned. The third finally reached one Almaty court in February 2019, only to be transferred the following month to another court (see below).

The pastors were variously accused of founding the Church in 1991 with "criminal intent", and "by means of the technology of psychological and psychotherapeutic influence with the aim of causing psychological harm to the health and stealing others' property by means of deception and abuse of trust .. with the use of information technologies and methods of turning the victims into a state of changed consciousness (trance)". At one point police accused the church of storing weapons. This charge was dropped as the only such item confiscated was an aerosol spray gun freely available on the internet (see below).

In the case of one of the nine "victims", the three pastors were accused of harming her health from six months before she was born and when one of the three pastors was only just 17 years old (see below).

In November 2018 police suggested to current Pastor Ivan Kryukov that the problems could be resolved if New Life Church pays money. "We refused," the Pastor stated. In February 2019 the Church was told that if it collaborated with the KNB secret police it would no longer face problems. "I told them I can't agree to this," Pastor Kryukov told Forum 18. Later in 2019 an official came to the Almaty Church office from the capital and was also in contact by phone. He indicated that officials would not touch the Church's main building "if we're quiet" and "don't go out on the streets" to protest against the verdict in the case of the three pastors. "I told them that we won't go out on the streets, but will defend our rights in court," Pastor Kryukov told Forum 18 (see below).

The case against the three pastors is "complete drivel", Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law commented. "I have read the verdict. It is nonsense" (see below).

On 29 July, Pastor Maxim Maximov was sentenced to five years' imprisonment, and his wife Pastor Larisa Maximova and Pastor Sergei Zaikin each to four years' imprisonment. Pastor Maximov was also banned from leading a religious organisation for one year. Five properties and the money in one bank account were ordered confiscated, even though two of the properties belong to the Church, not to Maximov, and the Church is still using them. The three were also ordered to pay damages to eight alleged victims, as well as court fees. Computers confiscated in raids were ordered confiscated (see below).

The three convicted pastors now live in the United States. Pastor Zaikin told Forum 18 on 14 November that "we still want to return to Kazakhstan".

Pastor Ivan Kryukov – who testified on behalf of the three alongside many other church members in the original trial – pointed out that the Church itself is not a party to the case and is therefore unable to challenge the decision itself. He stresses that the court ordered confiscated two properties belonging to the Church, which it still regularly uses. In addition, three Church buildings – including the Church building itself – remain under a restraining order imposed in 2016 and Church computers confiscated in the large-scale 2016 raid have not been returned (see below).

An appeal was made against the verdicts, but in its 1 November decision Almaty City Court left the lower court decision unchanged (see below).

The head of the Social Accord Department (whose role includes restricting freedom of religion and belief) at Almaty City Administration, Yergali Kesheke, insisted to Forum 18 that his Department has no complaints about New Life Church. He then claimed not to know that the Church's main building and three other buildings have been under a restraining order since 2016 and that computers confiscated from the Church then have not been returned. He said this is not an issue for his Department (see below).

Pastor Kryukov says attendance at New Life Church's various services on an average Sunday in Almaty is currently about 850.

"Working as one mechanism as in the Soviet Union"

"At this point Kazakhstan's legal system consists of the KNB secret police and its regional departments, the General Prosecutor's office and its regional departments, the Interior Ministry and its regional departments, and the Supreme Court and regional and district courts," Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 on 14 November.

"All these are working as one mechanism as in the Soviet Union and under strict political control," Zhovtis observed. "The only question: after whom, when, and why does this mechanism plan to go after? After the political opposition, independent journalists, civic activists, or some Islamic groups or non-traditional neo-Christian religious associations, or their members?"

"And the charges will be brought and evidence will be provided only to show some elements of the due process of law, with the predetermined result," Zhovtis commented on the case against the New Life Church pastors.

"This was an unjust court decision"

"This was an unjust court decision," New Life Church's current pastor Ivan Kryukov told Forum 18 after the City Court rejected the pastors' appeal. "There is no proof that the three committed any wrongdoing."

Altynbai Buranbayeva of Almaty Prosecutor's Office, who represented the prosecution at the appeal hearing, refused to discuss anything about the case. She also refused to say if the restraining order on the Church itself and its other buildings will be lifted. "I can't give any information by phone," she told Forum 18 in answer to every question on 13 November.

New Life Church's reputation and property

New Life Church has faced repeated attacks on it through the state-controlled media, although they have lessened in recent years. Official comments about the criminal case against the three pastors since Almaty Police went public with the accusations when officers raided the Church in March 2016 have harmed the Church's reputation, with little possibility for its rebuttals of the accusations to be heard.

The conviction of the three pastors in July 2019 had a "big impact" on church members, not only in the Almaty New Life Church but in other New Life congregations around Kazakhstan, a member of a congregation in another city told Forum 18.

In particular, the court's characterisation of Almaty's New Life Church as a criminal enterprise that harms people's psychological health by the use of manipulation and extracts money from church members fraudulently – accusations the Church vigorously rejects – harms the image of the Church, church members told Forum 18.

On 29 July, the day the lower court issued its verdict, the Court website claimed the three pastors held "regular so-called services, during which, using the 'anchoring' method in the audio-kinesthetic and visual-kinesthetic modality and other methods of psychological impact, the victims suffered serious harm to their health, which later developed in the form of a mental illness". The Court statement was widely republished by state-controlled media.

More than three and a half years after the police raid on New Life Church in 2016, almost all New Life Church's property remains under a restraining order – even though the Church not the three accused owns the property. This includes the Church's main building with its worship hall, as well as three other properties in Almaty.

Almaty's New Life Church – which remains a registered religious organisation – has not been prevented from opening and running bank accounts.

In addition to the four Church properties under a restraining order, New Life Church states that two of the five properties ordered confiscated from Pastor Maxim Maximov belong not to him but to the Church. Pastor Maximov signed the purchase contract (seen by Forum 18) on 4 February 1993 on behalf of the Church. The Church subsequently used the buildings for a rehabilitation centre.

Similarly, Church-owned computers confiscated during the March 2016 police raid on the Church have not been returned.

Altynbai Buranbayeva of Almaty Prosecutor's Office, who represented the prosecution at the appeal hearing in the criminal case against the three pastors, refused to explain to Forum 18 on 13 November how the two properties owned and used by the Church could be ordered confiscated from Pastor Maximov. She also refused to explain why the

Church's property remains under a restraining order and how the Church can have this lifted.

The head of the Social Accord Department (whose role includes restricting freedom of religion and belief) at Almaty City Administration, Yergali Kesheke, insisted to Forum 18 on 13 November that his Department has no complaints about New Life Church. He then claimed not to know that the Church's main building and three other buildings have been under a restraining order since 2016 and that computers confiscated from the Church then have not been returned. He said this is not an issue for his Department.

Kesheke added that New Life Church has not asked his Department for help in having the restraining order on its property lifted. Pastor Kryukov told Forum 18 the Church has not appealed to the Department because it has no influence.

Major Aleksei Chapurin of Almaty Police, who investigated the Church and the three pastors, refused to discuss with Forum 18 on 13 November why Church property remains under a restraining order three and a half years after it was imposed when the criminal case was not against the Church.

"It will take a long time to lift the restraining order on the Church's property," Pastor Kryukov told Forum 18.

Bribe or collaboration to end restrictions on Church?

Officials have repeatedly offered to end New Life Church's problems under certain conditions.

Pastor Kryukov said that police officers had suggested to him at a meeting in November 2018 that the problems could be resolved if the Church pays money. "We refused," he added. Others have also told Forum 18 of earlier attempts by officials to extract bribes before Kryukov became Pastor.

Corruption is widespread in Kazakhstan, and Transparency International's Corruption Perceptions Index 2018 ranks the country poorly at 124 out of 175 countries.

In February 2019, officials called the Church and insisted that if it collaborated with the KNB secret police, it would no longer face problems. Church leaders would no longer be held up at the border for intrusive questioning, the officials added. "I told them I can't agree to this," Pastor Kryukov told Forum 18.

Later in 2019 an official came to the Almaty Church office from the capital and was also in contact by phone. He indicated that officials would not touch the Church's main building "if we're quiet" and "don't go out on the streets" to protest against the verdict in the case of the three pastors. "I told them that we won't go out on the streets, but will defend our rights in court," Pastor Kryukov told Forum 18.

Secret criminal cases, raids

Pastor Maxim Maximov founded New Life Pentecostal Church in the then capital Almaty in 1991. It gained state registration and so permission to exist on 9 July 1991, when Kazakhstan was still part of the Soviet Union. It gained re-registration on 19 October 2012 after Kazakhstan imposed compulsory re-registration on all religious organisations after the adoption of the 2011 Religion Law. Some of its branches faced difficulties, the branch in Shymkent initially being banned from using its previously registered building and having to move to a new address.

In 2000, New Life Church started a Russian-language cable and satellite television channel CNL from its Almaty premises. However, opposition from the state – and police confiscation of its equipment during raids in 2016 – meant that the Almaty Church could no longer participate in preparing programming. TV programmes are now prepared in the United States, Russia, Ukraine and elsewhere.

State-controlled media long vilified New Life Church in Almaty and other cities, as well as other religious groups the regime dislikes. State-funded "anti-sect centres" such as Perspective in Almaty described New Life Church at a 28 August 2009 press conference as conducting "commercial activities under the guise of Christian slogans". These state-funded views were uncritically repeated by the state-controlled media.

Such state-funded so-called "anti-sect centres" have long been used to encourage hostility against the exercise of freedom of religion and belief, including by churches such as New Life.

Raids took place against New Life and its branches in other cities, as well as attempts to recruit KNB secret police informers. Between October 2009 and December 2010 the Financial Police in Almaty and Almaty KNB secret police conducted extensive investigations into New Life Church. No criminal case was brought, though both bodies held "evidence" that was later used in other cases.

Between November 2012 and February 2014, the tax authorities investigated New Life Church over why it had not paid tax on donated Bibles. The Church was fined.

In July 2013, police began investigating a criminal case that the Church had harmed an individual's health. The KNB eventually dropped the case. Another criminal investigation was launched in October 2013 on similar charges, which appears also to have been closed down.

Criminal accusations

Police in the commercial capital Almaty opened the most recent known criminal case against Almaty's New Life Church on 29 July 2015. The Church was not informed of the case until police and other state agencies raided five church-owned buildings and the home of the six leaders of New Life Pentecostal Church in Kazakhstan's commercial capital Almaty on 25 March 2016, when the Church was meeting to mark the important Christian commemoration of Good Friday.

In July 2016, following the raids, an Almaty court froze the Church's bank accounts, according to the decision seen by Forum 18. These were unfrozen later in 2016. In 2017 they were again briefly frozen.

The case was opened on the initiative of one of the "victims", who had left the Church in 2007, according to case materials. The KNB secret police suggested that she take her complaint to the state-funded Perspective anti-sect centre, which then found other complainants. Another state-funded "anti-sect centre" commented on the March 2016 Good Friday raids that "New Life is clearly a sect, which propagates ideas foreign to Kazakhstan's values and mentality".

On 20 September 2016, according to case materials, the head of the KNB secret police in Almaty, Nurlan Mazhilov, and police and tax office officials created a 15-strong inter-departmental investigative group to find proof that New Life Church had committed crimes.

July convictions, jail terms

Prosecutors finally handed the 53 volumes of the criminal case against Pastors Maximov, Maximova and Zaikin to Almaty's Almaty District Court on 21 February. However, on 11 March Judge Ernar Kasymbekov at the court handed it to Almaty's Specialised Inter-District Court for Minors, as one of the "victims" had been a minor when the alleged "crimes" had taken place (indeed, she had not been born when prosecutors initially alleged the "crimes" had begun).

The trial began at the Specialised Inter-District Court for Minors on 4 April under Judge Gulshakhar Chinibekova, according to court records.

"I have read the verdict. It is nonsense"

On 29 July, Judge Chinibekova found both Pastor Maxim Maximov and Pastor Sergei Zaikin guilty under 1997 Criminal Code Article 103, Part 2 ("Deliberately causing severe harm to health"), 2014 Criminal Code Article 190, Part 3 ("Fraud"), and 1997 Criminal Code Article 337, Part 1 ("Creation or leadership in the activity of illegal social and other associations").

Judge Chinibekova found Pastor Maximov's wife Pastor Larisa Maximova guilty under the first two Criminal Code charges as her two colleagues, as well as 1997 Criminal Code Article 337, Part 3 ("Active participation in the activity of illegal social and other associations").

The Judge sentenced Pastor Maximov to five years' imprisonment, and Pastor Maximova and Pastor Zaikin each to four years' imprisonment, according to the verdict seen by Forum 18.

The case against the three pastors is "complete drivel", Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Radio Free Europe's Kazakh Service on 26 September. "I have read the verdict. It is nonsense."

On 29 July, the Judge sentenced Pastor Maximov to five years' imprisonment, and Pastor Maximova and Pastor Zaikin each to four years' imprisonment, according to the verdict seen by Forum 18.

Judge Chinibekova also banned Pastor Maximov from leading a religious organisation for one year. She ordered confiscated five properties and the money in one bank account, even though two of the properties belong to the Church, not to Maximov. The three were also ordered to pay damages to eight alleged victims, as well as court fees. Computers confiscated in raids were ordered confiscated.

City Court rejects appeal

The Almaty-based lawyer Aiman Umarova lodged an appeal against the 29 July convictions of Maximov, Maximova and Zaikin to Almaty City Court on 12 August. On behalf of her clients she vigorously refuted all the allegations against them.

Umarova is a human rights lawyer who does not belong to the Church, and who has defended Muslim prisoners of conscience jailed for exercising freedom of religion and belief. These include Kuanyshe Bashpayev jailed for four and a half years in 2017, and Saken Tulbayev jailed for four years eight months in 2015.

The three pastors' appeal (seen by Forum 18) notes that the prosecution made no attempt to prove that the three pastors established the church "with criminal intent". They said it was unlikely that anyone would be able to keep an individual under

psychological influence for a period of eight to 10 years as the prosecution claimed had been the case. "These victims would not have made any statements to date had they not been forced to do so by law enforcement officials," they maintained.

The appeal notes that, questioned during the investigation, the "experts" who had examined the alleged "victims" of the three pastors admitted that "methodology for conducting examinations had not been developed up to now and research method was determined for each of the victims on an individual basis". The "experts" could not prove that the three pastors had caused their psychological state. The appeal notes that "hundreds of thousands" of people had attended the Church during this time.

The appeal points out that the case followed that of Yerzhan Ushanov, Pastor of New Life Church in Taraz in the southern Zhambyl Region, for praying for someone's health in May 2011. In a KNB-initiated case, he was convicted in September 2011 under Criminal Code Article 111, Part 1 ("causing severe damage to health due to negligence") and given a heavy fine. Only in April 2012 was he finally acquitted by the Supreme Court.

The three pastors' appeal also notes that the prosecution did not prove that the nine "victims" had handed over donations to the Church because of the psychological pressure from the three pastors.

The appeal questions why the "victims" wrote their primary statements to the KNB secret police, not to the ordinary police. "It is puzzling that the KNB (Department for the Struggle against Extremism, Separatism and Terrorism) initiated this case," the appeal states. "It seems that the KNB secret police sees Protestants as a threat to the security of the country and considers them possible terrorists. At the same time, it is well known that there has never been terrorism and extremism among Evangelical Christians. This case is evidence of persecution and violation of the rights of Evangelical Christians on religious grounds."

The appeal claims police investigator Major Aleksei Chapurin fabricated the case with input from a range of other KNB secret police and ordinary police officers.

The lawyer Umarova also notes in the appeal that not once did investigators seek to find out the whereabouts of her clients or to put questions to them. She noted that "their purpose was clear - to ban me from this case in any way".

Umarova also pointed out the lack of time to prepare the defence case. "Over many years the investigator and prosecutors had the opportunity to fabricate the case, but when I suddenly learned that the case was already in court, I was given only a few days to study those 53 volumes," she noted in the appeal. "It also shows that my clients are not given an equitable fair opportunity to defend themselves against false artificial accusations."

Appeal hearings began at Almaty City Court on 2 October, according to court records.

At the appeal hearing, Prosecutor Altinai Buranbayeva of Almaty Prosecutor's Office insisted that the verdict should remain unchanged, as the three pastors' "crimes" had been proved in the lower court.

The lawyer for the alleged "victims", Bolat Omarov, insisted that the three pastors' guilt in causing serious moral and financial harm had been proved. He too called on the court to reject their appeal. Several "victims" asked for the compensation to them to be increased.

The defence lawyer Umarova told the court that proof of any harm caused by the three had not been proven and called for the court to uphold the appeal. She also pointed to numerous procedural violations in the case.

On 1 November, a panel of three judges at Almaty City Court chaired by Judge Yerzhan Kenenbayev rejected the appeal by the three pastors. The Judges issued their written verdict (seen by Forum 18) on 11 November. The decision came into force when the written verdict was issued.

Following the oral delivery of the verdict on 1 November, Umarova told Kazis Toguzbayev of Radio Free Europe's Kazakh Service – who was present at the hearing – that she felt the defendants should lodge a further appeal but that it would be their decision. The lawyer Omarov told Toguzbayev that he would not be appealing further on behalf of the alleged "victims".

Appeals to Supreme Court, United Nations?

Following the rejection of their appeal, all three pastors said they intended to appeal to Kazakhstan's Supreme Court in the capital Nur-Sultan. They have until 11 November 2020 to lodge any appeal.

Pastor Maximov also insisted that, if they lose in the Supreme Court, they would lodge an appeal to the United Nations human rights mechanisms in Geneva.

Years of intrusive questioning

A Muslim complains of six years' intrusive police questioning about his faith: "These are my personal beliefs they are asking about." The Interior Minister denied that police questioned Yerlan – most recently on 20 July - because of his faith. The Interior Ministry says 23,000 are on a register of adherents of "destructive religious movements". Rights defender Yevgeny Zhovtis says no such category exists in law.

By Felix Corley

Forum 18 (19.08.2019) - <https://bit.ly/2KUyxOV> - Yerlan, a Muslim from a village in North Kazakhstan Region's Kyzylzhar District, is trying to stop repeated questioning because of his faith that he says has been going on for six years. Most recently, a police inspector questioned him on 20 July. Surveillance and questioning started because of an anonymous claim that he was a terrorist.

"Officers keep coming and asking me what religion I follow, what movement within it, how long I have belonged to it. These are my personal beliefs they are asking about," Yerlan complained to Forum 18. "I have the right to reveal or not to reveal my faith. They never say on what basis they are asking these questions."

Kazakhstan's international human rights obligations ban officials from compelling individuals to reveal their "thoughts or adherence to a religion or belief" (see below).

Interior Minister Yerlan Turgumbayev denied that repeated police questioning of Yerlan – most recently on 20 July - was because of his faith. A 5 August response to Yerlan's complaint on the Minister's blog claimed that "in relation to you, no preventative measures connected with your religious views have been undertaken or are being undertaken" (see below).

Yerlan said officials have not prevented him otherwise from exercising his rights. However, he recalled that when he last crossed the border to Russia some three years ago he appeared to have been subjected to extra scrutiny.

Another Muslim elsewhere in Kazakhstan complains that she has faced harassment for her faith since 2000. Four years ago, National Security Committee (KNB) secret police officers offered inducements to try to persuade her husband to denounce her, but he refused. In mid-August 2019, the local police officer told her she is on a KNB register and ordered her to go to a state-controlled imam and to write a statement. All her complaints over the years have brought no result (see below).

Yerlan told Forum 18 he knows of other Muslims in various parts of the country who face similar repeated questioning because of their faith.

Many Muslims the government believes are Salafis – either because of their theological views or because of the way they dress – are under tight state scrutiny. So too are leaders of other faiths the government regards with suspicion, such as Protestant Christians, though open surveillance on Protestant leaders appears to have reduced in recent years (see below).

The Interior Ministry claimed in 2018 that 22,945 people were adherents of "destructive religious movements", despite no such designation being defined in law. "An individual's adherence to a destructive religious movement is determined in the course of joint work by local executive bodies (religious affairs departments), police and national security agencies drawing on professional theologians and religious studies experts," the then Interior Minister noted (see below).

The Interior Ministry in the capital Nur-Sultan has not responded to Forum 18's questions, including: what an individual has to do to be placed on the register; what law specifies what is a "destructive religious movement"; and what court or other agency decides that an individual should be placed on the register (see below).

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law objects to this register. He pointed out that the government already has a separate list of court-banned "extremist and terrorist" organisations, so "it is clear that this register is something different and people included in this register are obviously stigmatised" (see below).

People who put their names forward as founders of religious organisations when they register with the state can also face harassment and intrusive questioning.

After the Hare Krishna community in Aktau lodged its registration application in November 2018, officials of Mangistau Regional Religious Affairs Department summoned the founders and tried to force them to complete detailed questionnaires requiring among other information "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. Most of the founders refused to fill in the questionnaires, complaining to officials that they were illegal and pointing out that "the question of adherence to a certain religion is very sensitive".

Police in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region suddenly began harassing the founders of the city's New Life Protestant Church in May 2019, as it was seeking re-registration under a new name. Officers visited several founders late at night, threatening one woman in her late 70s to try to make her open the door.

Violating international standards

Forcing anyone to reveal their beliefs is prohibited under Kazakhstan's binding international human rights law obligations.

The United Nations Human Rights Committee stated in Paragraph 2 of its General Comment 22 on International Covenant on Civil and Political Rights Article 18 ("Freedom of Thought, Conscience or Religion"): "In accordance with articles 18.2 and 17 ["The right to privacy"], no one can be compelled to reveal his thoughts or adherence to a religion or belief."

Kyzylzhar District: Six years of repeated questioning

Yerlan, a Muslim in a village in North Kazakhstan Region's Kyzylzhar District who asked that his last name not be given, is trying to stop repeated questioning because of his faith that he says has been going on for six years. Surveillance and questioning started because of an anonymous claim that he was a terrorist.

Yerlan complained on various government blogs about the repeated questioning about his faith. "I am an observant Muslim, just like my father, my mother, my grandparents, and I conduct the namaz and as far as possible all the demands of our and your religion," Yerlan wrote on 21 July.

However, an individual complained about Yerlan anonymously. "He accused me of all kinds of sins, being a Salafi, a Wahhabi, an extremist, a terrorist. If even a hundredth of what he wrote had been confirmed, I would long ago have been jailed." However, Yerlan complained that although no evidence of his wrongdoing had been found, "I can't break free from this slander".

For six years Yerlan has faced repeated questioning from the Police Anti-Extremism Department or local police officers. "Whenever an officer changes, they immediately come to visit me and it starts all over again. All the same questions: who am I, what is my worldview, what plans, why I am not clean-shaven etc."

On 20 July a young police inspector Sake (last name unknown) visited him by car. Sake told Yerlan that his bosses had sent him "to check up" on him. Sake presented no documents "as he had been given the instruction verbally". As Yerlan would not answer all his questions, Sake ordered him to come to the police station in a nearby village the following day. He refused to give Yerlan a summons in writing.

Sake "had a report in his hand with my details, as it was written there that I am a Salafi", Yerlan added. "I have been proving to everyone for six years that I am not a Salafi and have nothing in common with this. After each conversation officers nod their heads and agree you are not one and say there's been a mistake." But he said officers keep returning with a report that he is a Salafi.

"They see a beard and that means extremist, a head scarf and that means a non-traditional world view," Yerlan insisted. He asked the senior government officials, including President Kasym-Zhomart Tokayev, to ensure that the police catch criminals "rather than running after Muslims with stupid questions, questionnaires, forms, statements and the like".

Interior Minister Yerlan Turgumbayev denied that repeated police questioning of Yerlan – most recently on 20 July – was because of his faith. A 5 August response to Yerlan's complaint on the Minister's blog claimed that "in relation to you, no preventative measures connected with your religious views have been undertaken or are being undertaken".

Minister Turgumbayev claimed the 20 July questioning at Yerlan's home had been in accordance with a 2015 Interior Ministry decree on how local police inspectors work.

The officer (who did not give his name) who answered the phone of Lieutenant Colonel Spartak Kabdinov, acting head of the North Kazakhstan Regional Police's Department for Countering Extremism, insisted that his Department had not been involved in questioning Yerlan and had not instructed the District Police to do so either.

"He is not on a register – we have no register," the officer claimed to Forum 18 from the regional capital Petropavl on 6 August. "We saw his complaint. We sent it on to Kyzylzhar District Police." The officer said Yerlan had visited the Department for Countering Extremism at the end of July. "We told him to go to the District Police."

Kyzylzhar District Police told Forum 18 that police chief Aidan Ospanov is on holiday until the end of August. One officer, Zhaslan Ismailov, told Forum 18 on 6 August that no District Police officers had travelled to the village to question Yerlan. Another – who did not give his name – told Forum 18 on 12 August that officer Sake could not have visited Yerlan as he is already retired. (Yerlan said the officer Sake who questioned him was a young man.)

Police officer "told me I'm on the KNB register"

A Muslim from elsewhere in Kazakhstan – who works in the medical field - says she is under surveillance because of her faith. "This persecution has been going on since 2000," she complained. "My flat has been broken into four times, they follow me, listen in to communications and conduct all kinds of dirty tricks against me."

Four years ago, the woman added, KNB secret police officers tried to persuade her husband to denounce her as a Salafi who was recruiting people to go to fight in Syria, offering inducements if he did so. He refused.

In mid-August 2019, the local police officer phoned her and "told me I'm on the KNB [secret police] register because I am a believer, a Muslim", the Muslim complained. The officer ordered her to come to an unspecified centre for a conversation with an imam (from the state-controlled Muslim Board) and write "some kind of statement".

The woman told the officer she is a Sunni Muslim who "simply reads the Koran and prays", and is not in any religious organisation. She asked on what basis he was instructing her to go to talk to an imam and write a statement.

Over the years the woman has complained to the Interior Ministry, the Prosecutor's Office and the police, but with no result.

Nearly 23,000 adherents of "destructive religious movements"?

When amendments to the Religion Law were being proposed from 2017, the Interior Ministry presented information that 22,945 people were adherents of "destructive religious movements", the then Religion and Civil Society Minister Nurlan Yermekbayev told a questioner on his official blog on 16 March 2018.

Minister Yermekbayev's March 2018 response insisted that his Ministry (now the Information and Social Development Ministry) did not collect its own data on alleged adherents of "destructive religious movements" and also "does not conduct expert theological analyses" of individuals.

"We want to inform you that religious studies expertise is not carried out of individuals." Organisations, religious educational establishments, and religious literature, documents and objects are subject to "expert" analyses, Minister Yermekbayev added.

Responding to the same question on 6 April 2018, the then Interior Minister Kalmukhanbet Kasymov claimed that countering religious extremism was a priority. "An individual's adherence to a destructive religious movement is determined in the course of joint work by local executive bodies (religious affairs departments), police and national security agencies drawing on professional theologians and religious studies experts," Kasymov responded.

"The presence of an individual on such a register brings on them no legal consequences and is used exclusively for the aim of preventing the spread of radical ideas among the population," Kasymov claimed.

No Interior Ministry response on adherents of "destructive religious movements" register

Forum 18 sent written questions to the Interior Ministry in Nur-Sultan before the beginning of the working day on 15 August. It asked: how many people are currently on the register as adherents of "destructive religious movements"; what an individual has to do to be placed on the register; what law specifies what is a "destructive religious movement"; what court or other agency decides that an individual should be placed on the register; what an individual who has been placed on the register is not allowed to do; whether the Interior Ministry informs an individual when they have been placed on the register; and what can an individual do to challenge a decision to place them on the register.

Forum 18 received no response from the Interior Ministry by the end of the working day in Nur-Sultan on 19 August.

"People included in this register are obviously stigmatised"

Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law objects to the use of such registers. "'Destructive religious movements' is not a legal term," he pointed out to Forum 18 on 19 August. "It is absolutely unclear what criteria are used to designate any particular religious group as 'destructive'."

Zhovtis noted that the government already publishes a separate list of banned "extremist and terrorist" organisations banned through the courts. Given the existence of this separate published list, "it is clear that this register is something different and people included in this register are obviously stigmatised".

Zhovtis expressed concern also over the use made of the published list of banned organisations. "A number of people were imprisoned for support or ties with such organisations," he told Forum 18, "as it is a crime if somebody expressed support or even mentioned such an organisation positively or neutrally without any evidence of doing something or calling for violence."

While many of the banned organisations violate or call for the violation of others' human rights, the published list also includes the Tabligh Jamaat Muslim missionary movement.

A court in Astana (now Nur-Sultan) banned Tabligh Jamaat in 2013 even though the leader of a KNB secret police study of the movement found that it was "not an extremist or terrorist organisation .. speaking out against all forms of violence against individuals".

On 9 January 2019, Abilai Bokbasarov from Balkhash became the 73rd Muslim known to have been convicted and punished for alleged Tabligh Jamaat membership since the beginning of 2015. Balkhash City Court jailed him for three years and, after his release, banned him from exercising freedom of religion or belief for five years. His bank accounts were subsequently blocked, as is usual for prisoners of conscience sentenced on "extremism"-related charges.

Under surveillance

All religious or belief communities are thought to be under surveillance by the ordinary police and KNB secret police.

Earlier, several prominent leaders of registered Protestant churches were placed on an official "signal register" (signalny uchet in Russian) which prevented them from changing their officially-registered place of residence, selling a legally-owned car, or gaining state child benefit for newly-born children. Such individuals were also subject to close scrutiny and questioning when crossing the border into and out of Kazakhstan.

"The signal register was a serious problem for Protestant leaders in the early and mid-2010s," an individual familiar with these controls told Forum 18. "But this has lessened in recent years."

Officials try to force registration signature withdrawals

Officials harassing founders of religious communities, possibly trying to block applications to exist. In May 2019 police began harassing Oskemen's New Life Church founders as it sought re-registration. Officers visited several late at night, threatening one woman in her late 70s. Aktau's Hare Krishna community has faced similar harassment.

By Felix Corley

Forum 18 (13.08.2019) - <https://bit.ly/2L8jVdR> - In Kazakhstan, people who give their names as founders of religious organisations applying for legal status continue to face harassment and intrusive questioning.

In a recent case, the Hare Krishna community in Aktau lodged its registration application in November 2018. Officials of Mangistau Regional Religious Affairs Department then summoned the founders and tried to force them to complete detailed questionnaires requiring among other information "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. Most of the founders refused to fill in the questionnaires, complaining to officials that they were illegal and pointing out that "the question of adherence to a certain religion is very sensitive" (see below).

Against international law, Kazakhstan bans all exercise of freedom of religion and belief without state permission. Kazakhstan's international human rights obligations also ban officials from compelling individuals to reveal their "thoughts or adherence to a religion or belief" (see below).

Local religious communities require at least 50 adult citizen founders to be allowed to apply for state registration, thus effectively banning smaller communities from existing. If officials succeed in pressuring 13 of the 62 founders of the Hare Krishna community to remove their signatures, the community would be blocked from obtaining legal status.

After Hare Krishna community members in Aktau complained to the then-Information and Social Development Minister Darkhan Kaletayev, he responded in March 2019 claiming that his Ministry had conducted "appropriate explanatory work" with the Regional Religious Affairs Department. The head of the Regional Religious Affairs Department Yerlan Esbergenov confirmed this but refused to discuss who had devised the intrusive questionnaire and why (see below).

Esbergenov also refused to say why the Hare Krishna community has still not been given state registration nearly nine months after it lodged its application documents (see below).

In the most recent known case, police in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region suddenly began harassing the founders of the city's New Life Protestant Church in May 2019, as it was seeking re-registration under a new name. Officers visited several founders late at night, threatening one woman in her late 70s to try to make her open the door. It remains unknown why police needed to question the founders or which government agency had ordered the aggressive and intrusive questioning (see below).

"At present the founders do not think that their rights are being protected by the law or its representatives," Church members stated. "On the contrary, they are being subjected to pressure, which cannot help but arouse concern about the right to freedom of conscience in Kazakhstan."

Pressure including attempts to force founders to withdraw signatures has been a common tactic used by officials against communities they dislike, including Protestants, Hare Krishna devotees, and Muslims from now-closed independent mosques.

The names of founders of religious organisations are held in a government database. The authorities initially stopped one of the founders of the Seventh-day Adventist Church in the capital Astana (now Nur-Sultan) from leaving the country for Russia, but in spring 2019 he was finally allowed to leave. Adventists told Forum 18 that "officials told Andrei that all government agencies have access to the database of founders when he was preparing documentation to move to Russia." (see below).

Many Muslims the government thinks are Salafis – either because of their theological views or because of the way they dress – are under tight state scrutiny. A Muslim from a village in North Kazakhstan Region's Kyzylzhar District, is trying to stop repeated questioning because of his faith that he says has been going on for six years.

Also under state scrutiny are leaders of other faiths the government regards with suspicion, such as Protestant Christians. However, open public surveillance of Protestant leaders appears to have reduced in recent years (see forthcoming F18News article).

Violating international human rights standards

Forcing anyone to reveal their beliefs is prohibited under Kazakhstan's binding international human rights law obligations. The United Nations Human Rights Committee stated in Paragraph 2 of its General Comment 22 on International Covenant on Civil and Political Rights Article 18 ("Freedom of Thought, Conscience or Religion"): "In accordance with articles 18.2 and 17 ["The right to privacy"], no one can be compelled to reveal his thoughts or adherence to a religion or belief."

Similarly, international human rights law as outlined in the the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities states that: "access to legal personality for

religious or belief communities should be quick, transparent, fair, inclusive and non-discriminatory" (paragraph 24); "any procedure that provides religious or belief communities with access to legal personality status should not set burdensome requirements" such as "excessively detailed information" (paragraph 25); and "states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on .. the substantive content of its beliefs" (paragraph 31).

Aktau: "The reason for supporting the Krishna religion"

The Hare Krishna community in Aktau in Mangistau Region began preparing to lodge its registration application in late 2018. It met officials of the Regional Religious Affairs Department to make itself known and to outline its teachings and practices. Even before it lodged its application, the Department wanted to see copies of all its literature for inspection. Community members told it that it uses many books and all had undergone the compulsory state censorship at the Information and Social Development Ministry in the capital Astana (renamed Nur-Sultan in March 2019).

The community lodged its application on 23 November 2018. On 10 December 2018, Aset Nurov of the Regional Religious Affairs Department began phoning the 62 founders, questioning some by phone and summoning others to the Department verbally.

Nurov tried to force the founders who had complied with his verbal summons to fill in a questionnaire (seen by Forum 18). This included questions on "the reason for supporting the Krishna religion", and how long they have participated in the community's activity. Only six filled in the questionnaires, community members noted, feeling "discomfort" at the "illegal" questions.

"The question of adherence to a certain religion is very sensitive," community members pointed out. "So the majority of the founders decided that, in the absence of a legal basis being provided, and noting out they were busy and had already provided written confirmation of their agreement, decided not to go to the Religious Affairs Department and not to sign extra documents."

Asked why he had demanded such intrusive information, Religious Affairs Department official Nurov told the founders that he was following the instruction of the Department Head, Yerlan Esbergenov. He said the forms were needed for if the Prosecutor's Office wanted to verify the founders. Community members questioned this claim.

Esbergenov on 12 August refused to discuss with Forum 18 who had devised the intrusive questionnaire and why. Religious Affairs Department official Nurov insisted to Forum 18 on 9 August that Esbergenov had ordered him to present the questionnaire to the community's founders. Nurov then refused to answer any other questions and put the phone down.

In telephoning the founders, Nurov asked if they had agreed to be founders voluntarily. He then asked several founders to come to the Department with their identity documents. Community members noted that this is not in accordance with any law. "Most decided that there was no need for them to visit," they noted.

On 22 January 2019, when Hare Krishna community members came to the Department, Esbergenov told them that unless 100 per cent of the founders completed the questionnaire officials would not register the community. Again community members asked him to put his request and its legal basis in writing.

In his 24 January letter to the community, seen by Forum 18, Esbergenov complains that

only 6 of 62 founders had come in so that his Department could check their identity. He asked for "help" to get them to visit.

Complaint to Information and Social Development Minister

On 20 February, Hare Krishna community members complained to the then-Information and Social Development Minister Darkhan Kaletayev. They asked him to check the legality of the Regional Religious Affairs Department's actions. "We believe that appearing in person and completing extra questionnaires are not needed," they wrote.

Minister Kaletayev responded on 6 March, claiming that instances of religious communities providing inaccurate information in their registration applications was increasing and such inspections were "to avoid such occurrences". He did not say that Mangistau Regional Religious Affairs Department had done anything wrong, but added that his Ministry had conducted "appropriate explanatory work" with its officials.

Regional Religious Affairs Department Head Esbergenov said the Hare Krishna community's registration application is still being considered. "We have done everything we are required to do," he told Forum 18. He refused to explain why, if the community had applied for registration in November 2018, officials have not yet completed the process nearly nine months later.

Esbergenov confirmed that the Information and Social Development Ministry in Nur-Sultan had responded to the Hare Krishna community's complaint by contacting his Department. But he refused to say what measures the Ministry or his Department had taken.

Problems in Atyrau Region also

A Hare Krishna community in neighbouring Atyrau Region gained state registration on 3 October 2018. Exactly four months later, on 3 February 2019, police raided a group of devotees as they were meeting for devotional chants in an Atyrau flat. The Regional Religious Affairs Department drew up a record of an "offence" against the community and sent it to court. However, the court sent the case back. The Department later withdrew the case.

Oskemen: Late night visits to Church's founders

Because New Life Pentecostal Church in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region is seeking re-registration under a new name, police visited many of its founders. The Church last gained re-registration in October 2012, following the adoption of the 2011 Religion Law which required all religious communities to apply for re-registration. Police have not stated why they needed to question the founders, and it is not known which government agency ordered the aggressive questioning.

Local religious communities require at least 50 adult citizen founders to be allowed to apply for state registration, thus effectively banning smaller communities from existing. If officials succeed in reducing the numbers of founders below 50, the Church would be blocked from re-obtaining legal status.

Police visits to the founders began in May 2019. On 20 May, police inspector Mirat Kasenov of Police Station No. 8 of Oskemen's October District visited two New Life Church founders. He asked them whether they had signed documents about the Church's purchase of land. They each said they had not, as the Church had not bought land.

On 26 May, Inspector Kasenov returned to one of the two founders, a woman in her late

70s. He banged on her door after 10 pm, "making a noise in the hallway when she refused to open the door" and issuing threats, church members stated.

The following day, Inspector Kasenov visited the other founder's workplace, as well as phoning her son, finding out that she was ill at home. He then visited her, making no apologies. He told her that on his last visit, the Akimat (Administration) had wrongly instructed him to ask about a land purchase. This time he asked if she had indeed signed to be a church founder. She signed a statement to say that she had.

Officers at Police Station No. 8 told Forum 18 on 12 August that Inspector Kasenov is on holiday for a further month and a half. They refused to answer any questions about his visits to the two New Life Church founders and put the phone down.

Also on 20 May, officer K. Toktamysov visited another church founder, questioning her for half an hour. He wrote down her answers and asked her to sign the record. The founder was angered by the visit and the questions, church members noted.

Police visited another church founder on 23 May while she was out. Neighbours told her that officers had a list of all the church's founders and that they had asked neighbours who she lived with, whether she went to church and whether she or her underage son had put her signature on the founders' list.

On 26 May, three police officers visited another church founder at her place of work, church members stated. In the hearing of other people they asked her if she had signed as a founder, telling her that five other founders had already denied that the signatures were theirs.

Police officers visited other founders at their homes – often after 10 pm at night. They persuaded many to sign statements, after telling them that they needed to prove that they had fulfilled the orders they had been given.

The Police Press Office in East Kazakhstan Region said it would answer only written questions. Forum 18 asked on 12 August why police officers had visited and questioned New Life Church's founders, who had ordered this, whether it is lawful for police to visit people's homes after 10 pm when there is no emergency, and what actions it had taken – if any – to punish those who ordered or took part in the visits and to prevent such actions recurring. Forum 18 had received no response by the end of the working day in Oskemen on 13 August.

Anuar Abduldin, head of the Regional Religious Affairs Department, insisted that his Department had not ordered the police visits. "I don't have the right to instruct the police to do anything," he told Forum 18 from Oskemen on 12 August. "Maybe this came from the city administration."

Abduldin said his Department had received a copy of the Church's complaint to the Information and Information and Social Development Ministry in Nur-Sultan about the police visits and questioning. "We gave a full report to the Ministry." He declined to say what action his Department or the Ministry had taken or might take.

Serik Zhenisov, a deputy head of Oskemen City Akimat who is in charge of religion there, was out of the office each time Forum 18 called on 13 August. His assistant, Indira Adylkanova, told Forum 18 the same day that the city Akimat "did not and could not have issued instructions of that nature, as freedom of conscience is guaranteed in the country's Constitution". She claimed the Akimat scrupulously abides by the law.

"At present the founders do not feel that their rights are being protected by the law or its

representatives," New Life Church members told Forum 18. "On the contrary, they are being subjected to pressure, which cannot help but arouse concern about the right to freedom of conscience in Kazakhstan."

In August 2017, an Oskemen court banned New Life Church from meeting for worship for three months and fined it after church members, relatives and friends sang religious songs without state permission at a holiday camp.

Astana: Founder initially prevented from leaving

The names of founders of religious organisations are held in a government database compiled by the Justice Ministry, which registers religious organisations. Other government agencies have access to the database.

The authorities initially stopped Andrei Miller, one of the founders of the Seventh-day Adventist Church in the capital Astana (now Nur-Sultan), from leaving the country to live in Russia. However, in spring 2019 he was finally allowed to leave, fellow Adventists told Forum 18. "Officials told Andrei that all government agencies have access to the database of founders when he was preparing documentation to move to Russia."

Although family members were also among the founders, the authorities made no attempt to prevent them from leaving.

Eight jailed for up to eight years

An Almaty Judge jailed eight Muslims for between five and a half and eight years for participating in a WhatsApp religious discussion group which the KNB secret police claimed promoted "propaganda of terrorism" or "inciting hatred". The men denied the charges. The ninth man is due for trial later as he is suffering serious heart problems.

By Felix Corley

Forum 18 (5.08.2019) - <https://bit.ly/2PbRTmM> - On 5 August a court in the southern city of Almaty handed long jail terms to eight Muslims accused of participating in a WhatsApp religious discussion group which the KNB secret police claimed promoted "propaganda of terrorism" or "inciting hatred". All denied the accusations. The Judge jailed each of them for between five and a half and eight years.

Among the messages the group's participants circulated was one by Azamat Umbetaliyev, warning about innovations in religion. An analysis of the message - commissioned by his defence lawyer from Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech - found: no incitement to hostility towards others based on their religious affiliation; no incitement to aggression or violence towards others based on their religious affiliation; no assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation.

When Judge Kairat Imankulov pronounced the verdict on 5 August at the end of the five-month trial, the defendants and their relatives and supporters in the courtroom shouted "Shame on the court!", noted Kazis Toguzbayev of Radio Free Europe's Kazakh Service, who was present in the courtroom (see below).

Anzhelika Belyayeva, mother of the jailed Azamat Umbetaliyev, insisted the men had been jailed "for nothing". "We know our children have done nothing," she told Forum 18 after the verdict was handed down. She said they would be appealing against their convictions to Almaty City Court as soon as they get the verdict in writing (see below).

Judge Imankulov gave no date for the start of the criminal trial of the ninth defendant, Zhuldyzbek Taurbekov. He is suffering from serious heart problems and has repeatedly been taken from Investigation Prison to hospital. The family say his health suffered because of lack of medical attention during his eight-month detention in Investigation Prison and he now needs a heart transplant. His case was separated off from that of the other eight on 3 July (see below).

If the eight men lose any appeals, they are 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. Individuals remain on the financial blacklist for six or eight years after their sentence has expired.

The National Security Committee (KNB) secret police Investigator Lieutenant-Colonel Rakhat Rustemov – who initiated the criminal case - claimed that because the WhatsApp group's founder Bolatbek Nurgaliyev is a Salafi Muslim, and that terrorist groups such as Islamic State have conducted terrorist activity, therefore the WhatsApp group promoted terrorism. Neither he, nor the indictment, nor the four successive prosecutors during the trial appear to have tried to establish whether or not Nurgaliyev and the other defendants had committed or called for terrorism (see below).

KNB secret police Investigator Lieutenant-Colonel Rustemov again would not talk to Forum 18 on 5 August. "Hallo? Who is it?" he kept repeating, even though Forum 18 could hear him well. Subsequent calls went unanswered.

Up to eight-year jail terms

At the end of a criminal trial which began at Almaty's Almaly District Court on 12 March, Judge Kairat Imankulov found all eight of the remaining Muslim defendants guilty of participating in a religious discussion group on the WhatsApp messaging app. In a case brought by the KNB secret police, the prosecution claimed the group promoted terrorism and incited hatred. The defendants rejected the accusations.

Judge Imankulov convicted all eight Muslims under Criminal Code Article 174, Part 2. 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". Punishment under Part 2, when such actions are carried out by a group of people, is a jail term of between five and ten years.

Judge Imankulov also convicted three of the eight Muslims under Criminal Code Article 256, Part 2. This 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, carries a punishment of five to nine years' imprisonment plus confiscation of property. If 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.

The Judge handed down ordinary regime jail terms on each of between five and a half and eight years.

Those sentenced under both Criminal Code Article 256, Part 2 and Criminal Code Article 174, Part 2 were:

- 1) Bolatbek Dyusenbekovich Nurgaliyev (born 12 December 1978) – 8 years' imprisonment
- 2) Ernar Samatovich Samatov (born 10 March 1980) – 7 and a half years' imprisonment
- 3) Beket Tastanbekovich Mynbasov (born 10 January 1983) – 7 and a half years' imprisonment

Those sentenced only under Criminal Code Article 174, Part 2 were:

- 1) Nazim Alimzhanovich Abdrakhmanov (born 10 March 1988) – 5 and a half years' imprisonment
- 2) Samat Asylkhanovich Adilov (born 28 August 1986) – 5 and a half years' imprisonment
- 3) Zhasulan Meiramovich Iskakov (born 22 October 1984) – 5 and a half years' imprisonment
- 4) Esim Kadirzhumanovich Suleimenov (born 1 February 1983) – 5 and a half years' imprisonment
- 5) Azamat Gaidarovich Umbetaliyev (born 10 January 1992) – 5 and a half years' imprisonment

When Judge Imankulov pronounced the verdict, defendants and their relatives and supporters in the courtroom shouted "Shame on the court!", noted Kazis Toguzbayev of Radio Free Europe's Kazakh Service, who was present in the courtroom. Relatives then went out to the street in front of the court with placards reading "We need a just court" and "The innocent shouldn't be in prison".

Anzhelika Belyayeva, mother of the jailed Azamat Umbetaliyev, insisted the men had been jailed "for nothing". "We know our children have done nothing," she told Forum 18 from Almaty after the verdict was handed down. She said they would be appealing against their convictions to Almaty City Court as soon as they get the verdict in writing.

At present, all nine Muslims – including Taurbekov – are being held in the police's Investigation Prison LA-155/18 in Almaty's Turksib District. The prison address:

050054, g. Almaty
Turksibsky raion
Ul. Krasnogorskaya d. 73
Uchr. LA-155/18

No trial date for sick prisoner

Judge Imankulov gave no indication of when the criminal trial against the ninth Muslim, Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978), is likely to begin, Radio Free Europe noted on 5 August. He said a medical commission will first have to assess Taurbekov's health and determine if he is fit to stand trial.

Taurbekov's case was separated off from that of the other eight on 3 July because of his health.

At the trial's final full session on 31 July, Taurbekov's mother, Asemgul Zhaurgasheva, told the court in some distress that her son had been taken again to the cardiology centre the previous day for the third time. He was taken back to the Investigation Prison after four hours. She added that he is in need of a heart transplant.

Arrested October 2018

The nine Muslims have been held in pre-trial detention in Almaty since their arrest in October 2018. The National Security Committee (KNB) secret police discovered a Muslim discussion group on the WhatsApp messaging app. The KNB claim they were alerted to the group on 18 October 2018 by an individual identified only as "B.K.Sh."

In August 2018, the KNB secret police Investigator, Lieutenant-Colonel Rakhat Rustemov, commissioned "expert analyses" of texts circulated in the discussion group.

On 27 October 2018 the KNB secret police arrested nine participants in the group in various parts of Kazakhstan. They were all taken to the KNB's Investigation Prison in the southern city of Almaty. Some of the men already knew each other, but others had never met and had only ever communicated via the group.

The 18 February 2019 indictment – seen by Forum 18 - claimed that because the WhatsApp group's founder Bolatbek Nurgaliyev is a Salafi Muslim, and that terrorist groups such as Islamic State have conducted terrorist activity, therefore the WhatsApp group promoted terrorism. Neither KNB Investigator Rustemov, nor the indictment, nor the four successive prosecutors during the trial appear to have tried to establish whether or not Nurgaliyev and the other defendants had committed or called for terrorism.

One of the men's lawyers, Galym Nurpeisov, questioned during his concluding remarks on 31 July why the Islamic State terrorist group was relevant to the case when prosecutors had presented no proof that any of the defendants had any link to it or had made any comment in its support.

Nine years' jail for online discussion group?

Eight Muslims face up to nine years' jailing each for participating in a WhatsApp religious discussion group. The KNB secret police initiated the criminal charges of "propaganda of terrorism" or "inciting hatred", which the defendants deny. The verdict is imminent. The case against the ninth – who is suffering serious heart problems – will be heard at a future trial.

By Felix Corley

Forum 18 (31.07.2019) - <https://bit.ly/2YxKSjT> - Nine months after their October 2018 arrest, the long-running trial in Almaty of eight Muslims who participated in a religious discussion group on the WhatsApp messaging app is close to completion. The Prosecutor is calling for them to be jailed for up to nine years on charges of "propaganda of terrorism" or "inciting hatred". The men protest their innocence. An independent expert commissioned by one of the defence lawyers found no calls for terrorism, aggression or incitement to hatred.

Among the messages the group's participants circulated was one by Azamat Umbetaliyev, warning about innovations in religion. An analysis of the message - commissioned by his defence lawyer from Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech - found: no incitement to hostility towards others based on their religious affiliation; no incitement to aggression or violence towards others based on their religious affiliation; no assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation (see below).

The Judge's assistant told Forum 18 on 31 July that the Judge has not set the date yet for handing down the verdicts. Those following the trial believe this could take place on 2 August.

More than 30 hearings have taken place since the trial started in an airless underground room at an Almaty court in March 2019. Because only eight of the original nine defendants could fit in the cage in the court room, the ninth was handcuffed to the bars on the outside of the cage. All the accused Muslims are aged between 27 and 40 (see below).

The case against the ninth Muslim defendant, Zhuldyzbek Taurbekov, was separated off on 3 July because of his heart problems which required hospital treatment. The family say his health suffered because of lack of medical attention during his eight-month detention in Investigation Prison and he now needs a heart transplant (see below).

Forum 18 was unable to find out when Taurbekov's new trial is likely to begin. Despite being transferred to hospital for two short spells in July, the judge has rejected all three of his family's appeals to have him transferred from Investigation Prison to house arrest (see below).

The case against the nine Muslims was brought and investigated by Lieutenant-Colonel Rakhat Rustemov of the National Security Committee (KNB) secret police in Almaty. He refused to talk to Forum 18 (see below).

"Our KNB keeps the court in its grip," one observer told Forum 18 on 30 July. "Before the trial hearings had even begun, a KNB officer said that agreement had been reached with the judge and prosecutor and said what prison terms the lads would get. And indeed months later it is now confirmed."

If convicted, the Muslims are 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. Individuals remain on the financial blacklist for six or eight years after their sentence has expired.

Online surveillance

KNB secret police and ordinary police officers watch public and private communications on the internet and on messaging services. Individuals are frequently jailed or fined for exercising their freedom of religion or belief in messages about religion shared online, even when they contain no calls to violate the human rights of others.

In one recent criminal case, on 2 May, at the end of a closed trial in Shymkent, 41-year-old Muslim Dilmurat Makhamatov was jailed for eight years. Kazakh police claimed he conducted "illegal preaching among Kazakhstanis via the internet" while in Saudi Arabia. Once he was back in Kazakhstan they revealed charges of "inciting religious hatred" and

"propaganda of terrorism". His friends reject the accusations. Shymkent City Court rejected his appeal on 26 June (see forthcoming F18News article).

At least 17 individuals are known to have been prosecuted under the Administrative Code in the first six months of 2019 for posting religious materials online. Of these, 16 were convicted and fined.

Secret police arrest nine Muslims

The National Security Committee (KNB) secret police discovered a Muslim discussion group on the WhatsApp messaging app. The KNB claim they were alerted to the group on 18 October 2018 by an individual identified only as "B.K.Sh."

The KNB secret police Investigator, Lieutenant-Colonel Rakhat Rustemov, commissioned "expert analyses" of texts circulated in the discussion group. On 29 August 2018, he commissioned the "expert analysis" of the only text circulated by the youngest defendant, Azamat Umbetaliyev. This analysis was completed on 24 September 2018, according to case materials seen by Forum 18.

On 27 October 2018 the KNB secret police arrested nine participants in the group in various parts of Kazakhstan. They were all taken to the KNB's Investigation Prison in the southern city of Almaty. Some of the men already knew each other, but others had never met and had only ever communicated via the group.

On 29 October 2018, Almaty's Specialised Inter-District Investigative Court ordered the men held in pre-trial detention, according to case documents seen by Forum 18.

Those arrested were:

- 1) Nazim Alimzhanovich Abdrakhmanov (born 10 March 1988)
- 2) Samat Asylkhanovich Adilov (born 28 August 1986)
- 3) Ernar Samatovich Samatov (born 10 March 1980)
- 4) Zhasulan Meiramovich Iskakov (born 22 October 1984)
- 5) Beket Tastanbekovich Mynbasov (born 10 January 1983)
- 6) Bolatbek Dyusenbekovich Nurgaliyev (born 12 December 1978)
- 7) Esim Kadirzhumanovich Suleimenov (born 1 February 1983)
- 8) Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978)
- 9) Azamat Gaidarovich Umbetaliyev (born 10 January 1992)

On 29 May 2019, once the trial was already underway, the nine men were transferred from the KNB's Investigation Prison in Almaty to the police's Investigation Prison LA-155/18 in the city's Turksib District. The nine Muslims are still being held there.

The men's current prison address:

050054, g. Almaty
Turksibsky raion
Ul. Krasnogorskaya d. 73
Uchr. LA-155/18

Terrorism, incitement accusations

The KNB secret police initially investigated the Muslims under Criminal Code Article 174, Part 2. 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". Punishment under Part 2, when such actions are carried out by a group of people, is a jail term of between five and ten years.

The KNB later began investigating several of the defendants also under Criminal Code Article 256. This 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, carries a punishment of five to nine years' imprisonment plus confiscation of property. If 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.

The prosecution commissioned four "expert analyses": a religious studies analysis; a philological analysis; and two political studies analyses, one from the capital Astana (now Nur-Sultan), the other from Almaty.

The indictment alleged that the nine men "acting with a common intention, aware of the illegality of their actions .. actively discussed religious themes .. deliberately made radical statements which represented propaganda of terrorism and incitement of religious discord".

The KNB accused Nurgaliyev of founding the group in December 2013 for the "propaganda of terrorism and the ideas of Salafism", as well as to "increase the number of adherents of this movement", according to the 18 February 2019 indictment, seen by Forum 18. It said he had recruited the other eight Muslims to the group, which had 171 members.

The prosecution accused the four oldest men – Taurbekov, Nurgaliyev, Mynbasov and Samatov - under both Criminal Code Article 256, Part 2 and Article 174, Part 2. It accused the other five – Abdrakhmanov, Adilov, Iskakov, Suleimenov and Umbetaliyev – under Criminal Code Article 174, Part 2.

Families, lawyers reject accusations

Of the state-nominated "experts", only Gulnara Mukhatayeva from Almaty found fault with Umbetaliyev's one repost to the group. "The political studies expert from Nur-Sultan found nothing at all," his mother Anzhelika Belyayeva told Forum 18. "Only the specialist politologist Mukhatayeva didn't like the word 'fight' in my son's text. But you can fight using knowledge. This text was from the Saudi theological scholar, Saleh Al-Fawzan."

On 14 February 2019, Galym Nurpeisov, Umbetaliyev's lawyer, commissioned an expert analysis of the text he had circulated from Almaty-based Adil Soz (Free Word) International Foundation for Protection of Freedom of Speech. It assigned the task to Rakhilya Karymsakova, who has 46 years of experience as a philologist and 15 years as a compiler of expert analyses.

In her analysis, completed on 15 March and seen by Forum 18, Karymsakova concludes that the text Umbetaliyev reposted to the group warned Muslims of what the original author regarded as the dangers to the Muslim community of innovation in religion.

Karymsakova stated categorically that the text contained: no incitement to hostility towards others based on their religious affiliation; no incitement to aggression or violence

towards others based on their religious affiliation; no assertion or propaganda that anyone is superior or inferior to anyone else based on their religious affiliation.

The lawyer Nurpeisov and four of the defendants' parents held a press conference at the Almaty office of the Kazakhstan International Bureau for Human Rights and the Rule of Law on 3 June, when the trial had already been underway for nearly three months. They complained about what they regarded as the unobjective handling of the prosecution case. They also complained of KNB secret police pressure on the defendants' families.

Prison, hospital, prison, hospital, prison, hospital, prison

On 27 June, one of the defendants, 40-year-old Zhuldyzbek Taurbekov, was taken to the hospital casualty department with apparent heart problems, Radio Free Europe noted on 15 July. On 1 July he was transferred to the intensive therapy department at the city's cardiology centre.

On 6 July he was taken back to the Investigation Prison. However, that night he was returned to the hospital casualty department in serious condition. On 13 July he was again transferred to the intensive therapy department. On 15 July he was again returned to the Investigation Prison, where he was put in its medical unit.

Asemgul Zhaurgasheva, Taurbekov's mother and also his lay public defender, told Radio Free Europe that his health was seriously harmed by the lack of medical attention in the Investigation Prison. However, Erlan Uzakov, Deputy Head of the Criminal-Implementation Department for Almaty, which oversees prisons, insisted to Radio Free Europe that Taurbekov was being given "all necessary help" in Investigation Prison.

At the final session on 31 July, Taurbekov's mother, Zhaurgasheva, told the court in some distress that her son had been taken again to the cardiology centre the previous day. He was taken back to the Investigation Prison after four hours. She added that he is in need of a heart transplant.

Forum 18 was unable to reach officials at the Investigation Prison's Special Department on 31 July.

Because of the state of his health, the case against Taurbekov was separated off from those of the other eight defendants on 3 July, after the trial had been underway for nearly four months. Despite being transferred to hospital for two short spells in July, Judge Imankulov rejected his family's three appeals to have him transferred from Investigation Prison to house arrest.

Taurbekov is facing charges under both Criminal Code Article 256 and Article 174. Forum 18 was unable to find out when his new trial is likely to begin.

Trial begins

Once Lieutenant-Colonel Rustemov of the KNB secret police had completed his investigation, he handed the case to Almaty City Prosecutor's Office to prepare it for court.

The Prosecutor's Office handed the case against the nine Muslims to Almaty's Almaty District Court on 27 February 2019, according to court records. The case was assigned to Judge Kairat Imankulov.

The trial itself began on 12 March. More than 30 hearings were held between then and the final full day of the trial on 31 July, according to court records. The trial was held in

an airless, underground court room. When the defendants arrived in the court room, the guards took handcuffs off them and locked them in the court room cage.

For at least one of the hearings, one of the defendants was held outside the cage because of lack of space, and was instead handcuffed to the bars, journalist Kazis Toguzbayev of Radio Free Europe's Kazakh Service, who attended many of the later hearings, noted on 5 June.

Four successive prosecutors have led the case against the defendants in court, the most recent being Maksat Daurbayev. In her closing address to the court on 31 July, Anzhelika Belyayeva, the mother of the defendant Umbetaliyev and also his lay public defender, accused Daurbayev of incompetence, falling asleep during one hearing and laughing at the court.

Forum 18 was unable to reach Almaty City Prosecutor Berik Zhuiriktayev, the City Prosecutor's Office Press Service or Prosecutor Daurbayev on 31 July. Their phones went unanswered.

In the final hearings on 31 July, Prosecutor Daurbayev demanded a nine-year prison term for Nurgaliyev, Mynbasov and Samatov under both Criminal Code Article 256 and Article 174, Radio Free Europe noted after the hearing. He demanded a seven and a half-year prison term for the other five – Abdrakhmanov, Adilov, Iskakov, Suleimenov and Umbetaliyev – under Criminal Code Article 174, Part 2.

Forum 18 was unable to find out when Judge Imankulov is likely to issue his verdicts. The Judge's assistant told Forum 18 on 31 July that the Judge has not set the date yet for handing down the verdicts. Those following the trial believe this could take place on 2 August.

104 administrative prosecutions in January-June 2019 - list

Administrative prosecutions to punish exercising freedom of religion or belief appear to be rising. At least 104 cases were brought between January and June to punish unapproved worship, sharing faith, selling religious literature and items in shops or online, or using "Amen" in mosque worship. In three cases, courts ordered seized religious literature to be destroyed.

By Felix Corley

Forum 18 (19.07.2019) - <https://bit.ly/2SteWaN> - Kazakhstan's authorities are known to have brought at least 104 administrative prosecutions in the first six months of 2019 to punish 102 individuals, one religious community and one company for their exercise of freedom of religion or belief. Of these, 92 ended with convictions, with 86 individuals and one company being fined.

The 104 administrative cases in the first six months of 2019 represent an increase in the rate of prosecutions. In the whole of 2018, 169 such prosecutions are known to have been brought.

Punishments included not only fines but temporary bans on activity, a permanent ban on a meeting place for worship, and seizures and destruction of religious literature,

according to a review of the known January to June 2019 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 the equivalent of between three weeks' and four months' average wages for those in formal work (35 to 200 Monthly Financial Indicators, MFIs, 88,375 Tenge to 505,000 Tenge in 2019).

Many of the prosecutions were to punish meetings for worship without state permission. Bolat Isabayev was fined for leading a home worship meeting in Kandygash on the most sacred day annually for Jehovah's Witnesses. A court fined two ethnic Azeri imams in Zhambyl Region for maintaining funeral prayer rooms without state approval. Police fined or tried to fine up to 20 members of Karaganda's Revival Protestant Church after raiding a birthday party.

In three cases, courts ordered seized religious literature to be destroyed: 29 Muslim books seized from a commercial seller in Kyzylorda; 18 Islamic books seized from another commercial seller also in Kyzylorda; and 2 Islamic books a visitor from Kyrgyzstan had in her luggage.

Administrative prosecutions are known to have been brought in January to June 2019 (with comparisons to the full 2018 and 2017 calendar years) to punish:

- 28 (26 individuals, 1 community and 1 company) for meeting for worship, hosting such meetings or maintaining places for such meetings (39 in 2018, 88 in 2017).
- 7 individuals for offering religious literature to others for free (10 in 2018, 39 in 2017).
- 22 individuals for offering religious literature, icons or other items for sale (33 in 2018, 58 in 2017).
- 20 individuals for offering religious items for sale online (18 in 2018, 10 in 2017).
- 16 individuals for posting religious materials online (23 in 2018, 12 in 2017).
- 2 individuals for trying to import religious literature (0 in 2018, 4 in 2017).
- 3 individuals for sharing faith with others (17 in 2018, 31 in 2017).
- 4 Muslims for praying in mosques in ways that the state-controlled Muslim Board has banned, for example by using the word "Amen" (21 in 2018, 22 in 2017, the first year such punishments were imposed).
- 2 individuals for teaching their faith (3 in 2018, 2 in 2017).

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

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

No individuals are known to have been prosecuted for failing to pay earlier fines to punish them for exercising the right to freedom of religion or belief (2 in 2018, 2 in 2017).

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

A total of 88 of the 104 January to June 2019 cases were heard in court, but 16 fines are known to have been summarily handed down by police (the total number could be higher). All the known police fines were in Karaganda, Kyzylorda or Taraz.

Of the 102 administrative cases known to have been brought against individuals in 2019, 68 were against men and 34 against women. Women represented more than half of individuals prosecuted to punish offering religious literature and other items for sale in shops and online.

Of the 102 known administrative prosecutions against individuals in 2019, at least 3 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 in these 3 cases were launched when prosecutors decided not to pursue the Criminal Code Article 174 cases.

Full list of known January to June 2019 administrative prosecutions

The list of 103 known January to June 2019 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: 28

Known convictions: 22

200 MFI fines (4 months' average wage): 1

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

70 MFI fines (6 weeks' average wage): 1

50 MFI fines (1 month's average wage): 13

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

Verbal warning: 1

3-month bans: 2

Permanent bans: 1

Muslims: 5

Protestants: 18 (all Council of Churches Baptists)

Jehovah's Witnesses: 3

Hare Krishna community: 1

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

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) 5 January 2019, Bakyt Sattarova, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine (reduced to 35 MFI fine on second appeal)
- 2) 5 January 2019, Aleksandr Shartner, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine
- 3) 5 January 2019, Sergei Bogovenko, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine
- 4) 5 January 2019, Aleksei Bykov, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine
- 5) 5 January 2019, Olga Shartner, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine (overturned on appeal)
- 6) 5 January 2019, Nadezhda Bogovenko, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine (overturned on appeal)
- 7) 5 January 2019, Larisa Chachanidze, Protestant, Karaganda Police, Article 489, Part 10, meeting in home, 50 MFI fine (overturned on appeal)
- 8) 30 January 2019, Vera Pastukhova, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 9) 30 January 2019, Aleksandr Belyayev, Council of Churches Baptist, Kyzylorda police, Article 489, Part 9, leading unregistered meeting for worship, 100 MFI fine
- 10) 31 January 2019, Aleksei Li, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 11) 15 February 2019, Yakov Fot, Council of Churches Baptist, Taraz police, Article 489, Part 9, leading unregistered meeting for worship, 100 MFI fine

- 12) 15 February 2019, Viktor Fot, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine (changed on appeal to verbal warning)
- 13) 16 February 2019, Valery Skorobogaty, Council of Churches Baptist, Kyzylorda police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 14) 28 February 2019, Eduard Neifeld, Council of Churches Baptist, Almaty Specialised Inter-District Administrative Court, Article 490, Part 3 (Article 490, Part 1, Point 1 excluded), participating in unregistered meeting for worship, 100 MFI fine
- 15) 3 March 2019, Vitaly Ryzhkov, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 16) 3 March 2019, Yuliya Ivanova, Council of Churches Baptist, Taraz police, Article 489, Part 10, participating in unregistered meeting for worship, 50 MFI fine
- 17) 3 March 2019, Petr Skornyakov, Council of Churches Baptist, Taraz police, Article 489, Part 9, leading unregistered meeting for worship, 100 MFI fine
- 18) 7 March 2019, Atyrau Hare Krishna Community, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 1, meeting for worship, case sent back
- 19) 18 March 2019, Otabek Khaldarov, Muslim, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, opening prayer room in cafeteria, 50 MFI fine
- 20) 15 April 2019, Sanzharbek Abuvakhidov, Muslim, Sairam District Court, Article 490, Part 1, operating an unregistered prayer room, 50 MFI fine plus 3-month ban
- 21) 19 April 2019, Sergei Merkulov, Jehovah's Witness, Glubokoe District Court, Article 490, Part 1, Point 1, hosting unregistered meetings for worship, 50 MFI fine (overturned on appeal)
- 22) 24 April 2019, Svetlana Demina, Protestant, Karaganda Specialised Administrative Court, Article 490, Part 3, praying before husband's birthday meal at home, case closed because time limit for launching case had expired (fined in November 2018 for same event, but fine annulled on appeal)
- 23) 2 May 2019, Sergei Nurmanov, Jehovah's Witness, Taranovsky District Court, Article 490, Part 1, Point 1, participating in unregistered meeting for worship, 35 MFI fine
- 24) 14 May 2019, Sarvaz Dzhamalov, Muslim, Merke District Court, Article 490, Part 3, operating an unregistered funeral prayer room, 70 MFI fine
- 25) 16 May 2019, Fakhradin Ismailov, Muslim, Merke District Court, Article 490, Part 1, Point 1, operating an unregistered funeral prayer room (registration application rejected), 50 MFI fine
- 26) 16 May 2019, Mak Group Shopping Centre, company, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 1, operating an unregistered prayer room, 200 MFI fine plus ban on prayer room
- 27) 6 June 2019, Bolat Isabayev, Jehovah's Witness, Mugalzhar District Court, Article 490, Part 1, Point 1, participating in unregistered meeting for worship on Memorial of Christ's Death, 35 MFI fine

28) 11 June 2019, Gulammakhambet Taumanuly, Muslim, Zhetysai District Court, Article 490, Part 1, Point 4, opening unapproved prayer room, 50 MFI fine plus 3-month ban

- Punishing offering free religious literature

Known administrative cases: 7

Known convictions: 7

50 MFI fines (1 month's average wage): 5

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

3-month bans: 2

Protestants: 7 (including 5 Council of Churches Baptists)

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) 7 February 2019, Feruza Akynbekova, Council of Churches Baptist, Taraz Specialised Administrative Court, Article 490, Part 1, offering New Testament on the street, 50 MFI fine (reduced to 35 MFIs on appeal)

2) 26 March 2019, Pavlo Omelich, Council of Churches Baptist, Baizak District Court, Article 490, Part 3, offering Christian literature, 100 MFI fine, changed on appeal to Article 490, Part 1, Point 3, 50 MFI fine

3) 29 March 2019, Yury Kiryushkin, Council of Churches Baptist, Magzhan Zhumbabayev District Court, Article 490, Part 1, Point 3, offering Christian literature, 50 MFI fine plus 3-month ban on distributing religious literature

4) 1 April 2019, Viktor Gizbrecht, Christian, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible and other Christian books for free online, 50 MFI fine

5) 15 April 2019, Dmitry Mankov (aged 20), Council of Churches Baptist, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering Christian books for free, 35 MFI fine

6) 17 April 2019, Valentina Rakhmanova, Protestant, Zyryanovsk District Court, Article 490, Part 1, Point 3, offering Bible and other Christian books for free, 50 MFI fine

7) 3 May 2019, Dmitry Isayev, Council of Churches Baptist, Berli District Court, Article 490, Part 1, Point 3, offering Christian books on the street, 50 MFI fine plus 3-month ban on distributing religious literature

- Punishing offering religious literature, items for sale

Known administrative cases: 22

Known convictions: 18
Initial criminal cases (Article 174): 1
50 MFI fines (1 month's average wage): 4
35 MFI fines (3 weeks' average wage): 13
Verbal warnings: 1
3-month bans: 13
Literature destruction orders: 2

Commercial traders: 21
Muslims: 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.

- 1) 22 January 2019, Sergei Belov, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items (including icons, Buddha figures) for sale, 35 MFI fine plus 3-month ban on activity
- 2) 24 January 2019, Yelena Makhacheva, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books and items for sale, 50 MFI fine plus 3-month ban on activity
- 3) 19 February 2019, Kairbek Tolegenuly, commercial seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174, Part 1 investigation), offering Sunni and Sufi Islamic books and items for sale in shop, 35 MFI fine plus 3-month ban on activity
- 4) 20 February 2019, Svetlana Titova, commercial seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering Christian prayer books, icons and candles for sale in shop, 35 MFI fine
- 5) 13 March 2019, Farkhad Zhapparkulov, commercial seller, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, offering Muslim books for sale on street, 50 MFI fine plus 3-month ban
- 6) 15 March 2019, Zhenisbek Baitabynov, Muslim, Munaily District Court, Article 490, Part 1, Point 3, offering religious books for sale, 50 MFI fine
- 7) 28 March 2019, Murat Zhumaguliyev, commercial seller, Beineu District Court, Article 490, Part 1, Point 3, offering religious books for sale at market, 35 MFI fine plus 3-month ban
- 8) 1 April 2019, Murat Kabdullin, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on selling religious literature
- 9) 12 April 2019, Begzod Ismaildzhhanov, Muslim, Turkistan Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale at railway station, 50 MFI fine
- 10) 17 April 2019, Andrei Shelestov, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on functioning of section of shop

- 11) 24 April 2019, Sabit Kenzhegulov, Muslim, Zhilioi District Court, Article 490, Part 1, Point 3, offering religious books for sale at railway station, 35 MFI fine
- 12) 2 May 2019, Nursultan Rakhimgozhin, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on functioning of shop
- 13) 3 May 2019, Zauresh Kasymova, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban on selling religious literature
- 14) 8 May 2019, Aruzhan Omirbai, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban plus destruction of 29 Muslim books
- 15) 29 May 2019, Togzhan Boken, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature and discs for sale, case closed because time limit for launching case had expired
- 16) 31 May 2019, Baurzhan Kudabayev, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, acquitted
- 17) 6 June 2019, Talgatbek Nazarov, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering items with Arabic inscriptions for sale, acquitted
- 18) 6 June 2019, Saltanat Zhakipova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious literature, prayer mats and other items for sale, case closed because time limit for launching case had expired
- 19) 11 June 2019, Saltanat Koszhanova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, verbal warning
- 20) 12 June 2019, Gulmira Kulumbetova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering 18 Islamic books, a prayer mat and other items for sale, 35 MFI fine plus 3-month ban plus destruction of books
- 21) 12 June 2019, Shin Raisa Du-Se, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering one cross and one crescent jewellery items for sale in shop, 35 MFI fine plus 3-month ban on functioning of shop
- 22) 26 June 2019, Marina Shirokova, commercial seller, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious books for sale in shop, 35 MFI fine plus 3-month ban

- Punishing offering religious literature, items for sale online

Known administrative cases: 20
Known convictions: 20
50 MFI fines (1 month's average wage): 1
35 MFI fines (3 weeks' average wage): 16
Verbal warnings: 3

3-month bans: 5 or 6
1-month bans: 3 or 4
Literature retention orders: 2

Private sellers: 20

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) 11 January 2019, Dana Rakhimzhanova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious book for sale online, 35 MFI

2) 25 January 2019, Nurbergen Kunchekeyev, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering Muslim book by Elmir Kuliyeu for sale online, 35 MFI fine plus 3-month ban

3) 25 January 2019, Yelena Maslova, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible inherited from grandmother for sale online ("expert" analysis showed Bible did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

4) 13 February 2019, Gennady Vasilyev, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible and Christian booklet for sale online ("expert" analysis showed their content did not violate Constitution), 35 MFI fine

5) 20 February 2019, Yekaterina Kislitsyna, seller, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering icon of Jesus Christ for sale online ("expert" analysis showed icon's content did not violate Constitution), 35 MFI fine

6) 6 March 2019, Oleg Lobanov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Christian children's book for sale online ("expert" analysis showed it did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

7) 12 March 2019, Natalya Alekseyeva, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale online 1913 German-language Bible inherited from grandmother, 50 MFI fine plus Bible to be retained by Anti-Extremism Police

8) 18 March 2019, Yelena Glushchenko, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering for sale online 1905 issue of Russian Orthodox "Church News", 35 MFI fine plus 3-month ban on distributing religious literature

9) 27 March 2019, Dmitry Molozhenko, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible for sale online for 1,000 Tenge ("expert" analysis showed Bible did not violate Constitution), 35 MFI fine plus 1-month ban on distributing religious literature and items

10) 28 March 2019, Yelizaveta Volzhinina, seller, Oskemen Specialised Administrative Court, Article 490, Part 1, Point 3, offering embroidered picture of mother and child for sale online, 35 MFI fine

11) 1 April 2019, Oksana Malkova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering Koran for sale online, 35 MFI

12) 19 April 2019, Bayan Tusupova, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering children's Bible in Russian and German for sale online, 35 MFI

13) 23 April 2019, Olga Savoskina, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering icon for sale online, verbal warning

14) 25 April 2019, Nadezhda Borovskikh, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering Bible for sale online for 10,000 Tenge (5 days' pension equivalent) to supplement pension (invalid husband), verbal warning

15) 30 April 2019, Galina Smirnykh, seller, Aksu City Court, Article 490, Part 1, Point 3, offering Bible for sale online, 35 MFI fine

16) 13 May 2019, Zarina Kazbekova, seller, Shal Akyn District Court, Article 490, Part 1, Point 3, offering Koran for sale online, 35 MFI fine plus 3-month ban on distributing religious literature

17) 16 May 2019, Madina Koisariyeva, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 Korans for sale online, 35 MFI fine plus 3-month ban

18) 21 May 2019, Irina Buravinskaya, seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 2 icons for sale online for 8,000 Tenge (10 days' invalid pension equivalent) ("expert" analysis showed icons' content did not violate Constitution), verbal warning

19) 21 May 2019, Daniyar Murzabayev, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering 1907 Arabic-language Koran inherited from grandmother for sale online for 5 million Tenge ("expert" analysis was unable to review the Koran because they did not know Arabic), 35 MFI fine plus 1- or 3-month ban on distributing religious literature and items

20) 12 June 2019, Rano Tuzelova, seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 3 Korans in Arabic for sale online, 35 MFI fine plus 3-month ban plus retention of 3 Korans

- Punishing posting religious materials online

Known administrative cases: 16

Known convictions: 15

Initial criminal cases (Article 174): 2

200 MFI fines (4 months' average wage): 1

100 MFI fines (2 months' average wage): 1

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

50 MFI fines (1 month's average wage): 5

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

3-month bans: 5

Bans of unspecified duration: 1

Muslims: 16

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.

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

1) 9 January 2019, Erlan Mukanov, Muslim, Taiynsha District Court, Article 490, Part 1, Point 3 (initial investigation under Criminal Code Article 174, Part 1), posting religious materials online, 50 MFI fine plus 3-month ban on distributing religious literature

2) 15 January 2019, Azamat Orazly, Muslim, Satbayev District Court, Article 490, Part 3, posting religious materials online, 100 MFI fine

3) 30 January 2019, Duman Suleimenov, Muslim, Satbayev District Court, Article 490, Part 3, posting religious materials online, 100 MFI fine (reduced to 70 MFIs on appeal)

4) 11 February 2019, Zhalgas Nazymbekov, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine

5) 12 February 2019, Ardak Aubakirov, Muslim, Karkaraly District Court, Article 490, Part 1, posting religious materials online, 35 MFI fine

6) 12 February 2019, Nurbol Baigenzhinov, Muslim, Karkaraly District Court, Article 490, Part 1 or 3, posting religious materials online, 35 MFI fine

7) 18 February 2019, Nurbol Ibraimov, Muslim, Zhezkazgan City Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine

8) 4 April 2019, Azat Komutov, Muslim, Abai District Court, Article 490, Part 3, posting religious materials online, 70 MFI fine

9) 10 April 2019, Shingis Sabitov, Muslim, Karkaraly District Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban

10) 2 May 2019, Ernur Toleubekov, Muslim, Temirtau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine

11) 8 May 2019, Sairan Abdugaliyev, Muslim, Karkaraly District Court, Article 490, Part 1, Point 3 (initial Criminal Code Article 174 investigation), posting religious materials online, 50 MFI fine plus 3-month ban

12) 15 May 2019, Yerken Akanov, Muslim, Petropavl Specialised Administrative Court, Article 490, Part 8 (second "offence" within one year), sharing religious materials on WhatsApp, 200 MFI fine and ban on distributing religious literature

13) 27 May 2019, Abdurrakhim Termaliyev, Muslim, Mamlyut District Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban on distributing religious literature

14) 30 May 2019, Kaisar Serik, Muslim, Karkaraly District Court, Article 490, Part 1, posting religious materials online, 35 MFI fine

15) 11 June 2019, Adil Mendygaliyev, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, sent back for reclassification under different Article

16) 21 June 2019, Farkhad Zhauyrbekov, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban on social media account

- Punishing trying to import religious literature

Known administrative cases: 2

Known convictions: 2

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

Literature destruction orders: 1

Muslims: 1

Traders: 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.

1) 3 January 2019, Gulsanam Katkeldiyeva, Muslim (Kyrgyz citizen), Zhambyl District Court, Article 490, Part 1, Point 3, having 2 Islamic books in luggage entering Kazakhstan from Kyrgyzstan, 50 MFI fine plus book destruction

2) 20 June 2019, Makhmadgafuri Olimzoda, trader (Tajik citizen), Beineu District Court, Article 490, Part 1, Point 3, 36 of 490 books he brought through Kazakh border in transit to Russia for resale were religious, 50 MFI fine plus 3-month ban

- Punishing sharing faith

Known administrative cases: 3

Known convictions: 3

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

Protestants: 3 (all 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) 12 April 2019, Nikolai Novikov, Council of Churches Baptist (court decision wrongly describes him as Jehovah's Witness), Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

2) 22 April 2019, Dmitry Isayev, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

3) 23 April 2019, Andrei Labinsky, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine

- Punishing violating mosques' internal rules

Known administrative cases: 4

Known convictions: 3

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

35 MFI fines (3 weeks' average wage): 1

Muslims: 4

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 MFIs, and for legal entities 200 MFIs.

1) 12 February 2019, Nariman Bagirov, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

2) 19 March 2019, Erbolat Gazimov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine

3) 20 March 2019, Dauren Kaiyrov, Muslim (18 years old), Zhiloi District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine

4) 22 April 2019, Abai Ospanov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 2, Amen in mosque, acquitted

- Punishing religious teaching

Known administrative cases: 2

Known convictions: 2

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

Muslims: 2

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) 10 April 2019, Mukhtar Gadzhiyev, Muslim, Article 490, Part 3, Kyzylorda Specialised Administrative Court, teaching religion to children in charity, 70 MFI fine

2) 10 April 2019, Darkhan Shilmanbetov, Muslim, Article 490, Part 3, Kyzylorda Specialised Administrative Court, teaching religion to children in charity, 70 MFI fine

Fined for worship, funeral prayer rooms

Bolat Isabayev was fined for leading a home worship meeting on the most sacred day annually for Jehovah's Witnesses. A court fined two ethnic Azeri imams in Zhambyl Region for maintaining funeral prayer rooms without state approval. Police fined or tried to fine up to 20 members of Karaganda's Revival Protestant Church after raiding a birthday party.

By Felix Corley

Forum 18 (11.07.2019) - <https://bit.ly/2LzJBm1> - On 2 July, Aktobe Regional Court rejected Bolat Isabayev's appeal against a fine of three weeks' average wages for leading a meeting for worship in a home on the Jehovah's Witnesses' most sacred commemoration of the year, the Memorial of Jesus Christ's death. Police tried to raid the 19 April meeting in Kandyagash, allegedly after complaints from neighbours, but the home owner refused to let them in. Police filmed through the window.

After police discovered two funeral prayer rooms in Merke District in the southern Zhambyl Region on 4 March, two imams of the local Azeri community were fined in mid-May for maintaining the prayer rooms without state registration. One of them had tried to gain state registration – and therefore the official right to exist – but the application had been returned (see below).

The state has allowed only one Muslim community in the entire country to register: the state-controlled Muslim Board. All mosques must be subject to it to be allowed to exist. Independent mosques and mosques catering mainly to one ethnic group are banned.

Police have repeatedly fined or tried to fine up to about 20 members of Revival Protestant Church in the central city of Karaganda after their mass raid on a birthday party in November 2018. The Church has fewer than 50 adult members, so is therefore too small to be able to apply for state registration and therefore does not officially have the right to exist. The police officer who issued most of the summary fines refused to explain why they had been punished for meeting in a home (see below).

In February 2019, police raided a Hare Krishna gathering in the Caspian port city of Atyrau. In February and March, police in the southern city of Taraz raided three local Council of Churches Baptist congregations, fining a number of church members.

The punishments are among at least 104 administrative cases brought against individuals and communities between January and June 2019 to punish them for exercising freedom of religion or belief.

Kazakhstan imposes tight restrictions on all meetings for worship. State permission is needed for a community to be allowed to meet and the location of any meeting also needs state permission. Religious literature is subject to compulsory pre-publication censorship and can be distributed only in state-approved venues. Sharing faith with others without state permission is also banned.

Kandyagash: Punished for Jehovah's Witness meeting

On the evening of 19 April, 13 guests gathered in a home in the Dostyk district of Kandyagash in the western Aktobe Region to commemorate the Memorial of Jesus Christ's death, the Jehovah's Witnesses' most sacred commemoration of the year. Guests watched a video, prayed, sang hymns and then shared bread and wine.

Police arrived outside the ground floor flat and filmed the meeting through the window, Jehovah's Witnesses told Forum 18. They then tried to force their way in, but the owner refused to let them enter. After the meeting officers tried to detain attendees as they

left. They took one young woman - not a Jehovah's Witness - and her two children to the police station for interrogation.

"During the conducting of this meeting, no one made a loud noise and the peace of the neighbours was not disturbed," the subsequent court decision cites Bolat Isabayev as telling the court.

Lieutenant Colonel Amangali Dzhumakulov of Mugalzhar District Police told the court that police had received "operational information" that evening that a meeting was underway in the home.

Three neighbours told the court hearing that they objected to a meeting for worship taking place in a nearby home. It remains unclear if they had called the police or whether the police had found out about the meeting through their own surveillance.

On 7 May, two police officers came to one woman who had attended the Memorial meeting to question her about it. She refused to sign any statement.

Based on information from the police, Arsen Khasen of the Regional Religious Affairs Department drew up a record of an offence against Isabayev – deemed to be the organiser of the meeting – on 21 May. He was charged with violating 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.

On 6 June, Judge Arytan Zhamiyev of Mugalzhar District Court found Isabayev guilty of violating Article 490, Part 1, Point 1 by holding an unapproved meeting for worship, according to the decision seen by Forum 18. He fined him 35 Monthly Financial Indicators (MFIs), 88,375 Tenge, about three weeks' average wages for those in formal work.

Isabayev appealed against the decision. However, on 2 July, Judge Zhanna Alisheva of Aktobe Regional Court rejected his appeal, according to the decision seen by Forum 18.

Khasen of the Regional Religious Affairs Department insisted that Isabayev had broken the law. "Neighbours identified him as the leader of the meeting and police passed on the information to us, so we drew up the record of an offence against him," he told Forum 18 from Aktobe on 11 July. "The law bans unregistered worship and we have to observe the law."

Officers at Mugalzhar District Police referred Forum 18 to the head. However, his phone went unanswered each time Forum 18 called on 11 July.

Merke: Punished for unregistered funeral prayer rooms

On 4 March, as they were conducting a "Law and Order Operation", police in the small town of Merke in the southern Zhambyl Region discovered a house with rooms for holding Muslim prayers and funeral rituals was located. Police soon established that the site had not been registered as a place of worship.

Police identified the home owner, Sarvaz Dzhamalov, as violating the ban on sharing faith with others without state permission. Police also accused him of using religious literature as part of sharing faith without state permission.

A record of an offence was drawn up against Dzhamalov under Administrative Code Article 490, Part 3. This punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature,

information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 MFIs, with deportation if the individual is a foreign citizen.

As Dzhamalov, an ethnic Azeri, subsequently told the court, he established the funeral prayer rooms in the yard of his home in 1998. He built two rooms for prayer, one for men and one for women, and made available religious literature.

On 14 May, Judge Rakhat Razakov of Merke District Court found Dzhamalov guilty of violating Article 490, Part 3, according to the decision seen by Forum 18. He fined him 70 MFIs (about six weeks' average wage for those in formal work). Erbol Baitakov of Merke District Police's Group to Counter Extremism and Organised Crime supported the prosecution in court.

Also on 4 March, as part of the same police "Law and Order Operation", Officer Baitakov discovered a similar funeral prayer room in the village of Zhambyl, also in Merke District.

Officer Baitakov identified Fakhradin Ismailov, an ethnic Azeri who lived next door, as the Imam and warned him that he needed to get state registration. Baitakov accused him of conducting "illegal" missionary activity. A record of an offence was drawn up against Ismailov under Administrative Code Article 490, Part 3.

As Ismailov subsequently told the court, the Azeri community had bought the premises in August 2017 to establish a location to hold funeral rites.

Marat Rakishev, responsible for religious affairs at Merke District Administration, told the court that Ismailov had lodged a registration application, which he had sent on to the Regional Religious Affairs Department. However, it had returned the application. Ismailov had resubmitted the documents and they were now being considered.

On 16 May 2019, Judge Erkin Kenbayev of Merke District Court found that no evidence had been produced proving that Ismailov had shared his faith with those who were not already Muslims. He therefore changed the accusation to 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.

Judge Kenbayev then found Ismailov guilty of violating Article 490, Part 1, Point 1, according to the decision seen by Forum 18. He fined him 50 MFIs (about one month's average wage for those in formal work).

Baitakov of Merke District Police's Group to Counter Extremism and Organised Crime again supported the prosecution in court.

Neither Dzhamalov nor Ismailov appealed against their punishments.

Officer Baitakov's phone went unanswered each time Forum 18 called on 11 July. Forum 18 was similarly unable to reach Rakishev at Merke District Administration.

Karaganda: Repeated fines, court hearings follow police raid

Police have repeatedly fined or tried to fine up to about 20 members of Revival Church in the central city of Karaganda. The Church has fewer than 50 adult members, so is therefore too small to be able to apply for state registration and therefore does not officially have the right to exist.

Trouble began for church members in the afternoon and early evening of 11 November 2018, when they were enjoying a meal in the home of Svetlana Demina to mark her husband's birthday. Those present prayed before starting to eat.

Police suddenly burst in, claiming a call had come in that a "sect" was meeting there. Officers forced those present – including those with children and those with disabilities – into vehicles to take them to the police station. There officers questioned them for three hours, putting them under psychological pressure to admit they belonged to an organised community, according to subsequent court documents seen by Forum 18.

Officers also seized five Christian books, a notebook, and two boxes, one marked "Prayer Needs" and one marked "Donations".

That same day, officers summarily fined one of those present, Bakyt Sattarova. Officers said she had violated Administrative Code Article 489, Part 10. This punishes "Participation in an unregistered, halted, or banned religious community or social organisation" with a fine of 50 MFIs (about one month's average wage for those in formal work).

On 15 November 2018, officers summarily fined another of those present, Svetlana Demina. Officers said she had violated Administrative Code Article 489, Part 9. This punishes "Leadership of an unregistered, halted, or banned religious community or social organisation" with a fine of 100 MFIs (about two months' average wage for those in formal work).

On 21 November 2018, a "religious studies expert analysis" of the seized books was ordered. This found nothing in them against the Constitution or preventing their distribution. However, on two books it proposed seeing a further psychological/philological "expert" analysis.

Both women appealed against the summary fines. On 27 November 2018 Judge Ernar Tokpanov of Karaganda Specialised Administrative Court upheld Demina's appeal, according to the decision seen by Forum 18. She had argued that when drawing up the record of an offence against her, police had violated procedures by going ahead with the fine without the presence of a lawyer as Demina had requested. Her fine was therefore annulled and the case sent back to the police.

However, on 28 November 2018 Judge Kaiyrzhan Alashuly of Karaganda Specialised Administrative Court rejected Sattarova's appeal, according to the decision seen by Forum 18.

On 5 January 2019, Askhat Aubakirov, deputy head of South West Karaganda Police, summarily fined at least seven more of those present at the birthday meal. Those he fined included Bakyt Sattarova (again), Olga Shartner, Aleksandr Shartner, Nadezhda Bogovenko, Sergei Bogovenko, Aleksei Bykov, and Larisa Chachanidze. Aubakirov fined each 50 MFIs (three weeks' average wages for those in work) under Administrative Code Article 489, Part 10.

All seven appealed against their fines to Karaganda Specialised Administrative Court. But in separate hearings in late February, various Judges rejected four of their appeals, according to the decisions seen by Forum 18. However, the court overturned the fines on Olga Shartner, Nadezhda Bogovenko and Larisa Chachanidze. Sattarova lodged a further appeal to Karaganda Regional Court which, on 26 March, reduced her fine by 30 per cent.

By now the case against Demina was in the hands of the Regional Religious Affairs Department. A Chief Specialist, Zhanar Shaldibayeva, drew up a new record of an offence against Demina on 1 March, this time under Administrative Code Article 490, Part 3. On 28 March Shaldibayeva handed the case to court.

Demina tried to challenge the legality of the record of an offence, but Karaganda Specialised Administrative Court rejected this on 28 March and the Regional Court upheld this on 23 April.

On 24 April, Karaganda Specialised Administrative Court ruled that although Demina was guilty of violating Article 490, Part 3, Shaldibayeva (who was present in court) could give no legal reason why the deadline for submitting the case had not been met. The Judge dismissed the case.

Police officer Aubakirov told Forum 18 on 11 July that he had prepared records of an offence against about 20 people in connection with the November 2018 gathering at Demina's home. However, he refused absolutely to say why they had been fined and why police were involved in a meeting in a home.

Asked why she had brought the case against Demina, Shaldibayeva of the Regional Religious Affairs Department told Forum 18 on 11 July that she was "not authorised to speak" and put the phone down.

"We don't have censorship", but three books banned

Kazakhstan has banned three books by authors associated with the banned Tabligh Jamaat Muslim missionary movement. A Prosecutor's Office official claimed to Forum 18 that the three books include calls to "extremism and terrorism", but neither the court nor "expert analyses" backed this. "We don't have censorship, we just check the content of religious publications," another official claimed.

By Felix Corley

Forum 18 (21.06.2019) - <https://bit.ly/2G2D3rT> - On 8 May a court in the city of Karaganda banned three Muslim books as "extremist", not because they called for harm to anyone's human rights but because the authors are associated with the banned Tabligh Jamaat Muslim missionary movement. The decision came into force on 11 June.

The Prosecutor's Office official who led the case in court in May 2019 claimed to Forum 18 that the three books include calls to "extremism and terrorism". She refused to explain how they call for this. However, despite her claim that they include calls to "terrorism", the court did not find the books to be "terrorist". Two of the "expert analyses" prepared for the case specifically say that the books contain no incitement to hatred (see below).

One of the newly-banned books is by a former prisoner of conscience associated with Tabligh Jamaat, who completed a two-year jail term in 2017 (see below).

The three Muslim books were among religious items seized in raids on six Muslims in Karaganda in October 2017. Three of the men were sentenced to three years' jail each in April 2018. The other three were fined (see below).

Courts have banned numerous Muslim and Christian books and websites as "extremist". Court hearings often take place without any publicity, making it difficult for anyone to challenge the decisions (see below).

In addition, courts on occasion order religious literature confiscated from individuals in police raids as part of administrative proceedings to be destroyed. In the most recent known case, on 8 May a court in Kyzylorda ordered 29 Muslim books seized from a commercial seller to be destroyed (see below).

No religious literature or object can be printed, published or imported without passing state censorship. An official of the "Religious Studies Expert Analysis [Censorship] and Co-operation with Religious Educational Establishments Organisations Department" of the state Religious Affairs Committee denied to Forum 18 that such compulsory state censorship amounts to censorship. "We don't have censorship, we just check the content of religious publications," she claimed (see below).

Jehovah's Witnesses have not faced bans on importing specific religious texts into Kazakhstan since 2015. Four of their complaints concerning the earlier censorship and banning of 19 of their publications are pending with the United Nations Human Rights Committee (see below).

Tight censorship on all religious literature and objects

In defiance of its international human rights commitments – and against the country's Constitution, which bans censorship – Kazakhstan imposes tight censorship on all religious literature and objects. The government's Religious Affairs Committee (former Social Harmony Committee) needs to approve in advance the publication, import and distribution of all religious literature and other materials.

Anyone or any shop, religious or other organisation which distributes, sells or offers 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 is punished. The state regularly imposes such punishments, and for individuals this can be a fine of up to several months' average wages.

Of the 165 individuals, companies and charities known to have faced administrative prosecution in 2018 for exercising freedom of religion or belief, 10 individuals and charities were prosecuted for offering religious literature to others for free; 32 individuals and companies for offering religious literature, icons or other items for sale; 18 individuals for offering religious items for sale online; and 23 individuals for posting religious materials online.

In addition, courts on occasion order religious literature confiscated from individuals in police raids as part of administrative proceedings to be destroyed.

In the most recent known case, on 8 May Kyzylorda Specialised Administrative Court ordered 29 Muslim books seized from commercial seller Aruzhan Omirbai in a police raid on 29 January to be destroyed, according to the decision seen by Forum 18. Judge Gulmira Iskakova also fined Omirbai 88,375 Tenge (three weeks' average wages) under Administrative Code Article 490, Part 1, Point 3 ("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").

In an earlier case, on 3 January Zhambyl District Court ordered two Muslim books seized from an individual to be destroyed. The owner was fined. Both books were also by

members of the Kandhlawi family, instrumental in founding and leading the Tabligh Jamaat movement.

In 2015, Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned such court-ordered book destruction as "barbarism".

"We don't have censorship, we just check the content of religious publications"

Guldana (who refused to give her last name), an "Expert" of the "Religious Studies Expert Analysis [Censorship] and Co-operation with Religious Educational Establishments Organisations Department" of the Religious Affairs Committee in the capital Nur-Sultan, denied to Forum 18 that the compulsory state censorship amounts to censorship. The Committee is part of the Information and Social Development Ministry.

"We don't have censorship, we just check the content of religious publications," Guldana told Forum 18 on 20 June. She said that in the first quarter of 2019, her Department had checked nearly 2,000 publications. She refused to say how many of those had been approved and how many rejected.

Guldana declined to discuss the court-ordered bans on books associated with the Tabligh Jamaat movement. "That's a matter for the courts," she told Forum 18.

Systematic (as against the previous occasional) state censorship was brought in with the 2011 Religion Law. Asked whether pre-2011 books on religious themes – such as those by the nineteenth-century Russian writer Leo Tolstoy – needed to undergo her Department's censorship, Guldana responded: "Tolstoy would not need to be checked."

Asked whether books by the late Russian Orthodox Patriarch Aleksy II (who died in 2008) would need to undergo state censorship, Guldana put the phone down.

Colleagues of Erzhan Nurkezhanov, appointed to head the Religious Affairs Committee on 11 April 2019, told Forum 18 on 21 June that he was busy and unable to talk.

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

Books seized in 2017 Karaganda raids

Police arrested six Muslim men in Karaganda on 30 October 2017. As part of its "special operation", police found and confiscated religious literature, "technical equipment", mobile phones and flashcards at their homes. The National Security Committee (KNB) secret police and the ordinary police worked together on the cases.

A Karaganda court jailed three of the men - Kazbek Laubayev, Marat Konyrbayev and Taskali Naurzgaliyev – for three years each in April 2018 for participation in the banned religious organisation Tabligh Jamaat. The other three men were each fined.

Tabligh Jamaat was banned in 2013 even though the leader of a KNB secret police study of the movement found that it was "not an extremist or terrorist organisation .. speaking out against all forms of violence against individuals".

In November 2017, Karaganda Police had handed the seized Muslim books to the Justice Ministry's Centre for Judicial "Expert" Analysis in Astana. The Police asked the Centre to

determine which religious community the books were associated with and whether they contained incitement to hatred.

Two of the publications eventually banned in May 2019 were by Muhammad Saad Kandhlawi, a leading figure in the Tabligh Jamaat movement. The third was a 24-page book "Awakening from Sleep" by Kubaidolla Tyulyubayev.

Tyulyubayev – who was from Karaganda - was arrested in the southern city of Taldykurgan in September 2015 and sentenced with four other Muslims in the capital in February 2016 to two years' imprisonment under Criminal Code Article 405, Part 1 ("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").

Tyulyubayev completed his sentence in 2017 but, as is normal for ex-prisoners of conscience, he remains on the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism" so any bank account he has is blocked.

The Centre for Judicial "Expert" Analysis conducted at least four "expert" analyses. In two dated 19 January 2018, seen by Forum 18, the "experts" found that none of the books seized in the Karaganda raids and presented by the Police contained calls to restrict other people's human rights, to commit violence or to incite hatred.

Other books seized in the October 2017 Karaganda raids had already been banned as "extremist". One was a Russian translation of "Selected Hadith" by Muhammad Yusuf Kandhlawi and Muhammad Saad Kandhlawi. The "experts" found in January 2018 that this did not include "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".

Curiously, in its decision to ban "Selected Hadith" on 2 August 2016, Alakol District Court in Almaty Region found that it was among Tabligh Jamaat-related books which "contain statements of an incitement nature, containing calls to destroy Islam. Politological research confirms propaganda to subvert the security of the state." The decision added that the book "propagandises negative ideas about Islam and the Arab nation" and incites readers to "extremism".

However, the 2016 Alakol court decision makes clear that the only reason for banning it and two other books was that members of the Kandhlawi family were instrumental in founding and leading the Tabligh Jamaat movement.

"Open" hearing bans three Muslim books

Following the January 2018 "expert analyses" of the books seized from the six Muslims in Karaganda in October 2017, the Prosecutor of Karaganda's October District sent a suit to the District Court on 29 March 2019. Prosecutor Erzhan Koshanov asked the court to declare five books "extremist" and ban their import into, publication in and distribution in Kazakhstan, according to the letter seen by Forum 18.

Prosecutor Koshanov cites the conclusions of three of the four known "expert analyses" of the five books that they "contain attributes of the religious organisation Tabligh Jamaat". Koshanov – who seems unaware that two of the five books had already been banned by Alakol Court in 2016 – made no claim that any of the books contain calls to violate others' human rights.

On 8 May 2019, Judge Dulat Burabayev of Karaganda's October District Court acceded to the Prosecutor's request and banned the three Muslim books that had not already been banned. The court decision, seen by Forum 18, claims the hearing was "open". However, court listings for the hearing dates contain no information about the plaintiff (or any respondent).

Karlygash Turabai, who represented the Prosecutor's Office in court, argued that the three Muslim books should be banned only because they "contain attributes of the religious organisation Tabligh Jamaat".

Curiously, Duman Basharov, a self-described theologian from the Study and Analysis Centre for Inter-Confessional Relations of the Karaganda Regional Religious Affairs Department, told the court that the books "contain attributes of extremism in the form of incitement to inter-ethnic discord, racial and ethnic division, contradicting the constitutional order and non-recognition of the state", the court decision quotes him as declaring.

"As a theologian, I can say that as the Tabligh Jamaat organisation has been recognised as extremist, the religious literature which it promotes should likewise be recognised as extremist," Bosharov concluded.

"How can [the Prosecutor] be wrong?"

Turabai, the Prosecutor's Office official who led the case in court in May 2019, claimed to Forum 18 from Karaganda on 20 June that the three books include "pages where there are calls to extremism and terrorism". She refused to explain how they call for this.

Forum 18 pointed out to Turabai that despite her claim that the books include calls to "terrorism", the court did not find them to be "terrorist", while the court decision also made no mention of any calls in the books to violations of the rights of others. Forum 18 also pointed out that two of the "expert analyses" prepared for the case specifically say that the books contain no incitement to hatred.

"Prosecutor Koshanov signed off on the suit to court," Turabai told Forum 18. "How can he be wrong?" She referred all further enquiries to him. However, his phone went unanswered on 20 June.

Forum 18 was unable to find out who had invited Basharov from the Study and Analysis Centre for Inter-Confessional Relations to take part in the hearing.

Officials of the Study and Analysis Centre for Inter-Confessional Relations told Forum 18 on 20 June that Basharov (an employee of its Rehabilitation Department) is now on holiday. However, the head of the Rehabilitation Department, Dulat Tulegenov, insisted that Forum 18 needed to direct its questions to Basharov. "He is a theologian with higher education – he's had a good education," he claimed.

Tulegenov insisted that the Muslim Tabligh Jamaat movement is "extremist", though he stressed that he has not studied the reasons for the state ban on it. "I've not personally encountered any victims of Tabligh Jamaat," he added.

"Following the correct path"

Asked to explain what his Rehabilitation Department does, Tulegenov said theologians work with people who come to it voluntarily, "finding out if they are following the correct path". Asked why it is the role of state employees to determine if an individual's way of

following a religion or none is "correct" or not, he insisted it is important to prevent individuals getting involved in terrorism.

Tulegenov cited the case of a mother who brought her 17-year-old son to the Rehabilitation Department because he has started to pray the namaz. "She is not religious and is not orientated in this," he claimed to Forum 18. "She wanted to check everything was OK. Everyone was in agreement." Although Tulegenov would not clarify his comments to Forum 18, he implied that the son was praying in a way the state does not dislike.

Asked if anyone who attended a mosque, Russian Orthodox church, or other place of worship could be brought to his Rehabilitation Department, Tulegenov responded: "Not if it's the Russian Orthodox church." He would not explain whether his comment meant that people who attend non-Muslim places of worship do not commit offences. Tulegenov claimed again that any attendance at his Department was voluntary.

Unannounced hearings to ban materials as "extremist"

Prosecutor's Offices as well as Ministries have initiated suits in court to ban religious literature as "extremist". Hearings are not announced and publishers or others who might wish to defend the works are not even informed that the cases are underway. Appealing against such decisions is also usually impossible as the results are not made public until the decisions have entered into legal force, after the deadline for lodging appeals has passed.

Lists of religious works banned as "extremist" or any works banned as "terrorist" appear on the General Prosecutor's Office website. Many of the works appear to be "extremist" or "terrorist". But it is unclear why Adolf Hitler's "Mein Kampf", banned as "extremist" in 2014, appears as a "religious work".

However, among the Muslim, Christian and other materials banned books, recordings and websites are some that do not appear to call for the violation of others' human rights.

On 3 March 2015, the Scientific Research and Analytical Centre on Religious Issues of the then Culture and Sport Ministry claimed that a Russian Christian site aimed at Muslim readers Isamasih.ru contained material "infringing on the rights, freedoms and legal interests of the individual and the citizen depending on the social, racial, ethnic and religious adherence and attitude to religion". It "did not recommend" the site for use in Kazakhstan.

On 30 June 2015, Isamasih.ru was among a wide range of sites banned by Esil District Court in Astana (now Nur-Sultan) at the request of the Investment and Development Ministry, according to the decision seen by Forum 18. Internet users in several locations told Forum 18 on 20 June 2019 that the site remains inaccessible.

Complaints to United Nations over religious censorship

In August 2015, the then Religious Affairs Committee banned the import of a further three Jehovah's Witness publications. In all, the authorities banned 19 of their publications between 2013 and 2015. Jehovah's Witnesses have not faced bans on importing specific religious texts into Kazakhstan since 2015, they told Forum 18 on 20 June.

Jehovah's Witnesses consistently tried to challenge the literature import denials through the local courts, but without success. They then lodged complaints to the United Nations

Human Rights Committee. Four of their complaints are pending with the Committee, Jehovah's Witnesses told Forum 18.

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.

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 Tablighi 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 Kuanysh 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

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/2VSDg6C> - 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 Abdukhalil 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

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 Kuanysh Bashpayev, 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.

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 Abilhasanov, 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

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 Abdusalilov'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.