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Court rejects seriously-ill prisoner's release plea

Despite serious heart problems, 42-year-old Muslim prisoner of conscience Zhuldyzbek Taurbekov has failed to gain early release from prison. On 26 November, North Kazakhstan Regional Court rejected his appeal against an earlier denial. "I believe the Regional Court took the wrong decision," his lawyer Farkhat Guliyev told Forum 18. "The court should have freed Taurbekov as his illness is on the list of illnesses for which prisoners should be freed."

By Felix Corley

Forum18 (04.12.2020) - <https://bit.ly/3oRZhkh> - On 26 November, North Kazakhstan Regional Court rejected the appeal by prisoner of conscience Zhuldyzbek Taurbekov against the denial of early release on health grounds. The 42-year-old Muslim – who is serving a seven-year jail term - is seriously ill and needs a heart transplant.

Prisoner of conscience Taurbekov was arrested in October 2018 as one of a group of nine men who had taken part in a WhatsApp Muslim group. The authorities accused them of "propaganda of terrorism" and "inciting hatred", charges all nine denied. An independent analysis found no evidence of this, while a second analysis found the prosecution's "expert analysis" had been conducted "superficially".

Because of his poor health, prisoner of conscience Taurbekov's trial was separated from that of the others. The other eight Muslims were jailed for between five and a half and eight years on 5 August 2019.

The jailed Muslims are among 17 known prisoners of conscience who are currently in December 2020 thought to be serving jail sentences for exercising freedom of religion and belief (see full list at base of this article).

On 4 November 2020, a court in the southern city of Shymkent rejected the appeal from another of these nine Muslim prisoners of conscience, Azamat Umbetaliyev, for the rest of his five and a half year jail term to be commuted to a lesser form of punishment (see below).

On 2 December, a court in the western city of Aktobe rejected the appeal from yet another of the nine Muslim prisoners of conscience, Samat Adilov, for the rest of his five and a half year jail term to be commuted to a lesser form of punishment (see below).

However, in late October, one of the nine Muslim prisoners of conscience jailed as part of the same case had the rest of his five-year jail term changed to a restricted freedom sentence. Esim Suleimenov is now serving his sentence while living under restrictions at home (see below).

Taurbekov: Severe heart problems, has needed heart transplant since 2019

Since his October 2018 arrest, Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978) has developed serious heart problems.

In July 2019, Taurbekov's mother and lay defender testified at his trial that he had been diagnosed as needing a heart transplant. The chief doctor of Pavlodar Labour Camp medical unit confirmed this diagnosis to Forum 18 in October 2020.

"Due to his bad heart, Taurbekov has throughout this process had pulmonary edema," one source told Forum 18 on 3 November 2020. "When an exacerbation of pulmonary edema occurs, he cannot breathe in a horizontal position - that is, he cannot sleep lying down and breathe, because at such moments he can only breathe while sitting. And his heart is enlarged. And the release of blood sometimes drops to 9 per cent - compared to a normal rate of 66 per cent."

On various occasions in 2020 Taurbekov has been unable to breathe when lying down, the source added. "Critically, Taurbekov developed this symptom in prison, from which he is not being released under various pretexts."

A 26 August 2020 medical consultative commission assessment – cited in the 26 November 2020 North Kazakhstan Region Court decision (see below) – noted that Taurbekov suffers from dilated cardiomyopathy and arterial hypertension.

The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) apply to people who have been sentenced as well as those 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."

No official has been prepared to explain why a medical decision about a patient needing a heart transplant was being taken by a labour camp administration.

On 3 and 4 December, Forum 18 was unable to reach the head of Labour Camp ES-164/3 in Petropavl, Temirlan Valiyev, or the deputy head responsible for the medical condition of prisoners, Gulnar Baimukanova. Colleagues told Forum 18 that they were not in the camp or were at lunch, or the phone went unanswered.

Taurbekov: Still no hospitalization

Taurbekov was recognised as a second-category invalid in October 2019 while in pre-trial detention. This category includes those who suffer "persistent severe impairment of bodily functions" which reduce the ability to move, look after oneself or work.

Despite prisoner of conscience's Taurbekov's serious medical problems diagnosed in 2019, prison authorities did not hospitalise him for the heart transplant he needs, as the Mandela Rules require. On 23 September 2020 prison authorities transferred prisoner of conscience Taurbekov from Labour Camp ES-164/3 in Petropavl. After a train journey of more than 1,000 kms (630 miles), he arrived late on 27 September at Labour Camp AP-162/2 in Pavlodar, which has a medical unit.

The fact that Taurbekov - who is from the southern city of Almaty - has been imprisoned in Petropavl and then Pavlodar also violates the UN Standard Minimum Rules for the Treatment of Prisoners. Rule 59 declares: "Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation." Petropavl is 1,730 kms from Almaty by road, while Pavlodar is 1,500 kms from Almaty by road.

Prisoner of conscience Taurbekov's family are seriously concerned about the impact of this on his condition, as "the medical unit doesn't have the facilities to treat him, and doesn't even have appropriate medicine".

Taurbekov: No medical documents, no early release

Taurbekov has been persistently seeking early release from prison on health grounds. However, on 7 October Judge Takhmina Sobirova of Petropavl City Court rejected his appeal, Radio Free Europe (RFE)'s Kazakh Service noted the same day.

In presenting her decision, Judge Sobirova claimed that "to rule on the appeal, the relevant medical documents are needed", but which were not present in the documents presented to court. Therefore, "consideration of the appeal on its merits was not possible". She added that her decision did not prevent a future application to be submitted.

Taurbekov's lawyer, Guliyev, said that the Pavlodar Labour Camp administration was at fault for failing to send the medical documentation to the court for the 7 October hearing. "Only the head of the camp takes the decision to send such documents to the court," he told Forum 18 from Almaty on 3 December. "They behaved as though the documentation was not ready."

Guliyev noted that the medical documentation was ready the day after the hearing.

Judge Sobirova refused to discuss why she did not adjourn the hearing until the Labour Camp provided the medical documentation. "I am not allowed to discuss my decision," she told Forum 18 from Petropavl on 4 December. "I have issued my decision and the individual has appealed against it."

The Judge also did not address the relevance to her decision of the Mandela Rules' clear statement that: "Clinical decisions may only be taken by the responsible health-care professionals".

Present in court alongside the Judge was Prosecutor Ainagul Smagulova and an official from the Labour Camp. Joining the hearing online from Pavlodar Labour Camp was

Taurbekov, an official of the Pavlodar Labour Camp, and from Almaty Taurbekov's lawyer, Farkhat Guliyev.

Guliyev requested the court to issue a decision reprimanding the labour camp for failing to produce the medical documents, but the judge refused. The lawyer also told the court that Taurbekov's illness was among those included in an Interior Ministry decree as forming the basis for being released from prison. The lawyer warned that his condition was serious and neither the medical unit in the Pavlodar Labour Camp nor the Petropavl Labour Camp had a cardiologist.

Prosecutor Smagulova rejected the appeal for early release, arguing that the certificate that Taurbekov is a second-category invalid was valid only until 23 October and that no other relevant medical documents were in the file.

Forum 18 was unable to reach Prosecutor Smagulova to find out why she did not request that the hearing be postponed until the Labour Camp provided the medical documentation. Colleagues at North Kazakhstan Regional Prosecutor's Office told Forum 18 on 3 December that she could not be contacted because she is working remotely because of the coronavirus pandemic.

Taurbekov: Prison medical assessment not given to lawyer or family?

On 13 October, the prison authorities sent Taurbekov back to Labour Camp ES-164/3 in Petropavl, Taurbekov's mother Asemgul Zhaugasheva told RFE for a 14 October article.

The head of the camp's medical unit, Berik Smagulov, told RFE that a medical commission had confirmed Taurbekov's diagnosis but that it had found that he had "no progressive worsening of his condition" and therefore his case did not need to be considered by a judicial medical commission.

Guliyev, Taurbekov's lawyer, told Forum 18 that he has not been given a copy of the medical commission's assessment and was given only a summary of its conclusion. "It concluded that Taurbekov has an illness and needs treatment, but added that only if the treatment he is being given brings no result will it be necessary to release him."

Heart specialists have therefore been denied the chance to review the views of their non-specialist prison colleagues.

Taurbekov: Second appeal fails

Taurbekov appealed against the 7 October court decision rejecting his plea for early release. However, Judge Gulnara Bekenova of the panel for criminal cases at North Kazakhstan Regional Court rejected his appeal on 26 November, according to the decision seen by Forum 18. The decision was final and cannot be appealed.

Taurbekov's lawyer Guliyev told the hearing that all the medical documents should have been presented and pointed out that his client's illness is on the list of illnesses for which early release is prescribed. However, Daurenbek Mukushev of the Prosecutor's Office rejected these points and called for the 7 October decision to be upheld. He blamed the failure to present the full medical documentation at the earlier hearing to the fact that Taurbekov was then being held in Pavlodar, not in Petropavl.

"I believe the Regional Court took the wrong decision," Guliyev told Forum 18. "The court should have freed Taurbekov as his illness is on the list of illnesses for which prisoners should be freed."

Taurbekov's mother Zhaugasheva – who is also his public defender - told RFE for a 30 November article that she considered the decision unjust.

Temirlan Valiyev, the head of Labour Camp ES-164/3 in Petropavl, insisted to RFE that it would do everything to prevent Taurbekov's condition deteriorating. Valiyev said the camp administration had prepared documents extending Taurbekov's status as a second-category disabled person so that he can receive support.

Taurbekov's address in Labour Camp:

Severo-Kazakhstanskaya oblast
T01A4K9, g. Petropavl
ul. 1-Zarechnaya 100
uchr. ES-164/3

Umbetaliyev: Court rejects early release appeal

Abai District Court in the southern city of Shymkent rejected the appeal lodged by Muslim prisoner of conscience Azamat Gaidarovich Umbetaliyev (born 10 January 1992) for a commutation of the remainder of his term to a lesser of punishment.

Zh. Asanov, who was representing the Labour Camp, told the court that Umbetaliyev has been given no good conduct record, so it is impossible to assess his behaviour for a special commission to decide if he should be eligible for commutation of the rest of his sentence to a milder punishment. Umbetaliyev's representative insisted that he had "firmly put himself on the path of correction", had "sincerely repented", and paid all court-ordered fees from his original trial.

Prisoner of conscience Umbetaliyev was one of the men arrested with prisoner of conscience Taurbekov for participation in an online Muslim discussion group. Umbetaliyev was jailed for five and a half years in August 2019.

Judge Askar Dusaliyev rejected his appeal on 4 November, according to the decision seen by Forum 18.

Umbetaliyev appealed against the 4 November decision to Shymkent City Court, his mother Anzhelika Belyayeva told Forum 18 on 2 December. No date for the hearing has yet been set.

Umbetaliyev is serving his prison term in the 31st zone of Labour Camp ICh-167-3 in the southern city of Shymkent, where he works in the furniture workshop. Belyayeva stated that the Labour Camp head for a long time failed to send on Umbetaliyev's appeal for early release to court.

Umbetaliyev's address in Labour Camp:

160000, g. Shymkent
Abaisky raion
Temirlanskoe shosse 28
Uchr. ICh-167/3, 31 zona

Adilov: Court rejects early release appeal

On 2 December, a court in the western city of Aktobe rejected the appeal from another of the nine Muslim prisoners of conscience, Samat Asylkhanovich Adilov (born 28 August

1986), for the rest of his five and a half year jail term to be commuted to a lesser punishment.

Prisoner of conscience Adilov was one of the nine men arrested with prisoners of conscience Taurbekov and Umbetaliyev for participation in an online Muslim discussion group. Adilov was jailed for five years in August 2019.

"The commission supported the move, but the court rejected it," Adilov's relatives told Forum 18 on 3 December 2020. "The KNB [secret police] must have said no." Relatives said Adilov will probably not appeal against the court decision.

Relatives say that as far as they know, Adilov is able to pray visibly and to have access to the Koran. 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).

Adilov's mother was last able to travel to the labour camp in Aktobe where he is being held in December 2019. "Since then, visits have been impossible because of coronavirus."

Adilov's address in Labour Camp:

Aktyubinskaya Oblast
g. Aktobe
Ul. Chekalina 44
Uchr. KA-168/2

Suleimenov: Prisoner of conscience transferred to restricted freedom

A court in Kyzylorda has ruled that one of the nine Muslims jailed in the case, Esim Kadirzhumanovich Suleimenov (born 1 February 1983), should have the rest of his five-year jail term commuted to a restricted freedom sentence. He was freed from prison ZK-169/5 in the city of Kyzylorda on 29 October, the prison service told RFE's Kazakh Service for a 6 November article.

Prisoner of conscience Suleimanov was one of the men arrested with prisoners of conscience Taurbekov, Umbetaliyev, and Adilov for participation in an online Muslim discussion group. Suleimenov was jailed for five years in August 2019.

Suleimenov told RFE on 6 November that he had behaved "evenly, calmly, did not disturb the order, had compliments".

For the rest of his sentence, Suleimenov has to live at home, is banned from visiting places of entertainment (such as restaurants and cinemas) and cannot move or leave his home town without permission. However, he is not banned from attending places of worship.

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List of 17 known prisoners of conscience

The 17 known individuals (all of them Sunni Muslim men) thought as of early December 2020 to be serving prison sentences to punish them for exercising freedom of religion or belief are listed below. They are listed in approximate reverse order of their expected date of release.

In addition to those serving jail terms, 3 individuals have been given jail terms in absentia, others are serving restricted freedom sentences, still more remain under post-sentence restrictions, and a much larger group continue to have their bank accounts blocked even though they have completed their sentences.

1) Dadash Temirgaliyevich 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 (reduced on appeal to 1,255 Tenge), plus bank accounts blocked. Supreme Court annulled earlier decisions (but did not acquit him) 21 January 2020 and sent case for new trial. Sentenced 13 October 2020 Akmola Regional Court; Criminal Code Article 256, Part 2; 7 years and 8 months in a general regime labour camp plus fee of 134,599 Tenge.

2) 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.

3) 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.

4) 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.

5) Dilmurat Sultanmuratovich Makhamatov; 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.

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.

7) Zhuldyzbek Abikenovich Taurbekov; Sunni Muslim; born 20 September 1978; arrested 27 October 2018; sentenced 6 January 2020 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2; appeal rejected 9 April 2020 Almaty City Court, 7 years in a general regime labour camp plus "compensation" of 48,100 Tenge plus court fees of 112,295 Tenge.

8) 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.

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.

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.

10) 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.

11) 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.

12) Nariman Kabdyrakhmanovich Seytzhano; 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 Akmla Regional Court; 5 year prison term, plus 91,693.58 Tenge fee, plus bank accounts blocked.

13) 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.

14) 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.

15) 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.

16) Bakhytzhano 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.

17) Abduvakhob 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.

Tortured prisoner of conscience jailed again

After being arrested in 2018, jailed, tortured, acquitted, and put on trial again, 30-year-old Sunni Muslim Dadash Mazhenov has been jailed for nearly 8 years on the same "terrorism" charges he faced in 2018. His "crime" was to post online 4 Islamic talks, which he later deleted. In 2019 he was tortured for praying in prison, but no officials have been arrested or tried for this.

By Felix Corley

Forum18 (14.10.2020) - <https://bit.ly/2Tu1G76> - Sunni Muslim Dadash Mazhenov was arrested in April 2018 by the KNB secret police for posting four talks about Islam on his social media page. He endured a first trial that ended with a nearly eight year prison term, torture for praying while in prison, and a second trial on the same charges after the first verdict was overturned. Even after the first verdict was overturned by the Supreme Court in January 2020, he was not acquitted and continued to be held in detention (see below).

Prisoner of conscience Mazhenov has stated that he was tortured in 2019 for marking Eid al-Fitr and praying the namaz while he was held in Labour Camp ICh-167/3 in the southern city of Shymkent. Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kazakhstan is under a binding legal obligation to arrest and put on criminal trial any official suspected of torture. This has not yet happened, and an official has insisted to Forum 18 that Mazhenov tortured himself (see below).

Now, Akmola Regional Court in prisoner of conscience Mazhenov's latest trial – which began on 19 March 2020 – on 13 October handed down the same nearly eight year jail term he received in the original seriously flawed November 2018 trial.

The latest trial also appears to have been unfair, using the same "expert" whose lack of qualifications led to the original 2018 verdict being overturned by the Supreme Court. The same "expert" has also contributed to three other prisoners of conscience – a Seventh-day Adventist, a Jehovah's Witness, and another Sunni Muslim – being jailed (see below).

The written verdict is to be issued within five days of the oral verdict, Judge Askerbek Zhakulin's assistant told Forum 18 from the Court. He said that any appeal would be heard directly by the Supreme Court in the capital Nur-Sultan. He refused to discuss any other aspect of Mazhenov's case (see below).

The 30-year-old Mazhenov is planning to appeal against his latest conviction, his wife Yurana Esmagulova told Forum 18 (see below).

Prisoner of conscience Mazhenov's verdict will go into force only once any appeal has been heard. If the conviction and sentence are upheld, he will be sent to serve his sentence in a labour camp. "I hope he's not sent back to Shymkent where he could be tortured again," Esmagulova added (see below).

Prosecutor Darkhan Sansyzbai, who led the case until August, refused to talk to Forum 18. On 14 October Forum 18 was unable to reach Ablai Ibrayev, the Prosecutor who took over the case (see below).

Torture victim tortured himself, official claims

Prisoner of conscience Mazhenov has stated that he was tortured in 2019 for marking Eid al-Fitr and praying the namaz while he was held in Labour Camp ICh-167/3 in the southern city of Shymkent.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kazakhstan is under a binding legal obligation to arrest and put on criminal trial any official suspected of torture. This has not yet happened, and an official from the Shymkent Criminal Implementation Department on 6 May 2020 insisted to Forum 18 that Mazhenov had caused his injuries to himself. "He hit his head on a wall," the official, who would not give his name, claimed to Forum 18 on 6 May.

The official also claimed that prisoners often allege torture, something he described as "slander" aimed at "destabilising the situation in prison".

Bakytzhan Dzhunisbekov, who was appointed head of Labour Camp ICh-167/3 in mid-August 2020, insisted to Forum 18 on 20 August that Mazhenov was not tortured: "There was no such incident and there won't be. There aren't tortures here."

Dzhunisbekov claimed that an investigation had taken place but Mazhenov's statement that he had been tortured "is not proved". He added that no one had been arrested for the torture. In May officials claimed they had initiated a criminal case regarding Mazhenov's torture.

Human rights defenders the Coalition Against Torture has appointed a lawyer to work on the case, and noted that few prison torture cases ever reach court, with few officials found guilty.

In early October Labour Camp head Dzhunisbekov did not answer his phone each time Forum 18 called.

2018 arrest, jailing, for posting Islamic talks online

Shchuchinsk resident Dadash Temirgaliyevich Mazhenov (born 28 September 1990) in 2015 posted on his VKontakte social media page four talks by Muslim teacher Kuanysh Bashpayev, but had removed them before a court in 2017 banned the talks as "extremist".

In early 2018, the National Security Committee (KNB) secret police's 9th Department in Akmola Region launched a criminal case against Mazhenov. He was arrested on 23 April 2018.

The KNB also launched a criminal case against Galymzhan Abilkairov for posting some of the talks online before the ban. He was jailed for seven years, seven months in October 2018.

Bashpayev himself was in April 2017 jailed for four and a half years to punish him for talks he gave on Islam between 2008 and 2011. He had been arrested in October 2016 on his return to Kazakhstan from Saudi Arabia.

Burabai District Court sentenced Mazhenov on 16 November 2018 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 - 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 Court sentenced Mazhenov to 7 years and 8 months in a general regime labour camp, plus a fee of 60,790.14 Tenge. He appealed against the conviction, but Akmola Regional Court left his prison term unchanged on 30 January 2019. The Court did though reduce the fee he had to pay to 1,255 Tenge (30 Norwegian Kroner, 3 Euros or 3 US Dollars).

Burabai District Court convicted Mazhenov on the basis of the "expert analysis" of one of the three "experts" appointed by the state, Aigerim Seifullina. She claimed that the recordings he posted online constituted "propaganda of terrorism" by "spreading concepts justifying the use of violent acts on a religious basis". She added that the recordings contained no public calls to commit terrorism or to form organisations to conduct terrorism.

However, as the defence pointed out, Seifullina did not have the qualifications the state requires to provide "expert analysis" for use in court. Prosecutor Sansyrbai admitted to Forum 18 that the "expert" Seifullina, who had undertaken the only analysis that found fault with the materials Mazhenov had uploaded to his VKontakte page "had no diploma". But, Sansyrbai claimed (wrongly) on 6 May, "no one knew of this".

Prisoner of conscience Mazhenov was convicted despite the two other "experts" commissioned by the KNB secret police concluding that the recordings Mazhenov posted online did not incite religious or other hatred and discord or the violent overthrow of the government.

On 25 February 2019, after the sentence entered legal force, Mazhenov was 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 List for six or eight years after they complete their sentences.

Supreme Court annuls guilty verdict, but orders new trial

Due to "expert" Seifullina's lack of the qualifications required to provide "expert analysis" for use in court, the General Prosecutor's Office appealed to the Supreme Court on 5 December 2019 to annul Mazhenov's convictions and to send the case for a new trial. The Court did this on 21 January 2020.

However, the Supreme Court chose not to acquit Mazhenov, an option available under Article 494, Part 7 of the Criminal Procedural Code. Instead it chose one of the three other possible options – to send the case for a new trial in Akmola Regional Court.

Because the Supreme Court decision was not an acquittal, Mazhenov could not be removed from the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", Zhovtis added.

Forum 18 sent the Financial Monitoring Committee a written question about Mazhenov's continued presence on their List of individuals "connected with the financing of terrorism or extremism" before the beginning of the working day of 6 May. As of 14 October Forum 18 has still not received a response.

New trial in 2020, same charges as 2018

On 6 February 2020, two weeks after the Supreme Court decision, prosecutors sent the new criminal case against Mazhenov to Akmola Regional Court, according to court records. There it was assigned to a panel of three Judges, led by Askerbek Zhakulin and also including Askar Kulmagambetov and Roza Ertayeva. The prosecution case was led by Darkhan Sansyzbai of Akmola Regional Prosecutor's Office.

The first hearing was then held on 19 March which, because of the coronavirus outbreak was held online. Mazhenov participated from Almaty's Investigation Prison. Mazhenov's mother Irina Mazhenova told Forum 18 that the sound for her and her son's lawyer kept being cut off.

Prisoner of conscience Mazhenov was charged under the same charges he faced in 2018, 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 - 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.

"Expert" who helped jail at least three other prisoners of conscience

At the second hearing of the trial on 29 April 2020, Akmola Regional Court agreed to Prosecutor Sansyzbai's request to commission a new "psychological/philological expert analysis" of sermons Mazhenov had posted online. The Court allocated the "analysis" to Roza Akbarova, a deputy director of the Justice Ministry's Institute of Judicial Expertise in the capital Nur-Sultan, according to the decision seen by Forum 18.

"Akbarova is a pocket expert, of the same type as Seifullina," Irina Mazhenova complained to Forum 18. "She's someone who will be useful to them."

Akbarova has provided "expert analyses" which helped jail three prisoners of conscience for speaking about their beliefs with KNB secret police informers: Seventh-day Adventist Yklas Kabduakasov, jailed for two years in December 2015; Jehovah's Witness Teymur Akhmedov, jailed for five years with a ban on "ideological/preaching activity" for three more years in May 2017; and Sunni Muslim Satymzhan Azatov, jailed for four years eight months in July 2017.

When Forum 18 pointed out that Akbarova's "expert analyses" had helped jail at least three prisoners of conscience, Prosecutor Sansyzbai defended the choice. "She is well-known and well-qualified," he told Forum 18 from Kokshetau on 6 May.

Akbarova refused to discuss her latest "expert analysis" task. "Under our law, you don't have the right to contact me," she claimed to Forum 18 from the capital Nur-Sultan on 5 May 2020.

The assessment in Mazhenov's case, completed on 19 May, contained conclusions by two additional experts – Maira Myrzayeva and Gulnar Kudaibergenova – that Bashpayev's talks that Mazhenov posted online contained no calls to overthrow the government, nor any "inciting calls to specific negative actions".

Akbarova herself concluded: "The materials presented for examination contain texts directed at propaganda of terrorism, though absent are elements of public calls to conduct acts of terrorism, the creation and leadership of a terrorist group, or participation in its activity in financing terrorist or extremist activity, or other facilitating of terrorism or extremism."

Unqualified "expert" ?

Prisoner of conscience Mazhenov's wife Yurana Esmagulova insists that "expert" Akbarova was not qualified to conduct such an assessment. At the 28 September hearing, Akbarova claimed that she had the right to conduct the assessment as a "politological expert", even though she admitted she had no licence for this. Esmagulova told Forum 18 that she subsequently checked with the Justice Ministry, which said that no such category of expert exists in Kazakh law.

Esmagulova told Forum 18 that at the 2 October hearing, the expert Myrzayeva stated in response to a question from Mazhenov that the works she had assessed contained no propaganda of terrorism.

Mazhenov's defence asked for Akbarova's assessment to be removed from the case.

Forum 18 was unable to reach Akbarova to ask about her assessment. The Justice Ministry's "Centre for Judicial Expert Analysis" claimed to Forum 18 on 9 October that she no longer works there.

Prosecutor Sansyzbai completed a new, five-page indictment (seen by Forum 18) on 24 June after the "expert assessment". Forum 18 reached Sansyzbai on 9 October, but he put the phone down as soon as Forum 18 introduced itself.

In August, at the request of Mazhenov's defence, Prosecutor Sansyzbai was replaced by another Prosecutor, Ablai Ibrayev.

Secret police pressure, unfair trial

Prisoner of conscience Mazhenov's wife Esmagulova questions how the case was handled, not only over the "expert analyses". "The talks Dadash posted were deemed to be 'extremist' after he had already deleted them," she told Forum 18. "Yet he was charged and convicted of spreading 'terrorism'."

Esmagulova also stated that at least some of the alleged screenshots of posts on Mazhenov's social media accounts used as evidence had been faked.

Esmagulova notes that three witnesses questioned in court testified that they had been pressured by the KNB secret police. "The witnesses spoke the truth," she said. One testified that he signed a document presented by the KNB without knowing what was in it.

Unfair trials have frequently happened in Kazakhstan.

Second trial, same verdict

More than 25 hearings took place in Mazhenov's second trial at Akmola Regional Court. Most were online because of the coronavirus pandemic. Mazhenov's wife and his mother Irina Mazhenova complained that at several hearings the connection was poor and they could not hear, while on some occasions it appeared the sound had deliberately been muted.

On 13 October, the panel of judges issued their verdict orally. They convicted Mazhenov for a second time under Criminal Code Article 256, Part 2 ("Propaganda of terrorism or public calls to commit terrorism"). They sentenced him to seven years and eight months' imprisonment in a medium-security labour camp, his wife Esmagulova told Forum 18.

The Court also ordered Mazhenov to pay a total of 134,599 Tenge (2,900 Norwegian Kroner, 270 Euros or 315 US Dollars) in fees for the April 2018 and May 2020 "expert" analyses.

The written verdict is to be issued within five days of the oral verdict, Judge Zhakulin's assistant told Forum 18 from the Court on 14 October. He said that any appeal would be heard directly by the Supreme Court in Nur-Sultan. He refused to discuss any other aspect of Mazhenov's case.

Prisoner of conscience Mazhenov intends to appeal against his new conviction. "We will appeal to the Supreme Court and to international bodies if we need to," Esmagulova told Forum 18.

Criminal Code Article 62 was amended in December 2019 to increase the amount any time in pre-trial detention is offset against any subsequent sentence. For example, one day in pre-trial detention is equivalent to one and a half days in a medium-security labour camp or two days of restricted freedom. The change had retroactive force.

On 14 October Forum 18 was unable to reach Ibrayev at Akmola Regional Prosecutor's Office in Kokshetau.

"I hope he's not sent back to Shymkent where he could be tortured again"

Mazhenov's verdict will go into force only once any appeal has been heard. If the conviction and sentence are upheld, he will be sent to serve his sentence in a labour camp. "I hope he's not sent back to Shymkent where he could be tortured again," Esmagulova added.

Prisoner of conscience Mazhenov remains in Investigation Prison in Kokshetau, whose address is:

Akmolinskaya Oblast
020000, g. Kokshetau
raion kirzavoda
ul. Nikitina 67
uchr. ETs-166/23 (SI-20)
Kazakhstan

No surgery yet for prisoner needing heart transplant

Despite Muslim prisoner of conscience Zhuldyzbek Taurbekov being seriously ill and needing a heart transplant, he was sent from Petropavl Labour Camp on an over 1,000 kilometre journey to Pavlodar Labour Camp. "I am very worried about Zhuldyzbek," his mother told Forum 18. The chief doctor of Pavlodar Labour Camp medical unit confirmed that Taurbekov needs a heart transplant, and that Pavlodar has no suitable cardiology centre.

By Felix Corley

Forum18 (13.10.2020) - <https://bit.ly/3jDnpUC> - Despite Muslim prisoner of conscience Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978) being seriously ill and needing a heart transplant, on 23 September Labour Camp ES-164/3 in Petropavl transferred him by train on an over 1,000 kilometre (630 mile) journey to Labour Camp

AP-162/2 in Pavlodar. He arrived on 26 September and was placed in the medical unit (see below).

Zhuldyzbek Taurbekov and his mother Asemgul Zhaugasheva listen to his verdict, Almaly District Court, Almaty, 6 January 2020

Kazis Toguzbayev (RFE/RL)

"I am very worried about Zhuldyzbek," his mother Asemgul Zhaugasheva told Forum 18 on 9 October. "He needs an operation on his heart and has problems with his kidneys, his liver, high sugar levels and lack of oxygen. The medical unit doesn't have the facilities to treat him, and doesn't even have appropriate medicine." She added that he has asked for early release on grounds of health, but this has not been granted (see below).

The chief doctor of Pavlodar Labour Camp medical unit, Berik Smagulov, described Taurbekov as "ill but stable". He told Forum 18 from Pavlodar on 9 October that Taurbekov needs a heart transplant, "but as a planned operation, not as an emergency". He said that Pavlodar has no suitable cardiology centre, so any operation would have to take place in the capital Nur-Sultan. Against the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) the prison authorities insist that this medical decision will be taken by Petropavl Labour Camp administration (see below).

Prisoner of conscience Taurbekov has been hospitalised multiple times, and his mother's request for him to be in prison close to his Almaty home and medical treatment has been denied (see below).

Arstan Mukashev, the head of Pavlodar Labour Camp AP-162/2, insisted that his camp's medical unit is providing Taurbekov with the care he needs. "Prisoners do die, but he's not dying," Mukashev told Forum 18. "If he dies it won't be on our conscience, but because of illness" (see below).

Sunni Muslim prisoner of conscience Azamat Gaidarovich Umbetaliyev (born 10 January 1992) was one of the men arrested with prisoner of conscience Taurbekov for participation in an online Muslim discussion group. Prisoner of conscience Umbetaliyev has appealed for early release from prison. Abai District Court in Shymkent accepted his appeal on 5 October, but has not yet scheduled a date to hear the appeal (see below).

On 26 June, parliament adopted amendments to the Criminal Code and other laws, which came into force in early July 10 days after their official publication. Among the Criminal Code changes were two to Article 174, which human rights defenders and United Nations human rights bodies have repeatedly criticised for its unclear language and formulations. Human rights defender Yevgeny Zhovtis described the June amendments as a "half step forward", but noting that "they did not change the term 'discord' to 'hatred or enmity' as we had pushed for. This means they kept this very undefined term" (see below).

Sunni Muslim prisoner of conscience Kuanysh Ablayevich Bashpayev (born 3 February 1987) has been freed at the end of his sentence (see below).

Taurbekov: "I am very worried about Zhuldyzbek"

Despite Muslim prisoner of conscience Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978) being seriously ill and needing a heart transplant, on 23 September Labour Camp ES-164/3 in Petropavl transferred him by train to Labour Camp AP-162/2 in Pavlodar. He arrived on 26 September and was placed in the medical unit.

Petropavl is 600 kms (375 miles) from Pavlodar direct, but the train journey was via Karaganda, a journey of over 1,000 kms (630 miles).

"I am very worried about Zhuldyzbek," his mother Asemgul Zhaugasheva told Forum 18 on 9 October. "He needs an operation on his heart and has problems with his kidneys, his liver, high sugar levels and lack of oxygen. The medical unit doesn't have the facilities to treat him, and doesn't even have appropriate medicine." She added that he has asked for early release on grounds of health, but this has not been granted.

The chief doctor of Pavlodar Labour Camp medical unit, Berik Smagulov, described Taurbekov as "ill but stable". He told Forum 18 from Pavlodar on 9 October that Taurbekov needs a heart transplant, "but as a planned operation, not as an emergency". He said that Pavlodar has no suitable cardiology centre, so any operation would have to take place in the capital Nur-Sultan.

Multiple hospitalisations, jailed far from home and treatment

Earlier, on 14 April, prison authorities transferred prisoner of conscience Taurbekov from Almaty's Investigation Prison to the city's Cardiology Centre. However, they transferred him back to prison on 20 April. "Doctors say he's better, but I don't believe it," Taurbekov's mother Asemgul Zhaugasheva told Forum 18. "Six days is not enough for him to have recovered. He should have stayed longer in hospital". This was soon after Almaty City Court rejected his appeal against a seven year jail sentence, and was his third spell of treatment in the Centre since his arrest.

Prisoner of conscience Taurbekov was arrested in October 2018 as one of a group of nine men who had taken part in the WhatsApp Muslim group. The authorities accused them of "propaganda of terrorism" and "inciting hatred", charges all nine denied. An independent analysis found no evidence of this, while a second analysis found the prosecution's "expert analysis" had been conducted "superficially".

Because of his poor health, prisoner of conscience Taurbekov's trial was separated from the others. The other eight Muslims were jailed for between five and a half and eight years on 5 August 2019. The eight men are among the 24 known prisoners of conscience who were in April 2020 serving jail sentences for exercising freedom of religion and belief.

After Taurbekov's April hospitalisation, his mother Zhaugasheva then appealed for her son to be allowed to serve his sentence in Almaty Region, either to remain in Almaty's Investigation Prison or to be sent to the nearby Zarechny Labour Camp, Radio Free Europe's Kazakh Service noted on 4 May. This would allow him to remain close to his family and to the specialised medical care he needs.

However, Colonel Tenizzhan Dzhaniybekov, first deputy head of the Interior Ministry's Criminal Implementation Committee in the capital Nur-Sultan, wrote to Taurbekov's mother informing her that her son is to be transferred to Labour Camp ES-164/3 in Petropavl now that his sentence has come into force. This is "with the aim of preventing him from committing new violations of the law", according to the letter seen by Forum 18.

Breaking Mandela Rules

Dr Smagulov of Pavlodar Labour Camp said he would make a recommendation for suitable medical treatment for Taurbekov to Labour Camp 164/3 in Petropavl, and it will take a decision on what treatment will then be given.

However, the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) apply to people who have been

sentenced as well as those 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."

Dr Samgulov did not explain why a medical decision about a patient needing a heart transplant was being taken by a labour camp administration.

"If he dies it won't be on our conscience"

Arstan Mukashev, the head of Pavlodar Labour Camp AP-162/2, insisted that his camp's medical unit is providing Taurbekov with the care he needs, and has taken him to the city hospital for appointments. "Prisoners do die, but he's not dying," Mukashev told Forum 18 from the camp on 9 October, though he stressed that he was not speaking a medical worker. "If he dies it won't be on our conscience, but because of illness."

Pavlodar Labour Camp head Mukashev told Forum 18 that to approve Taurbekov's early release on health grounds a commission would have to examine him. "But his illness isn't on the list of those that would allow early release."

Dr Smagulov of Pavlodar Labour Camp said that any commission would have to be held at the Labour Camp in Petropavl, not in Pavlodar, as the Petropavl camp is responsible for any such decisions. "Mukashev has no power to convene such a commission," he told Forum 18. He added that Taurbekov would have to be sent back to Petropavl for such a commission. He would not explain why the Petropavl Labour Camp had not convened a medical commission before it transferred the ill Taurbekov on the long train journey to Pavlodar. Smagulov responded: "That is not a question for me."

"How can he be transferred from one place to another like that? He is an ill man"

Taurbekov's mother Zhaugasheva expressed concern at the prospect of her son having to be sent back by train to Petropavl to be assessed for whether he is ill enough to be released. "How can he be transferred from one place to another like that? He is an ill man."

She added that neither she nor Taurbekov's wife has been able to afford the long journey from their home in the south-eastern city of Almaty to visit Taurbekov. The coronavirus pandemic has this year made prison visits impossible.

The address of the Pavlodar Labour Camp is:

140011, g. Pavlodar
ul. Vostochny
Promraion 5
Uchr. AP-162/2

Umbetaliyev: Ruling due on early release appeal

Sunni Muslim prisoner of conscience Azamat Gaidarovich Umbetaliyev (born 10 January 1992) was one of the men arrested with prisoner of conscience Taurbekov for participation in an online Muslim discussion group. Umbetaliyev was jailed for five and a half years in August 2019.

Prisoner of conscience Umbetaliyev has appealed for early release from prison. Abai District Court in Shymkent accepted his appeal on 5 October, but has not yet scheduled a

date to hear the appeal, his mother Anzhelika Belyayeva told Forum 18 on 9 October. "The court could reduce his sentence by a third, or change the punishment to a fine."

Umbetaliyev is serving his prison term in the 31st zone of Labour Camp ICh-167-3 in the southern city of Shymkent. Belyayeva stated that the Labour Camp head for a long time failed to send on Umbetaliyev's appeal for early release to court.

"There aren't tortures here" ?

Prisoner of conscience Umbetaliyev is serving his prison term in the 31st zone of Labour Camp ICh-167-3 in the southern city of Shymkent, the same camp where Muslim prisoner of conscience Dadash Mazhenov was tortured in 2019 for marking Eid al-Fitr and praying the . In defiance of Kazakhstan's international human rights obligations, no official has been arrested and put on criminal trial for torturing Mazhenov.

Sunni Muslim Mazhenov was arrested in April 2018 by the KNB secret police for posting four talks about Islam on his social media page. He endured a first trial that ended with a nearly eight year prison term, torture while in prison, and a second trial on the same charges after the first verdict was overturned. Even after the first verdict was overturned, he was not acquitted, but continued to be held in detention. The verdict in prisoner of conscience Mazhenov's latest trial – which began on 19 March 2020 - on 13 October handed down the same nearly eight year jail term he received in the original seriously flawed November 2018 trial..

Bakytzhan Dzhunisbekov, who was appointed head of the Shymkent Labour Camp in mid-August 2020, insisted to Forum 18 on 20 August that prisoner of conscience Umbetaliyev is being well treated, can have a copy of the Koran and can pray. Reminded about the torture of Mazhenov, and asked whether Umbetaliyev might also face torture, Dzhunisbekov responded: "There was no such incident and there won't be. There aren't tortures here."

The address of the Shymkent Labour Camp is:

160000, g. Shymkent
Abaisky raion
Temirlanskoe shosse 28
Uchr. ICh-167/3, 31 zona

New possible punishment for "incitement"

On 26 June, parliament adopted amendments to the Criminal Code and other laws, which came into force in early July 10 days after their official publication.

Among the Criminal Code changes were two to the controversial 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".

Human rights defenders and UN human rights bodies have repeatedly criticised Criminal Code Article 174. This is often used to punish people exercising freedom of religion and belief, as well as human rights defenders and the government's political opponents. One of the key criticisms has been of the broad and unclear formulations in the article.

The June amendments changed the word for "incitement" in the Russian version of the Criminal Code but left the word in the Kazakh version unchanged.

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law described the June amendments as a "half step forward", pointing in particular to the possibility of a fine rather than only restricted freedom or imprisonment as a punishment. "But they did not change the term 'discord' to 'hatred or enmity' as we had pushed for," he told Forum 18 on 1 August. "This means they kept this very undefined term."

The June amendments also introduced a new possible punishment under Part 1 of Criminal Code Article 174, which punishes such activity in individual cases, or where there are no serious consequences. A fine of 2,000 to 7,000 Monthly Financial Indicators was added to the possible punishments, alongside restricted freedom of two to seven years or imprisonment for two to seven years.

A fine of 2,000 to 7,000 Monthly Financial Indicators represents about two to seven years' average wage for those in formal work.

Of the 23 prisoners of conscience known to be serving jail terms in April 2020 for exercising freedom of religion and belief, 14 had been sentenced under various parts of the Article or its predecessor in the earlier Criminal Code. Of the 6 people serving restricted freedom sentences, 4 had been sentenced under Criminal Code Article 174. Of the 16 people known to have completed prison terms but who remain under post-prison restrictions, one had been sentenced under Article 174.

Prisoner of conscience Bashpayev freed

Sunni Muslim Kuanysh Ablayevich Bashpayev (born 3 February 1987) was freed from the Investigation Prison in the western city of Aktau on 29 July 2020 at the end of his sentence. "Each day of pre-trial detention counted as one and a half days of his sentence," his lawyer Bauyrzhan Azanov explained to Forum 18 on 8 October.

Officers arrested Bashpayev in October 2016 on his return to Kazakhstan from Saudi Arabia. In April 2017 Pavlodar City Court No. 2 jailed him for four and a half years to punish him for talks he gave on Islam between 2008 and 2011. He was convicted under old Criminal Code Article 164, Part 1 (equivalent to Article 174, Part 1 of the new Criminal Code), which punished "inciting religious enmity". On appeal in June 2017, Pavlodar Regional Court modified the labour camp provision.

Criminal Code Article 62 was amended in December 2019 to increase the amount any time in pre-trial detention is offset against any subsequent sentence. For example, one day in pre-trial detention is equivalent to one and a half days in a medium-security labour camp or two days of restricted freedom. The change had retroactive force.

Prisoner of conscience Bashpayev applied for early conditional release after he had served half his sentence, pointing out the deterioration in his health while imprisoned and the fact that his wife and their six children were waiting for him at home. However, on 20 February 2019 Atyrau City Court rejected his application, a decision upheld by Mangistau Regional Court on 22 April 2019.

Like almost all other prisoners of conscience convicted for exercising freedom of religion and belief, including prisoner of conscience Taurbekov (see above), Bashpayev was added to the Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", whose bank accounts are blocked. Blocks on bank

accounts last for years after any sentence is completed. Prisoner of conscience Taurbekov was added to Financial List on 30 April 2020, and Bashpayev remains on the List as of the most recent update of 2 October.

Several Muslims – including Dadash Mazhenov - were subsequently jailed for posting online Bashpayev's talks on Islam.

Courts fail to halt seizure of Churches' property

Almaty's New Life Church was not represented when the City Court upheld an earlier court decision to seize two buildings the Church bought in 1993 and uses as a spiritual centre. Almaty Justice Department officials responsible for carrying out the seizure refused to answer questions. A Nur-Sultan court rejected Grace Presbyterian Church's suit to have annulled an order seizing their church, and the half-built place of worship of Agape Pentecostal Church.

By Felix Corley

Forum18 (25.09.2020) - <https://bit.ly/35FL5TE> - On 17 September, the City Court in the commercial capital Almaty again upheld an earlier court decision to seize two buildings owned by New Life Protestant Church, which it uses as a spiritual centre. The Church uses the centre for prayer meetings and other activities, including offering support for those suffering from drug and alcohol dependency. The Church bought the properties in 1993 and the purchase document – seen by Forum 18 – has the official stamp of the Church confirming its status as the purchaser.

Officials of the Territorial Department for the Transfer of Property in Favour of the State of the Justice Department in Almaty, who have responsibility for carrying out the seizure of the Church's two buildings, have refused to answer Forum 18's questions as to why they are intending to seize Church-owned property and when they plan to do so (see below).

The Church itself has not been represented at the hearings and will try to challenge the seizure of its property, its lawyer and its Pastor told Forum 18. Forum 18 was unable to reach the Judge to find out why the Church was not allowed to be represented (see below).

The Church is planning a complaint to Almaty's Prosecutor's Office, both against the planned seizure of its property and the denial of the possibility to take part in the court hearings about its own property. The Church's lawyer said the verdict in the criminal case against the Church's three former Pastors, which ordered the seizure of the two Church-owned properties, can still be challenged to the Supreme Court in Nur-Sultan. A successful appeal could allow the property seizure order to be changed, she added (see below).

"Some of the 15 people being helped live in the houses," the Church's Pastor Ivan Kryukov told Forum 18 from Almaty. "If the authorities seize the houses, they'd be put on the street" (see below).

The Church is also seeking the return of the remaining 11 of the Church's 53 computers seized in a March 2016 raid on their Church building as part of a criminal case against three former Pastors. It appears that the 17 September decision will also release 42 seized computers, as well as money belonging to New Life Church in nearby Talgar, frozen at the same time (see below).

Almaty's New Life Church is one of at least three Protestant churches in Kazakhstan's two largest cities which have in 2020 failed to halt long-running state attempts to seize their property.

On 7 September, a court in Kazakhstan's capital Nur-Sultan (formerly Astana) rejected a suit by Grace Presbyterian Church to have annulled a city order seizing their church, as well as the half-built place of worship of Agape Pentecostal Church being built on the same site. Both Churches are preparing to challenge the rejection in the City Court (see below).

In a separate suit, the Nur-Sultan court ordered an independent evaluation of the value of Grace Church's property to be seized. The Church insists that its property at market rates might be worth four times what the Akimat is offering in compensation, but insists the issue is not about money but about retaining its place of worship that it legally bought in 2001 (see below).

Almaty: Battling to save church property from confiscation

The City Court in the commercial capital Almaty has again upheld an earlier court decision to seize some of New Life Protestant Church's property. The Church itself has not been represented at the hearings and will try to challenge the seizure of its property.

A criminal case was launched in July 2015 against New Life Church's then three Pastors - Maxim Maximov, his wife Larisa Maximova and Sergei Zaikin. It was the third case against the Church or Church leaders brought over the years on a changing range of accusations.

On 25 March 2016, as the Church was commemorating Good Friday, police launched simultaneous raids on five church-owned buildings and the homes of six pastors and church workers. During the raids, police seized 54 computers, as well as financial documents and 94,650 Tenge of church money.

In July 2019, Almaty's Specialised Inter-District Court for Minors convicted the three by now former pastors, Maximov, Maximova and Zaikin. The Court handed down jail terms of between four and five years on each. Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law dismissed the case against the three as "complete drivel".

As part of the verdict, the court ordered that among the property to be seized were buildings, money and computers belonging not to them but to the Church.

The three pastors – who live in self-imposed exile in the United States – appealed against their convictions. However, Almaty City Court rejected their appeals on 1 November 2019.

New Life Church submitted appeals to Almaty's Specialised Inter-District Court for Minors in November and December 2019, and on 1 July 2020 asking for the Church's property – particularly two adjoining buildings in Almaty's Turksib District - to be removed from the list of property ordered confiscated.

However, the Church – which complains that it was neither a party to the case nor a respondent – was not represented as it has not been deemed a party to the case.

On 2 July, Judge Gulshakhar Chinibekova at Almaty's Specialised Inter-District Court for Minors (who had sentenced the three pastors in July 2019) rejected the suit from the

representative of other applicants to have the part of the verdict ordering the seizure of the Church's property revoked. It did order the return to New Life Church of 11 seized computers and ordered the bank account of New Life Church in the nearby town of Talgar to be unfrozen.

The applicants then lodged a further suit to Almaty City Court.

The Church is particularly concerned about the two houses it bought in 1993 and which it uses as a spiritual centre, including to host prayer meetings and other activities, including providing support for people suffering from drug and alcohol dependency.

"In addition, we provided proof that the immovable property had been acquired by New Life Church on a legal basis under a sale/purchase agreement of 4 February 1993," the Church wrote in an appeal it had hoped to lodge to Almaty City Court, seen by Forum 18. It stressed that a general meeting of church members had approved the purchase of the houses in accordance with the law in force at the time. In 1994, another church meeting had approved the transfer of the two houses into Church ownership.

Pastor Maximov signed the 1993 purchase agreement on behalf of the Church, and the purchase document – seen by Forum 18 – has the official stamp of the Church confirming its status as the purchaser.

However, the Church was unable to lodge its appeal to Almaty City Court, and the Court prevented the Church's lawyer, Aiman Umarova, from representing it at the 17 September 2020 hearing, Pastor Kryukov complained to Forum 18.

On 17 September, a panel of judges chaired by Judge Zhanbolat Batyrov at Almaty City Court again rejected the applicants' suit to have annulled the part of the verdict ordering the seizure of the two buildings, according to the decision seen by Forum 18. This decision cannot be appealed.

Forum 18 was unable to find out why the Church had not been allowed to represent itself at the 17 September hearing. The Church's lawyer Umarova told Forum 18 that the Court did not inform the Church about the hearing "in the appropriate way". The telephone for Judge Batyrov's assistant went unanswered each time Forum 18 called on 25 September.

The 17 September decision made one amendment to the decision seizing computers from the Church's main building during the raid in March 2016. The Court ordered a further 31 computers to be returned to the Church, making a total of 42.

However, the Church is also seeking the return of all 53 of the Church's computers seized in the criminal case against the Church's then three pastors.

The dismissal of the appeal means the decision now comes into force, which should allow at least the 42 computers to be returned to the Church. This will also apparently bring into force the July decision to unfreeze money which belonged to New Life Church in Talgar, a town in Almaty Region 30 kms (20 miles) east of the city, also frozen at the time of the 2016 raid.

The Church's main bank account, frozen as part of the criminal case, was unfrozen in July 2020, Pastor Kryukov told Forum 18.

Almaty: Church preparing further appeal

Although the 17 September City Court decision declares that no appeal can be lodged, New Life Church is intending to lodge a further complaint both against the planned

seizure of its property and the denial of the possibility to take part in the court hearings about its own property.

The Church is planning a complaint to Almaty's Prosecutor's Office, Pastor Kryukov told Forum 18.

The Church's lawyer, Aiman Umarov, said that there are grounds to challenge the July 2019 verdict in the criminal case against the three former Pastors to the Supreme Court in Nur-Sultan. "If a reconsideration of the case takes place and the appeal is satisfied, it will then become possible to address the issue of the property," she told Forum 18 from Almaty on 25 September, "as the confiscations and freezing of property are directly linked to the verdict [in the criminal case]."

Almaty: "They'd be put on the street"

New Life Church's Pastor Ivan Kryukov is concerned not only about the Church-owned houses the authorities can now seize, but about those suffering from drug and alcohol dependency the Church is helping. "Some of the 15 people being helped live in the houses," he told Forum 18. "If the authorities seize the houses, they'd be put on the street."

On 10 December 2019, responsibility to fulfil the court order and seize the two properties owned by the Church – as well as other property belonging to the convicted pastors – was handed to Musalim Mutalipov of the Territorial Department for the Transfer of Property in Favour of the State of the Justice Department in Almaty.

Mutalipov visited the Church-owned houses in December 2019, but the order to implement the court-ordered seizure was then halted when the issue returned to court, Pastor Kryukov told Forum 18.

Mutalipov refused to answer any of Forum 18's questions on 25 September and put the phone down.

Mutalipov's boss, Adilzhan Talgatuly, head of the Territorial Department for the Transfer of Property in Favour of the State, told Forum 18 on 23 September that he would have to look into the issue of the property. Forum 18 sent written questions the same day, asking how Church-owned property can be seized when it was not a party to the case and when they are planning to seize it. Forum 18 received no response by the end of the Almaty working day on 25 September. Talgatuly's telephone went unanswered the same day.

An official of Almaty Akimat's Religious Affairs Department, who gave his name only as Bardavlet, told Forum 18 on 23 September that it is "looking into the issue" but insisted that responsibility lay not with his Department but with the Interior Ministry. He said the Department would contact New Life Church.

The Religious Affairs Department invited Pastor Kryukov to a meeting on 24 September, he told Forum 18.

Nur-Sultan: Court upholds city's confiscation Decree

On 14 February, the Akim (head of administration) of the capital Nur-Sultan (formerly Astana), Altai Kulginov, issued a decree ordering the seizure of the buildings owned by Grace Church, as well as land – some of which the Church owns and some of which it uses on ten-year leases. The buildings in the city's Baikonur District house the Church's

place of worship and accommodation for the pastors and their families. Officials claim the site is needed for a kindergarten.

The Church was given a copy of the decree only on 11 March. The decree would also entail the seizure of the half-built Agape Presbyterian Church on part of the site.

Responsibility for overseeing implementation of the decree was put on a Deputy Akim, Nurlan Nurkenov. His secretary told Forum 18 on 15 September that he was in a meeting. She referred Forum 18 to his assistant, Akzhol Shumanov. He told Forum 18 the following day that "no decision has yet been taken" as to what future action the Akimat will take. Both telephones went unanswered between 17 and 25 September.

Grace Church first gained state registration, and so the right to exist, on 26 June 1995. It gained re-registration in December 2012, according to the Justice Department certificate seen by Forum 18, following the adoption of the 2011 Religion Law requiring all religious communities to re-apply for state permission to exist.

The Church bought its building in what is now the Baikonur District of the capital on 3 September 2001. A former kindergarten, the building was then used as a Continuing Education College. The Church bought the building and the 0.136 hectares (0.336 acres) of land on which the building stands from the college.

Grace Church, backed by Agape Church, went to court to challenge the legality of the Decree. However, on 7 September, Judge Kulimzhan Zhilbayeva of the city's Specialist Inter-District Economic Court rejected the suit, according to the decision seen by Forum 18. The parties to the case have one month from the issue of the decision in writing to lodge an appeal to Nur-Sultan City Court.

"We will carry on and take this further, preparing appeals to higher courts," a church member told Forum 18 from Nur-Sultan on 14 September. Agape Church is also preparing an appeal with its lawyers against this decision, it told Forum 18 in 22 September.

Also on 7 September, the same Judge Zhilbayeva of the city's Specialist Inter-District Economic Court approved a suit by the city Akimat against the Church, ordering the forced seizure of the buildings and land in accordance with the February Decree.

Grace Church argued in court that the city contention that all the property is worth 307,100,709 Tenge (6.9 million Norwegian Kroner, 620,000 Euros or 720,000 US Dollars) undervalues its property, according to the decision seen by Forum 18. Judge Zhilbayeva therefore agreed that valuation of the property at market rates should be undertaken by an official of the Republic Chamber of Judicial Experts, with the costs of the valuation borne by the Church.

Grace Church insists that its property at market rates might be worth four times what the Akimat is offering, but insists the issue is not about money but about retaining its place of worship that it legally bought in 2001.

The move to confiscate both churches' property appears to have been initiated by the then Construction and Residential Policy Department of the Akimat (city administration). It is unclear if corruption is a factor in the confiscation decision. Local media reported on 17 July that an unnamed former head of the Department is being investigated over the alleged embezzlement of 200 Million Tenge.

Bauyrzhan Bakirov, a deputy chair of the Religious Affairs Committee of the Information and Social Affairs Ministry, was unable to explain why the city authorities decided to

confiscate Grace Church. "It is a complex issue. I must look into it," he told Forum 18 in July. He insisted that "we have nothing against the Church" when asked why it has repeatedly faced state attempts to confiscate its property.

Both churches have appealed to President Kassym-Zhomart Tokayev, asking him to have the decree annulled and to allow the churches to continue using their site in central Nur-Sultan. Grace Church told Forum 18 it has received no response.

Nur-Sultan: Earlier harassment of Grace Church

Masked police raided Grace Church in October 2012. They seized computers, valuables and religious books they insisted were "extremist", though they could not explain what was "extremist". Police also took blood specimens to see if the Church uses "hallucinogenic" substances for Communion – local media carried the same allegations. The alleged "hallucinogens" were a commonly drunk local red tea used as a non-alcoholic communion wine.

In 2013 the regime put Grace Church's retired Pastor Bakhytzhan Kashkumbayev and atheist writer Aleksandr Kharlamov into a psychiatric hospital. No official ever produced medical reasons for these incarcerations. A criminal case was brought against Pastor Kashkumbayev, who led Grace Church until his retirement in October 2011, claiming he had harmed the health of a church member who repeatedly insisted that they had not been harmed and that the Pastor was "totally innocent".

Pastor Kashkumbayev was convicted on 17 February 2014, despite credible claims of lack of legality and due process throughout the entire investigation and trial.

On 5 November 2014 a previous Akim ordered the confiscation of Grace Church's building and land, also ostensibly to build a kindergarten. The deadline for seizing the site was given as 6 February 2016. Grace Church tried to challenge the decree in court. However, the Akimat's Specialised Inter-District Economic Court rejected the suit on 1 April 2015. However, the Akimat did not confiscate the Church property. "The parties reached a compromise," Grace Church notes.

Two churches' buildings ordered confiscated in Nur-Sultan

Nur-Sultan city administration ordered the confiscation of Grace Presbyterian Church, and of Agape Pentecostal Church's half-finished place of worship on the same site. Grace Church – which bought its building in 2001 - is challenging the order in court. "From 2002 we have dreamed of having our own building, and we just started building it," says Agape Church Pastor Igor Tsay. "And then this. It was unexpected – a shock."

By Felix Corley

Forum 18 (29.07.2020) - <https://bit.ly/2G019X9> - City authorities in Kazakhstan's capital Nur-Sultan (formerly Astana) have ordered the confiscation of the buildings of both Grace Presbyterian Church, and of Agape Pentecostal Church which is building a place of worship on the same site. City authorities claim the land is needed for a new kindergarten. But officials refuse to explain why they cannot find another site for this, despite two possibly suitable other buildings being in the same Baikonur District of the capital.

Officials have also refused to explain why Grace Church is being offered compensation of far less value than its church building is worth. The Church legally bought the former college building in 2001 and has spent a lot of money on renovation (see below).

The decree to confiscate the property came on 14 February 2020 from Nur-Sultan Akim (head of administration) Altai Kulginov. An earlier 2014 attempt to confiscate the property – also allegedly for a kindergarten – was resolved between the Akimat and the Church. Grace Church is trying to challenge the 2020 decree through the courts, but the judge hearing the case is ill and it is unclear when it will resume (see below).

Dmitry Kan, Grace Church's Pastor, told Forum 18 that "we simply want to continue to use our property for worship" (see below).

"From 2002 we have dreamed of having our own building, and we just started building it," Igor Tsay, Pastor of Agape Church, told Forum 18. "And then this. It was unexpected – a shock." The Church stopped construction of its new place of worship and offices as soon as it learnt of the decision to confiscate the site (see below).

The move to confiscate both churches' property appears to have been initiated by the then Construction and Residential Policy Department of the Akimat (city administration). It is unclear if corruption is a factor in the confiscation decision. Local media reported on 17 July that an unnamed former head of the Department is being investigated over the alleged embezzlement of 200 Million Tenge (see below).

Bauyrzhan Bakirov, a deputy chair of the Religious Affairs Committee of the Information and Social Affairs Ministry, was unable to explain why the city authorities decided to confiscate Grace Church. "It is a complex issue. I must look into it," he told Forum 18. He insisted that "we have nothing against the Church" when asked why it has repeatedly faced state attempts to confiscate its property.

Both churches have appealed to President Kassym-Zhomart Tokayev, asking him to have the decree annulled and to allow the churches to continue using their site in central Nur-Sultan (see below).

The regime has often used property-related issues against religious communities exercising their freedom of religion and belief (see below).

Grace Church has earlier faced state hostility, culminating in the 2013 incarceration of its retired Pastor Bakhytzhan Kashkumbayev in a psychiatric hospital. In 2014 he was convicted of allegedly harming the health of a church member, despite credible denials of the allegation and a lack of legality and due process throughout the entire investigation and trial (see below).

Grace Church legal owners since 2001

Grace Presbyterian Church has nearly 500 members, Pastor Dmitry Kan told Forum 18 on 27 July 2020. Until the coronavirus pandemic the Church held several meetings for worship each Sunday in its place of worship in central Nur-Sultan, with meetings also held on most evenings of the week.

Grace Church first gained state registration, and so the right to exist, on 26 June 1995. It gained re-registration in December 2012, according to the Justice Department certificate seen by Forum 18, following the adoption of the 2011 Religion Law requiring all religious communities to re-apply for state permission to exist.

The Church bought its building in what is now the Baikonur District of the capital on 3 September 2001. A former kindergarten, the building was then used as a Continuing Education College. The Church bought the building and the 0.136 hectares (0.336 acres) of land on which the building stands from the college.

Retired Grace Church pastor targeted along with Church

Masked police searched Grace Church on 3 October 2012 and seized computers, valuables and religious books they insisted were "extremist", though they could not explain what was "extremist". Police also took blood specimens to see if the Church uses "hallucinogenic" substances for Communion – local media carried the same allegations. The alleged "hallucinogens" were a commonly drunk local red tea used as a non-alcoholic communion wine. Church members noted that police displayed a curious lack of interest in the allegations they were supposedly investigating.

In 2013 the regime put Grace Church's retired Pastor Bakhytzhan Kashkumbayev and atheist writer Aleksandr Kharlamov into a psychiatric hospital. No official ever produced medical reasons for these incarcerations, despite repeated questioning by Forum 18 and others. A criminal case was brought against Pastor Kashkumbayev, who led Grace Church until his retirement in October 2011, claiming he had harmed the health of a church member who repeatedly instead that they had not been harmed and that the Pastor was "totally innocent".

Pastor Kashkumbayev was convicted on 17 February 2014, despite credible claims of lack of legality and due process throughout the entire investigation and trial.

2014 confiscation decree resolved

On 5 November 2014 a previous Akim ordered the confiscation of Grace Church's building and land, also ostensibly to build a kindergarten. The deadline for seizing the site was given as 6 February 2016.

Grace Church tried to challenge the decree in court. However, the Akimat's Specialised Inter-District Economic Court rejected the suit on 1 April 2015, according to the decision seen by Forum 18.

However, the Akimat did not confiscate the Church property. "The parties reached a compromise," Grace Church notes. "What has changed in six years?"

Recent Akimat approvals for buying and building

On 23 January 2018 the Church bought from the Akimat two garages in a corner of the site, but not the land on which they stand. The remainder of the site (which the Church could not afford to buy) remains the property of the Akimat.

The Akimat gave Grace Church free use of 1.2158 hectares (3 acres) on the site (which excludes the garages) for 10 years at a time. The current 10-year period on that part of the site runs out in May 2026. The Akimat also gave the Church free use of the land under and around the garages until March 2029, according to the February 2020 decree ordering the confiscation of the site.

In the years since 2001, Grace Church has reconstructed the main building. This is used both for meetings for worship and for homes for about 20 people who are church leaders and their families.

Grace Church points out that as recently as 18 November 2019, the Akimat's Architecture Department approved further renovation work on their building. Internal works have been completed, but the Church has had to put on hold renovation of the facade which had been due to be carried out in summer 2020.

On 20 December 2019, the Architecture Department approved the Church's plans to demolish the old garages and build a new garage and office building.

In January 2020, the Akimat's Urban Environment Control and Quality Department similarly approved the Church's plans to build another building.

2020 confiscation decree

The order to confiscate Grace Church's property came in a 14 February decree from Nur-Sultan Akim (head of administration) Altai Kulginov. The decree – seen by Forum 18 – orders the confiscation of the Church's buildings and land between 24 May 2020 and 24 May 2021 "in order to conduct investigative and planning work for a kindergarten". Responsibility for fulfilling the decree was assigned to the Construction and Residential Policy Department. Responsibility for overseeing the decree's implementation was assigned to a Deputy Akim, Nurlan Nurkenov.

Officials informed Grace Church of the work to begin to plan a new kindergarten on 11 March.

Grace Church points out that Baikonur District contains two other buildings which have long been left half-built. The Church thinks either could be turned into a kindergarten.

Deputy Akim Nurkenov's phone went unanswered each time Forum 18 called on 28 and 29 July.

The Church wrote to Akim Kulginov asking why the city authorities had decided to confiscate its place of worship, residence for its clergy, and land. It received no reply. The Church then asked the Akimat's Architecture Department, which replied in writing that the initiator and overseer of the decree was the Akimat's Construction and Residential Policy Department (which was then led by Asylbek Esenbayev).

In March 2020 the Akimat was reorganised. Esenbayev was put in charge of the new Housing and Housing Inspection Department. The new Building Department is headed by Samat Sarsengaliyev.

The Housing and Housing Inspection Department confirmed to Forum 18 that it is in charge of implementing the February 2020 decree. However, an official told Forum 18 on 29 July that Esenbayev was unavailable in a meeting.

Soon after getting news of the confiscation decree, Grace Church leaders met a Nur-Sultan Deputy Akim, Askar Amrin, Pastor Kan told Forum 18. Amrin claimed to Church leaders that complaints had come in – allegedly from local residents – that the Church is a "sect" and demanding that the Akimat take its building away.

State-funded so-called "anti-sect centres" have long been used to encourage hostility against the exercise of freedom of religion and belief.

Deputy Akim Amrin asked Grace Church representatives about their faith, then summoned the head of the Akimat's Religious Affairs Department, Nurdaulet Almukhanov, asking him to investigate if the Church is a "sect" and to report back to

him. Amrin gave Church leaders no clear answer to why the Akimat had issued the confiscation decree.

Deputy Akim Amrin told Forum 18 on 29 July through his assistant that responsibility for implementing the decree lies with Deputy Akim Nurkenov, and refused to come to the phone.

Religious Affairs Department head Almukhanov refused to discuss with Forum 18 on 28 July what he had told Deputy Akim Amrin about Grace Church. "Grace Church is a registered religious organisation," he kept repeating.

Grace Church lodged a suit against Nur-Sultan Akimat and its Housing and Housing Inspection Department at the Akimat's Specialised Inter-District Economic Court. On 1 July, the Court assigned the suit to Judge Kulimzhan Zhilbayeva, according to court records. On 9 July, Judge Zhilbayeva set a hearing date for 21 July, according to her decision seen by Forum 18.

"The Judge then fell ill and it is not clear when the suit will now be heard," Pastor Kan told Forum 18. The Court website lists no new date for the hearing.

Agape Church building also ordered confiscated

The confiscation decree also affects Nur-Sultan's Agape Pentecostal Church. Since 2006, Agape Church has been renting a commercial venue elsewhere in Nur-Sultan for meetings for worship.

"We collected donations to build our own place of worship from church members from 2002 and in the early 2010s we found a site," Pastor Igor Tsay told Forum 18 on 28 July. "But after a whole year of planning the authorities then refused permission to build. They claimed the land was needed for a block of flats." He said the flats had never been built and the land remains unused.

Because of the difficulty Agape Church has had since 2002 in trying to find land on which to build, Grace Church allowed the Church to build on its property. "When we got permission for building, we went to the Akimat's Land Committee," Agape Church's Pastor Tsay explained. "The specialist told us that if they give us permission to build, that means that afterwards they will allow us to buy the land."

Once the Akimat gave permission to build, Agape Church began building. It has built two storeys of what it had intended to be its first-ever dedicated place of worship, as well as offices for it and for Kazakhstan's Pentecostal Union which it is a member of.

"For 18 years we have dreamed of having our own building, and we just started building it," Pastor Tsay added. "And then this. It was unexpected – a shock." The church stopped construction of its new place of worship and offices as soon as it learnt of the decision to confiscate the site.

Corruption?

It is not clear if corruption plays any part in the repeated Akimat attempts to confiscate both churches' property. The 2020 move to confiscate the property appears to have been initiated by the then Construction and Residential Policy Department of the Akimat (city administration). Local media reported on 17 July that the Nur-Sultan branch of the Anti-Corruption Agency is investigating an unnamed former head of the Department over the alleged embezzlement of 200,000,000 Tenge (480,000 US Dollars).

"Our property is close to the centre of the capital, and the site might be worth the equivalent of 3,000,000 US Dollars [1,255,000,000 Tenge]," Grace Church Pastor Kan told Forum 18. "The Akimat is offering compensation of the equivalent of about 100,000 Dollars [42,000,000 Tenge]."

Officials have told Pastor Tsay that because the Agape building is unfinished, the Church will receive compensation only for the cost of the materials used so far. "We're not seeking money, but this was money we painstakingly collected over 18 years from 2002," Agape Church Pastor Tsay noted. "They're trying to take away even that from us."

In late July 2020, Pastor Tsay wrote to President Tokayev, expressing alarm at the confiscation with almost no compensation. "A representative of the Akimat cynically said that we have no chance, compensation will only cover the building materials," he told the President. "My request is to cancel the decree of the Akimat. Let us complete the construction of the building and conduct meetings for worship there."

Nurdaulet Almukhanov, head of the Akimat's Religious Affairs Department, insisted to Forum 18 that "this is not confiscation" and the Akimat is offering a lot of money". He refused to say how much. He also refused to say why the Akimat is not considering other sites for the proposed kindergarten.

Grace Church's Pastor Kan declined to comment on whether he thinks corruption might be involved. "We simply want to continue to use our property for worship."

Asked by Forum 18 if he suspects corruption might be behind the decision to confiscate the two churches' property, Agape Church's Pastor Tsay replied: "Honestly, I don't know."

Kazakhstan scores poorly, at 113 out of 198 countries globally, on Transparency International's 2019 Corruption Perceptions Index.

The telephone of the Investigation Department of the city branch of the Anti-Corruption Agency was not answered each time Forum 18 called on 29 July.

Property issues used to restrict freedom of religion and belief

Before 2011, the regime frequently used property issues as a way of restricting the freedom of religion and belief of religious communities officials disliked. The tactics used included stripping religious communities of legal ownership of buildings and land, and the use of excuses such as fire safety. In one such example, Grace Protestant Church in Semey was forced to brick up windows "in case there is a fire in the neighbouring property". The Church was also prohibited from using its own building.

Since the latest Religion Law came into force in October 2011, the regime's use of property issues to restrict freedom of religion and belief has been less frequent. But occasional examples of this have included a Methodist Church being forced in 2012 to "voluntarily" announce its closure in local media after the wife of the Church's Pastor was fined for the Church using her private home – the Church's registered legal address – for meetings for worship. In a different case, Kentau's Love Presbyterian Church was fined and forced to close for alleged violations of fire safety rules in a building it rents.

More recent excuses to stop religious communities using their own property have included use in November 2017 of the entire Jehovah's Witness Administrative Centre in Almaty being banned for three months because the 25 surveillance cameras it had installed to comply with the law left three small areas without camera coverage.

Similarly, in March 2018 Shymkent's Protestant New Life Church in South Kazakhstan Region was fined and banned for a month for having only three rather than five fire detectors in a building on church property used for storage only. The fire inspector who brought the case refused to explain to Forum 18 why he did not issue the order to install the extra fire detectors in writing and why the church was punished despite having installed the extra detectors he demanded within the specified one month.

Among the regime's other restrictions on the exercise of freedom of religion and belief, it is illegal for communities without state registration to exist, and it is illegal for state-registered religious communities to meet for worship anywhere other than within state-registered buildings. All Muslim communities and all mosques are state-controlled.

Online prayer and fasting

On 16 July 2020, more than 200 church members from both Grace Church and Agape Church gathered in a socially-distanced circle around their building for silent prayer, Agape's Pastor Tsay told Forum 18.

Agape Church has organised online prayer and fasting this week as they press for the confiscation decision to be overturned, Pastor Tsay added.

He said he had been encouraged by the response and support from around the world after on 27 July writing on his Facebook page about the proposed confiscation of the Church's half-finished building.

MEP: Kazakhstan's President Tokayev pays special attention to social sphere

New Europe (03.06.2020) - <https://bit.ly/37s1oE4> - Member of the European Parliament **Ryszard Czarnecki**, sharing his thoughts on the year of **Kassym-Jomart Tokayev's** presidency, said the Kazakh President is building a social welfare state, where special attention is paid to improving the quality of life of every citizen, Kazinform reported.

"As the Chair of the EU-Kazakhstan Friendship Group in the European Parliament I have been following with great interest the important developments in the beautiful country of Kazakhstan. Between my first visit to the country in 1993 and today -27 years ago- great progress has been achieved in the country. In the country, underlining the strength of the progressive forces in Kazakhs society," the Polish MEP said.

"June 12, 2019 marks the date when Kassym-Jomart Tokayev became the President of Kazakhstan. His declared main priorities were to ensure the unity of society, protect the rights of citizens and defend the national interests of Kazakhstan. Although in his election program, the President of Kazakhstan did not indicate a timeline for the fulfillment of his promises, last year has been filled with events and concrete decisions, which have found support among the population of the country," the European parliamentarian stresses.

According to Czarnecki, Kassym -Jomart Tokayev has been paying special attention to the social sphere. Payments and benefits have been increased, the most vulnerable citizens have received support, and people who were left homeless due to man-made disasters and those who lost their incomes due to the coronavirus pandemic have not been forgotten. Considerable sums have been allocated to all of these groups.

"In Europe, the prevailing opinion is that Kassym-Jomart Tokayev, in fact, is building a social welfare state, where special attention is paid to reducing inequality, improving the

quality of life of every Kazakh, and where priority is given to solving the day-to-day problems of the people. One of the key initiatives of the President of Kazakhstan, which was closely followed in the European Union, was the creation of the National Council of Public Trust, which discusses the most pressing issues on the domestic agenda," Czarnecki added.

"As a result of the work of this advisory body, the most important pieces of legislation in the history of modern Kazakhstan law have been developed, namely the new law on political parties and the law on peaceful assemblies," the MEP said.

President Tokayev, in his words, has faced serious challenges in his post. One of them is the coronavirus pandemic, which took all countries across the world by surprise. But due to brilliant leadership, an uncontrolled explosion of COVID-19 was avoided. "The President himself told the people of Kazakhstan about the struggle against coronavirus and other vital issues in his messages through social media and video addresses – an unprecedented level of transparency in the region. Much has been decided at the level of the Head of State. Even the approaches pursued in public health care had to be personally reviewed by the President," he pointed out.

According to the MEP, his last visit to Kazakhstan was two years ago and as a Member of the European Parliament from Poland he takes great pride in the longstanding relations of Poland with Kazakhstan. Throughout the history of the Soviet Union many Polish citizens lived in Kazakhstan have fond memories of the people and the culture. «In the field of foreign policy, Kazakhstan, as has been the case before, pays special attention to its partnership with the European Union. On March 1, 2020, the European Union-Kazakhstan Enhanced Partnership and Cooperation Agreement came into force. On the basis of this document, we expect that the parties will be able to fully reap the benefits of their partnership. As the Chair of the EU-Kazakhstan Friendship group I will do my utmost to further our relations to our mutual benefit," the Polish MEP said.

Warned for violating coronavirus regulations, but fined for leading worship

Felix Corley

Forum 18 (28.05.2020) - <https://bit.ly/3eLCnG6> - After a raid on Baptists meeting for worship in Pavlodar despite coronavirus restrictions, Pastor Isak Neiman was warned for violating anti-coronavirus measures. But after the warning, which he accepted, he was fined nearly two months' average wages on a second charge of leading an unregistered religious community meeting for worship without state permission. Officials in Aktobe fined a shopping centre administrator for allowing Muslims to pray in a unit there.

Police in the north-eastern Kazakh city of Pavlodar who raided a 29 March Baptist church meeting for worship brought two charges against Pastor Isak Neiman. The first charge was for violating anti-coronavirus health measures, for which the Pastor received a warning. But for the second charge of leading an unregistered religious community meeting for worship without state permission Pastor Neiman was fined nearly two months' average wages.

Kazakhstan's President Kassym-Zhomart Tokayev introduced a state of emergency from the morning of 16 March because of the coronavirus pandemic. This halted public

meetings nationwide, including those for worship. The state of emergency was officially ended on 11 May, though some restrictions remain.

After the emergency was ended, police in May raided a Muslim prayer room being used for Friday prayers in a unit in a shopping centre in the north-western city of Aktobe. A court banned the prayer room, fined the shopping centre's administrator about one month's average wage, and banned the unit from functioning for three months (see below).

A fellow Council of Churches Baptist in Pavlodar Region, Aleksei Asetov, has been banned from leaving Kazakhstan since July 2018 after failing to pay a fine similar to Pastor Neiman's imposed to punish leading an unregistered religious community. Asetov has now been banned from leaving Kazakhstan since his first unpaid fine in 2012 (see below).

The bailiff responsible for recovering the unpaid fine from Asetov insisted to Forum 18 that she is simply carrying out the decision of the court and cannot lift his ban on leaving the country without a legal basis. Numerous Council of Churches Baptists who refused to pay fines to punish them for exercising freedom of religion or belief have been banned from leaving the country (see below).

Pavlodar: Warned for violating coronavirus regulations, but fined for leading community

The Council of Churches Baptist congregation in the north-eastern city of Pavlodar – led by the 65-year-old Pastor Isak Neiman – meets for worship on private premises. Like all Council of Churches Baptist congregations, it chooses not to seek state permission to be allowed to exist and meet.

About seven police officers raided the congregation during its Sunday morning meeting for worship on 29 March, claiming to be checking compliance with anti-coronavirus health measures. About 300 church members were present, according to the subsequent court decision seen by Forum 18. Officers told church members they had to disperse, which they did.

Officers drew up a record of an offence for violating anti-coronavirus health measures. At the hearing the following day at Pavlodar's Specialised Administrative Court, Pastor Neiman "completely admitted his guilt" and said that he had been unaware of the order by Pavlodar Region's chief doctor banning mass gatherings. He promised not to hold such events during the time when they were banned on health grounds. Judge Marat Musabayev found him guilty and issued him with a warning, according to the decision seen by Forum 18.

But although only a warning was issued for violating anti-coronavirus measures, a fine of nearly two months' average wages was imposed for leading an unregistered religious community meeting for worship without state permission.

On the day of the raid, 29 March, police also brought a second charge against Pastor Neiman, this time under [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](#) (277,800 Tenge since 1 April). This is about two months' average wages for those in formal work.

On 20 April, the case for leading an unregistered religious community meeting for worship without state permission was heard at Pavlodar's Specialised Administrative

Court. Pastor Neiman told the court that any demand to register his church would be against the Constitution and the Bible, also pointing to the "constantly changing laws".

However, Judge Serik Mardanov found Pastor Neiman guilty and fined him the specified 100 MFIs, reduced by 30 per cent to 194,460 Tenge because he is a pensioner.

An officer at Pavlodar Police Department, which issued the record of an "offence" about the meetings without state registration, defended his fellow officers. "There was a basis for issuing the record," the officer, who did not give his name, told Forum 18 on 28 May. "We don't work illegally."

Asked why people are punished for leading an unregistered religious community meeting for worship without state permission, the officer put the phone down. Forum 18 did not get the chance to ask why leading an unregistered religious community meeting for worship without state permission is thought to be a more serious offence than violating coronavirus regulations.

"Our church hasn't been raided since the 2000s," Pastor Neiman commented to Forum 18 on 27 May. "We had lots of raids then. But other churches in [Ekibastuz](#) and [Semey](#) have been raided in recent years."

Council of Churches Baptists follow a policy of civil disobedience, refusing to pay fines handed down to punish the exercise of their freedom of religion or belief. "We usually don't pay such fines," Pastor Neiman told Forum 18, "as that would be to admit we're guilty, that the punishments are justified." He said that, in the case of pensioners like himself, the authorities usually take the fines directly from pensions.

Pastor Neiman lodged an appeal against the punishment, which reached Pavlodar Regional Court on 12 May. The appeal, finally heard on 28 May online, was rejected.

Aktobe: Prayer room banned, administrator fined, unit banned from functioning

Police raided a unit in the ZapKazYarmarka shopping centre in the north-western city of Aktobe on 15 May. They found a Muslim prayer room in the unit being used for Friday prayers.

Forum 18's calls to Aktobe Police on 28 May were not answered.

The raid took place four days after the end of the national emergency period because of the coronavirus pandemic, though social distancing measures remain. Aktobe Regional Akim (head of administration) Ondasyn Urazalin had allowed the ZapKazYarmarka shopping centre to reopen on 17 April, noting that social distancing was able to be maintained.

Following the 15 May raid, a prosecution was then brought against the 53-year-old administrator of the shopping centre, Gulnar Kurmangaliyeva, for allowing use of premises in the shopping centre for a religious meeting.

The case was brought under [Administrative Code Article 490, Part 1, Point 1. This punishes "violation of procedures established in law for conducting rites, ceremonies and meetings". The punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs and a three-month ban on activity.](#)

Kurmangaliyeva admitted the "offence" at Aktobe's Specialised Administrative Court and asked that the court "not take harsh punishment measures against her", according to the court decision. At the end of the 15 May hearing, which took place online because of the

coronavirus pandemic, Judge Mukhtar Toibazar found her guilty and fined her 50 MFIs, 132,550 Tenge, according to the decision seen by Forum 18. This represents about one month's average wage for those in formal work.

Judge Toibazar also banned the unit with the prayer room from functioning for three months.

Sabit Mukanov, deputy chair of Aktobe Region's Religious Affairs Department, claimed that he was not familiar with the action against Kurmangaliyeva. "The police drew up the record of an offence, not us," he told Forum 18 on 28 May.

Mukanov defended the prosecution of individuals for exercising freedom of religion or belief if the activity is banned by law, even if it is in defiance of Kazakhstan's international human rights obligations. "We defend the law," he insisted. "We have our path, our development."

Frequent fines for exercising freedom of religion or belief

Kazakhstan frequently [punishes individuals, religious communities and companies for not seeking state permission to exist, maintaining prayer rooms without state permission, holding meetings for worship, offering religious literature and items \(including online\), sharing or teaching faith, posting religious material online, praying in mosques, inviting a child to meetings, or inadequate security measures.](#)

In 2019 there were [at least 167 such cases for exercising freedom of religion and belief. Of these, 144 ended with convictions, with 140 individuals \(1 twice\), 2 religious communities and 1 company being punished, almost all of them with fines.](#)

Such administrative cases continue in 2020. Individuals are known to have been fined between January and March 2020 for offering religious literature for sale online, for offering Korans for sale in shops, for lending two religious books to another individual, and for posting Islamic materials on the Telegram messaging app.

In February a court in the southern Zhambyl Region [ordered the destruction of a hadith collection confiscated from a Kyrgyz citizen who had crossed the border into Kazakhstan.](#) The judge ordered the one Muslim book destroyed even though [the Religion Law allows individuals to bring into the country one copy of any one religious book for personal use.](#)

Police in a village in Pavlodar Region detained two Baptists and confiscated Christian literature they were sharing free on the streets. In early March, the local court fined them each one month's average wages and ordered the 196 items of Christian literature destroyed. The Regional Court has now ordered that the confiscated literature should be sent for "expert analysis" (see below).

In addition to fines and bans, [individuals, all Sunni Muslims, are known to be currently jailed for terms of up to eight years for exercising freedom of religion or belief.](#)

Confiscated books saved from destruction?

When Akkuly District Court fined two Council of Churches Baptists, Oleg Stepanenko and Nadezhda Smirnova, on 2 March, it also [ordered the 196 Christian publications confiscated from them to be destroyed.](#)

Stepanenko and Smirnova were among four Baptists who [on 29 February travelled to the village of Akkuly in the north-eastern Pavlodar Region close to the border with Russia. There they offered Christian literature to villagers on the street.](#)

Officers confiscated their Christian literature, which was in Russian and Kazakh: 3 copies of "Jesus our Destiny", 10 copies of "The Most Important Truths", 15 copies of "All Children Need to Know This", 98 copies of the newspaper "Do You Believe?" and 70 Christian leaflets.

The Court punished the two under [Administrative Code Article 490, Part 1, Point 3 \("Violating the requirements of the Religion Law for .. import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use"\)](#). Each was fined 50 MFIs each (about one month's average wage).

Asked by Forum 18 [in April why he had ordered the confiscated literature to be destroyed, Judge Kairbulat Karimov \(who punished Stepanenko\) responded: "The literature they sought to distribute was destroyed because it was the instrument of their violation." Asked if he liked ordering religious literature to be destroyed, he responded: "When we're enacting the law we don't distinguish on the basis of individuals' religious, racial or ethnic affiliation."](#)

Both Stepanenko and Smirnova appealed against the punishments. In separate hearings on 16 April, Judge Saltanat Tasmagambetova of Pavlodar Regional Court ruled that in neither case had an "expert analysis" been conducted on the confiscated literature. She ordered that such an analysis be carried out and suspended consideration of the appeals until that is produced.

Judge Tasmagambetova assigned the analysis to an unnamed "expert" at the Justice Ministry's "Institute for Judicial Expert Analysis" in the capital Nur-Sultan, according to the court decision seen by Forum 18. She ordered that the analysis determine whether the books are religious and if so of what faith, and "whether the confiscated materials contain information aimed at inciting social, racial, ethnic, religious, class or tribal discord".

The Judge's decision has the effect of suspending the order for the 196 items of literature to be destroyed. However, ["expert analyses" are frequently used to justify state violations of freedom of religion and belief including the destruction of religious literature.](#)

Defending court-ordered religious literature destruction

In August 2019, Aktobe's Specialised Administrative Court [fined Murat Dosmagambetov, who had been offering four Muslim leaflets at a railway station, and ordered the leaflets to be destroyed.](#)

In December 2019, the same court [fined local Protestant Amangali Shabakov for sharing religious books, including two which had not undergone state censorship, and ordered the books to be destroyed.](#)

Sabit Mukanov, deputy chair of Aktobe Region's Religious Affairs Department, defended court decisions in his Region in 2019 that religious publications confiscated from a local Muslim and a local Protestant should be destroyed, but said he did not know how such literature destruction is carried out.

"We're obliged to abide by the law," Mukanov told Forum 18 on 28 May. "But the court made the decisions, so you have to ask the court. I don't know the further fate of these religious materials."

Nine-year exit ban

A Council of Churches Baptist from Ekibastuz in Pavlodar Region, Aleksei Asetov, has been banned from leaving Kazakhstan since 2011 for failing to pay successive fines to punish leading an unregistered religious community.

Pastor Asetov's most recent exit ban was imposed on 30 July 2018 after he failed to pay a fine imposed under [Administrative Code Article 489, Part 9 to punish him for leading an unregistered religious community](#).

Police in late October 2017 [raided a Sunday morning meeting for worship of Pastor Asetov's Baptist congregation in Ekibastuz](#). Police summarily fined him 226,900 Tenge or 100 MFIs, about two months' average wage. His wife and 18 other church members were given smaller fines.

As Pastor Asetov refused to pay the fine, court bailiffs brought proceedings against him to recover the money on 25 July 2018, according to the court debtors' register seen by Forum 18.

Asetov – a shoe-repairer with 10 children – has now been banned from leaving Kazakhstan since his first unpaid fine in 2011. After a police raid on the congregation in November 2011, he was [fined about a year and a half's average wage in February 2012](#). After failing to pay the fine, Pastor Asetov was in May 2013 [given a three-day prison term](#).

The bailiff responsible for recovering the unpaid fine from Asetov, Karlygash Sadvakasova, insisted to Forum 18 on 28 May that she is simply carrying out the decision of the court and cannot lift Asetov's ban on leaving the country without a legal basis.

Numerous Council of Churches Baptists who refused to pay fines to punish them for exercising freedom of religion or belief have been [banned from leaving the country](#). [Yevgeny Zhovtis, of the Kazakhstan International Bureau for Human Rights and the Rule of Law, described this as "double punishment"](#). Most of the earlier exit bans appear now to have lapsed.

"I lost consciousness three times because of the pain"

Forum 18 (14.05.2020) - <https://bit.ly/2ZdKd6Z> - Despite Muslim prisoner of conscience Dadash Mazhenov's credible allegations of Labour Camp torture, none of the named officials seems yet to be arrested or facing criminal trial for torture, in defiance of international law. The Coalition Against Torture has appointed a lawyer to work on the case, and noted that few prison torture cases ever reach court, with few officials found guilty.

Muslim prisoner of conscience Dadash Mazhenov lodged a complaint in March detailing a credible account of torture while he was held in Labour Camp in the city of Shymkent in southern Kazakhstan in summer 2019. The investigator from the Anti-Corruption Service in Shymkent confirmed that he is investigating a criminal case, but refused to say if any of the seven officials Mazhenov had named or any others are suspects in the case, citing the "secrets of the investigation".

Relatives told Forum 18 in November 2019 about torture of Muslim prisoners of conscience who marked the Muslim festival of Eid al-Fitr (that in 2019 fell in early June) and praying the namaz.

In one incident on 2 July 2019, during four hours of torture, camp officials beat Mazhenov's feet so much that they swelled to almost three times their normal size with a lot of hematoma (bleeding under the skin). Officials then stripped him naked and put him face down and began beating his buttocks with the truncheon. "After this I lost consciousness three times because of the pain, but they poured water on me and carried on beating," he wrote (see below).

Mazhenov testified in March 2020 that he still has pain and complications in his buttocks because of the torture inflicted in summer 2019 (see below).

In his complaint, seen by Forum 18, Mazhenov identified fully or partially by name five of seven officials of Shymkent's Labour Camp ICh-167/3 he said had participated in his torture (see below).

An official from the Labour Camp, who would not identify himself, claimed to Forum 18 that the Chief, Bagdat Asilbekov, was out of the camp at a meeting. He refused to give his mobile telephone number. The official also refused to say if any of the camp officials Mazhenov had identified as having tortured him had been suspended from work, arrested, or face criminal trial for torture (see below).

According to documents seen by Forum 18, the criminal case was launched by the authorities on 10 April 2020 under Criminal Code Article 146, Part 1, which punishes torture by a single official – not under Part 2 which punishes torture carried out by a group and/or repeatedly, or Part 3 punishing torture causing grave harm to health, both of which Mazhenov indicates happened to him (see below).

However, a second criminal case was then launched under an unknown Criminal Code Article. The two cases have now been merged into one and the Investigator refused to say if this is still an investigation under charges of torture (see below).

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kazakhstan has a binding international law obligation both to arrest any person suspected on good grounds of having committed torture, and to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Human rights defenders have expressed concern that any torture charges against camp officials could be downgraded to "exceeding official authority" under Criminal Code Article 362, which carries lower punishments.

Maksim Kudryavtsev of the Coalition Against Torture noted that only a handful of prison torture cases ever reach court, with only a small number of guilty verdicts. He added that downgrading the charges from torture to "exceeding official authority" is common.

The UN Committee against Torture (CAT) in 2014 called on Kazakhstan to stop doing this, and to criminally prosecute on torture charges officials accused of torture (see below).

"Proving or disproving the allegations of torture Mazhenov's relatives have passed on is the duty of the investigatory bodies," Kudryavtsev of the Coalition Against Torture told Forum 18 from Almaty. "The Coalition's task is to make sure that the pre-trial investigation takes place within the framework of the law, and is objective and

thorough."

Prisoner of conscience Mazhenov is being held in Kokshetau's Investigation Prison while his new trial is underway. Investigators have not taken testimony from him for the criminal case, his family told Forum 18 on 13 May.

An official from the Shymkent Criminal Implementation Department insisted that Mazhenov had caused the injuries to himself. "It's all in the investigation file," he told Forum 18 (see below).

The Coalition Against Torture, which is supporting Mazhenov's case at the request of his family, has appointed a Shymkent-based lawyer Galiya Aldiyarova on 10 May to work on the torture case on Mazhenov's behalf.

Binding obligations to arrest, prosecute torturers

The UN [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Kazakhstan is obliged both to arrest any person suspected on good grounds of having committed torture, and to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature". [Yet no arrests or criminal trials of anyone strongly suspected of having tortured prisoners of conscience jailed for exercising freedom of religion and belief appear to have been made.](#)

The Coalition Against Torture told Forum 18 that they get many appeals about torture while in prison similar to that submitted by Dadash Mazhenov.

"Proving or disproving the allegations of torture Mazhenov's relatives have passed on is the duty of the investigatory bodies," Maksim Kudryavtsev of the Coalition Against Torture told Forum 18 from Almaty. "The Coalition's task is to make sure that the pre-trial investigation takes place within the framework of the law, and is objective and thorough."

Kudryavtsev noted that only a handful of prison torture cases ever reach court, with a small number of guilty verdicts. He pointed out that in "many of these cases", charges against prison officials are downgraded from charges under Criminal Code Article 146 ("Torture"), which specifies possible punishments from fines to imprisonment for up to 12 years depending on the circumstances. If the torture is carried out by a group and/or repeatedly, as Mazhenov indicated happened in his case, the punishment specified is not fines but imprisonment for between three to seven years. In cases of grave harm to health – as Mazhenov indicated happened to him – the punishment specified is imprisonment for between 5 and 12 years.

Instead, and against Kazakhstan's binding international legal obligations, charges are often brought under Criminal Code Article 362 ("Exceeding official authority"), which has lower possible punishments from fines to imprisonment for up to 10 years depending on the circumstances.

The UN Committee against Torture (CAT) in its 11 December 2014 Concluding

Observations on Kazakhstan states that it ([CAT/C/KAZ/CO/3](#)) "is concerned that law enforcement officials accused of committing acts amounting to torture are frequently prosecuted .. for 'abuse of official power' and 'excess of authority or official powers' .. The Committee is also concerned at the low number of persons convicted for having committed acts of torture. The Committee is further concerned at reports of cases in which individuals convicted of torture under the Criminal Code have nevertheless received extremely lenient sentences such as conditional sentences and probation."

The UN Committee stated that Kazakhstan "should ensure that all persons accused of acts amounting to torture as defined by the Convention are prosecuted for the crime of torture .. rather than for offences of lesser severity. The State party should ensure that those convicted are punished with appropriate penalties that are commensurate to the gravity of the crime of torture, as set out in article 4, paragraph 2, of the Convention [against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment]."

Jailed

Shchuchinsk resident Dadash Temirgaliyevich Mazhenov (born 28 September 1990) [in 2015 posted on his VKontakte social media page four talks by Muslim teacher Kuanysb Bashpayev](#), but had removed them before a court in 2017 banned the talks as "extremist".

In early 2018, the National Security Committee (KNB) secret police's 9th Department in Akmola Region launched a criminal case against Mazhenov. He was arrested on 23 April 2018.

Burabai District Court [sentenced Mazhenov on 16 November 2018](#) 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 - 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 Court sentenced Mazhenov to 7 years and 8 months in a general regime labour camp, plus a fee of 60,790.14 Tenge. He appealed against the conviction, but [Akmola Regional Court left his prison term unchanged on 30 January 2019](#). The Court did though reduce the fee he had to pay.

Torture in Shymkent

After Akmola Regional Court rejected prisoner of conscience Mazhenov's appeal in January 2019, the sentence entered into force. The prison authorities transferred him from Kokshetau in Akmola Region to Labour Camp ICh-167/3 in Shymkent, 1,220 kms (760 miles) to the south, where he arrived on 3 March 2019. He was held there until about 23 July 2019, when he was transferred to the Investigation Prison in Kyzylorda, where he would be held until early 2020.

During his time in Labour Camp in Shymkent, Mazhenov suffered repeated torture, including severe beatings, according to his subsequent complaint, seen by Forum 18 (see below). The Chief of the camp, both [in 2019 and now, is Bagdat Asilbekov](#).

Relatives told Forum 18 in November 2019 of [their concerns about torture](#) while Mazhenov was in the Shymkent Labour Camp earlier in the year. "Those who marked Eid al-Fitr [Muslim festival that in 2019 fell in early June] were fed rotten food and all were made ill," relatives stated. Later in June 2019, prisoners were banned from praying the

namaz. "Anyone praying the namaz during the daytime was threatened with having extra prison time added."

In his March 2020 written complaint, Mazhenov recounts in detail two instances of torture by seven officials he says conducted it. He identifies by name five of the officials: Almaz Ikramov, Zhandos Bekbayev, Baurzhan Tankibayev, Aytzhan (criminal Police officer), and Sabit (criminal Police officer).

Mazhenov said the first occurred on 30 June 2019. After the morning inspections Ikramov told their detachment to march. During the march a conflict arose between two prisoners and he tried to separate them. The prisoners – including Mazhenov - were then taken back to the 2nd section of the prison.

Mazhenov was taken to the administration building. The Deputy Chief then told Officers Ikramov and Tankibayev to beat him, Mazhenov recounted. The beatings left his face swollen and black and blue.

"I told them that I will write a complaint, as it is not the first time that Almaz Ikramov and Baurzhan Tankibayev had beaten me," Mazhenov noted in his complaint.

Mazhenov showed his injuries to at least 100 other prisoners during the mealtime later that day, he noted.

Mazhenov said the second occurred on 2 July 2019. During the 8 am inspection he was taken to Bekbayev's office and tortured there for four hours.

Ikramov and Bekbayev beat him, Mazhenov wrote in his complaint. Then they tied up his legs and handcuffed him, and beat the soles of his feet with a rubber truncheon. The two, with five other officials, some of whose names he does not remember, beat his feet so much that they swelled to almost three times their normal size, with a lot of hematoma (bleeding under the skin).

After this they stripped Mazhenov naked and put him face down. Bekbayev began beating his buttocks with the truncheon. "After this I lost consciousness three times because of the pain, but they poured water on me and carried on beating," Mazhenov wrote.

After the torture they dictated a statement to Mazhenov. He was forced to write that he was declining his earlier request to be transferred to another camp with a special regime where he might feel safer. "At that point I was afraid I would not survive these tortures," Mazhenov recalled. After that the officials made him go and apologise to the Chief of the prison, which he did.

That same day, prison officials put Mazhenov in solitary confinement for seven days, where he was kept in handcuffs the whole time.

In an August 2011 report to the UN General Assembly on solitary confinement ([A/66/268](#)), then-UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Juan Mendez, after examining cases in Kazakhstan and elsewhere, stated that "short-term solitary confinement can amount to torture or cruel, inhuman or degrading treatment or punishment". On 18 October 2011 he [cited Kazakhstan again and stated that: "Segregation, isolation, separation .. whatever the name, solitary confinement should be banned by States as a punishment or extortion technique"](#).

At the end of prisoner of conscience Mazhenov's solitary confinement, he was on the

order of the Deputy Chief recorded as having refused to fulfil his duties or obligations. Mazhenov noted that he had never refused to perform his duties and obligations.

Mazhenov testified in March 2020 that he still has pain and complications in his buttocks because of the torture inflicted in summer 2019.

Conviction overturned, but new trial

As the only "expert" who had provided an analysis finding anything wrong with the materials Mazhenov had posted online [was not qualified to provide "expert analysis" for use in court, the General Prosecutor's Office appealed to the Supreme Court on 5 December 2019](#) to annul his 2018 conviction and to send the case for a new trial.

In July 2019, before the General Prosecutor's Office appeal, the prison authorities transferred Mazhenov first from Labour Camp ICh-167/3 in Shymkent, where he said he was tortured, to Investigation Prison SI-10 in Kyzylorda.

On 21 January 2020, the Supreme Court approved the General Prosecutor's Office suit. It annulled both the November 2018 Burabai District Court decision convicting Mazhenov and the January 2019 Akmola Regional Court decision.

However, the Supreme Court did not acquit Mazhenov, an option available under Article 494, Part 7 of the Criminal Procedural Code. Instead it chose one of the three other possible options – to send the case for a new trial in Akmola Regional Court. The new trial [began on 19 March, and the court on 29 April assigned a new "expert" whose assessments have helped convict three other prisoners of conscience to analyse materials in Mazhenov's case.](#)

Prisoner of conscience Mazhenov remains in Investigation Prison in Kokshetau. The address:

Akmolinskaya Oblast
020000, g. Kokshetau
raion kirzavoda
ul. Nikitina 67
uchr. ETs-166/23 (SI-20)
Kazakhstan

Complaint against torture

Only once Mazhenov had arrived back in Investigation Prison in Kokshetau on 12 March 2020 was he able to write a complaint about the torture he said he had endured while in Shymkent Labour Camp in 2019. He submitted to Akmola Region Personal Security Directorate the four-page hand-written complaint – seen by Forum 18 – on 18 March 2020.

One of the tasks of local Personal Security Directorates (which come under the Interior Ministry) is to "carry out the identification and prevention of cases of use of torture by employees".

The Personal Security Directorate in the capital Nur-Sultan sent Mazhenov's complaint to Shymkent's Prosecutor's Office, according to a 23 April letter seen by Forum 18.

On 20 April, Shymkent's Prosecutor's Office informed Mazhenov's mother that the Anti-Corruption Service in Shymkent had opened a case on 10 April under Criminal Code

Article 146, Part 1 ("Torture") related to the allegations against officials of the Shymkent Labour Camp. The case was assigned to Investigator Almat Seitov.

However, a second case was then launched. Forum 18 has been unable to establish why and also under which Criminal Code Article the case was launched.

"He harmed himself"?

Eldar Nasirdin of Shymkent's Prosecutor's Office told Forum 18 on 5 May that there are no suspects in the criminal case. He refused to say why no one had been arrested as a suspect in the case or answer any other questions, referring Forum 18 to the Anti-Corruption Service in Shymkent.

An official from the Shymkent Criminal Implementation Department – which oversees all prisons in the city - insisted that Mazhenov is healthy had caused the injuries to himself. "He hit his head on a wall," the official, who did not give his name, claimed to Forum 18 on 6 May. "It's all in the investigation file." He claimed that prisoners often allege torture, something he described as "slander" aimed at "destabilising the situation in prison".

"It seems they want to confuse everyone"

Investigator Seitov of the Anti-Corruption Service confirmed to Forum 18 from Shymkent on 13 May that the two cases had been combined into one, but refused to say which Criminal Code Article the case is being investigated under, whether any individuals are suspects in the case and whether they have been arrested or not. He cited the "secrets of the investigation".

Investigator Seitov refused to explain why the case was not opened under Criminal Code Article 146, Part 2, which punishes torture by a group of people and/or repeated torture which happened to Mazhenov. While punishments under Part 1 range from a fine to a maximum three year jail term, punishments under Part 2 are imprisonment of between three and seven years.

"It seems they want to confuse everyone," Mazhenov's mother told Forum 18, "as they have undertaken no investigative measures. They point out that we now have the [coronavirus] lockdown."

Maksim Kudryavtsev of the Coalition Against Torture told Forum 18 that when the lawyers get documentation in the case they should be able to see the basis for the decision to investigate only under Criminal Code Article 146, Part 1 punishing torture by a single official. "We will then raise the question of having the case changed [to Part 2]."

Mazhenov is being held in Kokshetau's Investigation Prison while his new trial is underway. Investigators have not taken testimony from him for the criminal case, his family told Forum 18 on 13 May.

An official of Labour Camp ICh-167/3 told Forum 18 on 14 May that the Chief, Bagdat Asilbekov, was out of the camp at a meeting. On 28 November 2019 Asilbekov [claimed to Forum 18 that he "couldn't discuss" torture at the Labour Camp he runs and put the phone down.](#)

The official Forum 18 spoke to on 14 May 2020, who would not identify himself, refused to give Asilbekov's mobile telephone number. The official also refused to say if any of the camp officials Mazhenov had identified as having tortured him had been suspended from work, arrested, or face criminal trial for torture.

Known prisoners of conscience jailed for exercising freedom of religion and belief

Mazhenov is among [24 known prisoners of conscience serving sentences for exercising their freedom of religion and belief](#), all of them Sunni Muslims.

In addition to these 24 current known prisoners of conscience, [others currently known to be under restrictions for exercising freedom of religion or belief](#) are: sentenced to jail in absentia (3 Pentecostal Christians); serving restricted freedom sentences (6: 5 Sunni Muslims, 1 Jehovah's Witness); under post-jailing bans on specified activity (at least 16 Sunni Muslims); and still on the Financial Blacklist after completing jail sentences (27: 26 Sunni Muslims, 1 Seventh-day Adventist).

Conviction annulled, yet still jailed on trial

By Felix Corley

Forum 18 (07.05.2020) - <https://bit.ly/2WqWenR> - Despite the Supreme Court annulling his conviction, prisoner of conscience Dadash Mazhenov was not acquitted but put on trial again. He rejects "propaganda of terrorism" charges for posting Islamic talks online. For a new "expert analysis", the court commissioned Roza Akbarova, whose assessments have helped convict three prisoners of conscience. Muslim prisoner of conscience Zhuldyzbek Taurbekov is to be transferred to a labour camp far from specialised medical care.

Although Kazakhstan's Supreme Court annulled lower and appeal court verdicts convicting Muslim prisoner of conscience Dadash Mazhenov of allegedly posting "propaganda of terrorism" online, a second trial on the same charges began in Kokshetau in February. The Supreme Court annulled the verdicts because the one "expert" who provided evidence that led to the original conviction was not qualified.

The Regional Court rejected a defence plea for Mazhenov to be released from Investigation Prison while the trial proceeds. It claimed that detention was necessary due to his "personality, and the heightened social danger of the actions he is accused of". Mazhenov, a 29-year-old father of one from Shchuchinsk in the northern Akmola Region, was originally arrested in April 2018 (see below).

On 29 April, Akmola Regional Court assigned to Roza Akbarova of the Justice Ministry's "Centre for Judicial Expert Analysis" the task of conducting a new "expert analysis" of Islamic talks Mazhenov had posted online in 2015 and later removed before the talks were banned in 2017 (see below).

Akbarova provided "expert analyses" which helped jail three prisoners of conscience between 2015 and 2017 for speaking about their beliefs with KNB secret police informers: Seventh-day Adventist Yklas Kabduakasov; Jehovah's Witness Teymur Akhmedov; and Sunni Muslim Satymzhan Azatov (see below).

Despite the Supreme Court's annulling of Mazhenov's criminal conviction, he is not regarded in law as innocent. "The presumption of innocence exists in Kazakhstan's legislation in a rather limited form," human rights defender Yevgeny Zhovtis commented to Forum 18. One impact is that Mazhenov remains on the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". This means that any bank accounts he might have remain blocked (see

below).

Mazhenov has stated that he was [tortured in 2019 for marking Eid al-Fitr and praying the namaz](#) while he was held in a labour camp in the southern city of Shymkent. Officials say they have initiated a criminal case regarding his torture (see forthcoming article).

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Kazakhstan is under a [binding legal obligation to arrest and put on criminal trial any official suspected of torture](#). This does not seem to have happened yet in Mazhenov's case, and an official from the Shymkent Criminal Implementation Department insisted to Forum 18 that Mazhenov had caused his injuries to himself (see forthcoming article).

Meanwhile, despite at least three visits since his arrest to Almaty's Cardiology Centre for urgent treatment for his heart, 41-year-old Muslim prisoner of conscience Zhuldyzbek Taurbekov is to be transferred to a labour camp far from family and essential specialised medical care he needs. Colonel Tenizzhan Dzhanibekov of the Interior Ministry wrote to Taurbekov's mother this is "with the aim of preventing him from committing new violations of the law" (see below).

This appears to violate the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules A/C.3/70/L.3), which state 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."

Taurbekov and Mazhenov are among [24 known prisoners of conscience serving sentences for exercising their freedom of religion and belief](#), all of them Sunni Muslims.

In addition to these 24 current known prisoners of conscience, [others currently known to be under restrictions for exercising freedom of religion or belief](#) are: sentenced to jail in absentia (3 Pentecostal Christians); serving restricted freedom sentences (6: 5 Sunni Muslims, 1 Jehovah's Witness); under post-jailing bans on specified activity (at least 16 Sunni Muslims); and still on the Financial Blacklist after completing jail sentences (27: 26 Sunni Muslims, 1 Seventh-day Adventist).

2018 arrest, conviction for posting Islamic talks online

Shchuchinsk resident Dadash Temirgaliyevich Mazhenov (born 28 September 1990) [in 2015 posted on his VKontakte social media page four talks by Muslim teacher Kuanysh Bashpayev, but had removed them before a court in 2017 banned the talks as "extremist"](#).

In early 2018, the National Security Committee (KNB) secret police's 9th Department in Akmola Region launched a criminal case against Mazhenov. He was arrested on 23 April 2018.

The KNB also launched a criminal case against Galymzhan Abilkairov for posting some of the talks online before the ban. He was [jailed for seven years, seven months in October 2018](#).

Bashpayev himself was [in April 2017 jailed for four and a half years to punish him for talks he gave on Islam between 2008 and 2011](#). He had been arrested in October 2016 on his return to Kazakhstan from Saudi Arabia.

Burabai District Court [sentenced Mazhenov on 16 November 2018](#) 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 - 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 Court sentenced Mazhenov to 7 years and 8 months in a general regime labour camp, plus a fee of 60,790.14 Tenge. He appealed against the conviction, but [Akmola Regional Court left his prison term unchanged on 30 January 2019](#). The Court did though reduce the fee he had to pay to 1,255 Tenge (30 Norwegian Kroner, 3 Euros or 3 US Dollars).

Burabai District Court [convicted Mazhenov on the basis of the "expert analysis" of one of the three "experts" appointed by the state, Aigerim Seifullina](#). She claimed that the recordings he posted online constituted "propaganda of terrorism" by "spreading concepts justifying the use of violent acts on a religious basis". She added that the recordings contained no public calls to commit terrorism or to form organisations to conduct terrorism.

However, as the defence pointed out, Seifullina did not have the qualifications the state requires to provide "expert analysis" for use in court. Prosecutor Sansyzbai admitted to Forum 18 that the "expert" Seifullina, who had undertaken the only analysis that found fault with the materials Mazhenov had uploaded to his VKontakte page "had no diploma". But, Sansyzbai claimed (wrongly) on 6 May, "no one knew of this".

Mazhenov was convicted despite the two other "experts" commissioned by the KNB secret police concluding that the recordings Mazhenov posted online [did not incite religious or other hatred and discord or the violent overthrow of the government](#).

On 25 February 2019, after the sentence entered legal force, Mazhenov was 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 List for six or eight years after they complete their sentences.](#)

Supreme Court annuls guilty verdict, but orders new trial

Due to "expert" Seifullina's lack of the qualifications required to provide "expert analysis" for use in court, the General Prosecutor's Office appealed to the Supreme Court on 5 December 2019 to annul his convictions and to send the case for a new trial.

"The court placed as the basis of its guilty verdict the conclusion by the expert Seifullina," the General Prosecutor's Office noted in its appeal, seen by Forum 18. The appeal also pointed out that the lower court had refused to consider an independent assessment conducted at the request of the defence, which found no evidence of terrorism in the materials Mazhenov uploaded.

Before the General Prosecutor's Office appeal, the prison authorities transferred Mazhenov first from Labour Camp ICh-167/3 in Shymkent, [where he was tortured](#), to Investigation Prison SI-10 in Kyzylorda.

On 21 January 2020, a panel of three Judges led by Abdrashid Zhukenov (head of the Supreme Court's Criminal Division) approved the General Prosecutor's Office suit. So they annulled both the November 2018 Burabai District Court decision and the January 2019 Akmola Regional Court decision, according to the decision seen by Forum 18.

However, the Supreme Court chose not to acquit Mazhenov, an option available under Article 494, Part 7 of the Criminal Procedural Code. Instead it chose one of the three other possible options – to send the case for a new trial in Akmola Regional Court.

Presumption of innocence exists in "rather limited form"

Although the Supreme Court overturned the lower court decisions in Mazhenov's case, "it was not an acquittal and he is considered still as a convict", Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law pointed out to Forum 18 on 6 May. "The presumption of innocence exists in Kazakhstan's legislation in a rather limited form."

"Dadash has been left dangling," his mother Irina Mazhenova complained to Forum 18. "He shouldn't have a criminal record at all right now."

Because the Supreme Court decision was not an acquittal, Mazhenov could not be removed from the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", Zhovtis added.

Forum 18 sent the Financial Monitoring Committee a written question about Mazhenov's continuing presence on their List of individuals "connected with the financing of terrorism or extremism" before the beginning of the working day of 6 May. Forum 18 has received no response.

New trial

On 6 February 2020, two weeks after the Supreme Court decision, prosecutors sent the new criminal case against Mazhenov to Akmola Regional Court, according to court records. There it was assigned to a panel of three Judges, led by Askerbek Zhakulin and also including Askar Kulmagambetov and Roza Ertayeva. The prosecution case is being led by Darkhan Sansyzbai of Akmola Regional Prosecutor's Office.

In mid-February, the prison authorities began transferring Mazhenov from Kyzylorda to Investigation Prison SI-20 in Kokshetau, where he arrived on 12 March, his mother Irina Mazhenova told Forum 18.

The first hearing in his new trial was set for 28 February, but Mazhenov was not brought to court, his mother Irina Mazhenova told Forum 18. The first hearing was then held on 19 March which, because of the coronavirus outbreak was held online. Mazhenov participated from Almaty's Investigation Prison. Mazhenova complained that the sound for her and her son's lawyer kept being cut off.

"Expert" who helped jail at least three prisoners of conscience

At the second hearing of the trial on 29 April, Akmola Regional Court agreed to Prosecutor Sansyzbai's request to commission a new "psychological/philological expert analysis" of sermons Mazhenov had posted online. The Court allocated the "analysis" to Roza Akbarova, a deputy director of the Justice Ministry's Institute of Judicial Expertise in the capital Nur-Sultan, according to the decision seen by Forum 18.

"Akbarova is a pocket expert, of the same type as Seifullina," Irina Mazhenova complained to Forum 18. "She's someone who will be useful to them."

Akbarova has provided "expert analyses" which helped jail three prisoners of conscience for speaking about their beliefs with KNB secret police informers: Seventh-day Adventist Yklas Kabduakasov, [jailed for two years in December 2015](#); Jehovah's Witness Teymur Akhmedov, [jailed for five years with a ban on "ideological/preaching activity" for three more years in May 2017](#); and Sunni Muslim Satymzhan Azatov, [jailed for four years eight months in July 2017](#).

When Forum 18 pointed out that Akbarova's "expert analyses" had helped jail at least three prisoners of conscience, Prosecutor Sansyzbai defended the choice. "She is well-known and well-qualified," he told Forum 18 from Kokshetau on 6 May.

Akbarova refused to discuss her latest "expert analysis" task. "Under our law, you don't have the right to contact me," she claimed to Forum 18 from Nur-Sultan on 5 May 2020.

Conviction annulled, but still jailed during new trial

During the Akmola Regional Court hearing, Prosecutor Sansyzbai opposed defence appeals for Mazhenov to be freed from Investigation Prison while the trial proceeds. The Court rejected any such release, claiming that "given the information characterising Mazhenov's personality, and the heightened social danger of the actions he is accused of, the Judicial Board considers it necessary to leave the detention measure of being held on remand unchanged", the court decision notes.

Prosecutor Sansyzbai refused to explain why he supported Mazhenov remaining in prison, two years after his original arrest and despite the overturning of his conviction. "It was the court that took the decision to keep him in Investigation Prison," he told Forum 18.

Mazhenov's address in Investigation Prison:

Akmolinskaya Oblast
020000, g. Kokshetau
raion kirzavoda
ul. Nikitina 67
uchr. ETs-166/23 (SI-20)
Kazakhstan

Prisoner of conscience to be sent far from family, specialised medical care

Following the [failure of his appeal on 9 April at Almaty City Court](#) against his seven-year jail term, the prison authorities are preparing to transfer seriously-ill Muslim prisoner of conscience Zhuldyzbek Abikenovich Taurbekov (born 20 September 1978) from Almaty's Investigation Prison. The City Court also rejected an appeal for him to be released early on grounds of health.

Taurbekov was [arrested in October 2018 as one of a group of nine men who had taken part in a WhatsApp Muslim group](#). The authorities accused them of propaganda of terrorism and inciting hatred, charges all nine denied. An independent analysis of one of the messages found no incitement or aggression, while a second analysis found that the prosecution's "expert analysis" had been conducted "superficially".

Taurbekov, who is seriously ill, [spent six days undergoing treatment for his heart in](#)

[Almaty's Cardiology Centre in April 2020](#). This was soon after Almaty City Court rejected his appeal, and was his third spell of treatment in the Centre since his arrest.

Taurbekov's mother Asemgul Zhaugasheva then appealed for her son to be allowed to serve his sentence in Almaty Region, either to remain in Almaty's Investigation Prison or to be sent to the nearby Zarechny Labour Camp, Radio Free Europe's Kazakh Service noted on 4 May. This would allow him to remain close to his family and to the specialised medical care he needs.

However, Colonel Tenizzhan Dzhanibekov, first deputy head of the Interior Ministry's Criminal Implementation Committee in the capital Nur-Sultan, wrote to Taurbekov's mother informing her that her son is to be transferred to Labour Camp ES-164/3 now that his sentence has come into force. This is "with the aim of preventing him from committing new violations of the law", according to the letter seen by Forum 18.

"In all other prisons in Kazakhstan are the conditions such that my son could get up to something, and only the prison in the north of Kazakhstan can reform him?" Zhaugasheva told Radio Free Europe.

This transfer to a distant prison of a prisoner requiring continuing medical attention appears to violate the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, [A/C.3/70/L.3](#)), which state 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."

The regime has ignored the Mandela Rules before in relation to medical treatment. In January 2017, an Astana court ordered cancer sufferer and Jehovah's Witness Teymur Akhmedov to be held in pre-trial detention while he awaited criminal trial for sharing his faith with others. The Judge [rejected defence pleas \(including a doctor's report stating the need for hospitalisation\) to have him transferred to house arrest so that he could gain treatment. The Judge claimed this was to defend a "civilised society"](#).

The general regime labour camp where Taurbekov is due to be sent is in Petropavl in North Kazakhstan Region close to Kazakhstan's northern border with Russia, more than 1,400 kms (875 miles) north of Almaty, which is close to Kazakhstan's southern border with Kyrgyzstan. Journeys from one prison to another can often take up to a month.

Colonel Dzhanibekov gave no reason for the decision to transfer Taurbekov so far from his family and the specialised medical care he needs, rather than to a general regime labour camp near Almaty. The telephone of the official who drafted the letter, M. Imakhanov, was not answered each time Forum 18 called on 6 May.

The telephone at the special department of Almaty's Investigation Prison LA-155/18 was not answered on 5 or 6 May.

Forum 18 was unable to find out whether Petropavl's ES-164/3 Labour Camp has the facilities to treat a prisoner with serious heart problems. Its telephones were not answered on either 6 May or 7 May (a public holiday).

24 prisoners of conscience

Felix Corley, Forum 18

Forum 18 (22.04.2020) - <https://bit.ly/3f4GPRy> - 24 Muslims are jailed for up to 8 years to punish exercising freedom of religion or belief. 3 Protestants were given jail terms in absentia. 6 individuals are serving restricted freedom sentences. 16 are under post-jailing bans on activity. 27 who completed sentences still have bank accounts blocked. "Religious practice must be protected and never be criminalized as extremism," insists UN Special Rapporteur Fionnuala Ní Aoláin.

Following the rejection of the appeal of Sunni Muslim Zhuldyzbek Taurbekov on 9 April, 24 individuals are known to be in jail serving sentences of up to eight years 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.

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.

Anuar Khatiyev, a deputy chair of the Information and Social Development Ministry's Religious Affairs Committee, refused to discuss why individuals are jailed and otherwise punished for exercising freedom of religion or belief. "I can't give you reliable information by telephone," he told Forum 18 from the capital Nur-Sultan on 22 April. "I don't want to lead you astray."

Following her May 2019 visit to Kazakhstan, Fionnuala Ní Aoláin, the United Nations Special Rapporteur for Protecting Human Rights while Countering Terrorism, strongly criticised in her January 2020 report the way "the broad formulation of the concepts of 'extremism', 'inciting social or class hatred' and 'religious hatred or enmity' in national law are used to unduly restrict freedoms of religion, expression, assembly and association" (see below).

Ní Aoláin also described "an overly bloated security sector, numerous overlapping layers of legislation and bodies that exist primarily to provide the appearance of a system based on the rule of law and a professed adherence to the principle of equality" (see below).

The Special Rapporteur also stated that "the counter-terrorism and extremism regimes provide excessive leeway to the authorities to target and silence those who peacefully question the established order, including various civil society actors, human rights defenders, trade unionists, journalists, bloggers, and members of marginalized communities or of communities legitimately exercising their religious freedoms. The overwhelming focus on extremism has no justification under international law" (see below).

Among her recommendations, Ní Aoláin stated: "Religious practice must be protected and never be criminalized as extremism" and "The peaceful exercise of the right to freedom of expression must never be construed as terrorism or extremism." She also stated that existing recommendations of the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, "should be implemented in full" (see below).

Some of the 24 known prisoners of conscience (as well as other 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 tortured 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 16 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 most recent criminal conviction was of Sunni Muslim Zhuldyzbek Taurbekov, despite his serious heart condition. An Almaty court jailed him for seven years on 6 January 2020 on 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 rejected the charges. Almaty City Court [rejected his appeal against his conviction on 9 April, as well as rejecting his appeal for early release on health grounds](#).

The same Almaty court jailed the other eight members of the WhatsApp Muslim discussion group in August 2019 [for between five and a half and eight years](#). However, after Almaty City Court [rejected the eight men's appeals in November 2019](#), 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 2019.

Known individuals convicted for exercising their freedom of religion and belief serving prison sentences (24), sentenced in absentia (3), serving restricted freedom sentences (6), under post-jailing bans (16) and still on the financial blacklist after completing sentences (27) are listed at the end of this article.

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).

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 2019 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

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 in 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.](#) 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.

UN Special Rapporteur for Protecting Human Rights while Countering Terrorism criticism
In her January 2020 report ([A/HRC/43/46/Add.1](#)) on her May 2019 country visit, Fionnuala Ní Aoláin the United Nations Special Rapporteur for Protecting Human Rights while Countering Terrorism, found that "the broad formulation of the concepts of 'extremism', 'inciting social or class hatred' and 'religious hatred or enmity' in national

law are used to unduly restrict freedoms of religion, expression, assembly and association."

The Special Rapporteur "expresses her profound disquiet at the impingement upon the absolute right of belief in the context of the broader right to freedom of religion or belief, resulting from the law and practice on extremism", noting that limitations must conform to the International Covenant on Civil and Political Rights.

She noted "limitations on the importation and distribution of religious literature, which targets distinct groups and individuals exercising their right to freedom of thought, conscience and religion. She notes with concern the post-jail bans handed down as part of sentences for individuals convicted of various forms of illegal practice of religion, which include bans on visiting places of worship or sharing their faith with others, for substantive periods."

Ní Aoláin also observed that the way "prisoners convicted of terrorism and extremism offences" are treated contravenes Kazakh domestic laws, the [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Mandela Rules\)](#) and Article 9 ["Liberty and security of person"] of the [International Covenant on Civil and Political Rights](#).

In her conclusions, the Special Rapporteur described "an overly bloated security sector, numerous overlapping layers of legislation and bodies that exist primarily to provide the appearance of a system based on the rule of law and a professed adherence to the principle of equality".

Ní Aoláin added that "the counter-terrorism and extremism regimes provide excessive leeway to the authorities to target and silence those who peacefully question the established order, including various civil society actors, human rights defenders, trade unionists, journalists, bloggers, and members of marginalized communities or of communities legitimately exercising their religious freedoms. The overwhelming focus on extremism has no justification under international law."

Among her 11 recommendations, the Special Rapporteur stated:

"Religious practice must be protected and never be criminalized as extremism. The recommendations of the Special Rapporteur on freedom of religion or belief (see [A/HRC/28/66/Add.1](#)) should be implemented in full."

"The peaceful exercise of the right to freedom of expression must never be construed as terrorism or extremism. No one should be criminalized for exercising the rights to freedom of peaceful assembly and of association. The recommendations of the Special Rapporteur on the rights to freedom of freedom of peaceful assembly and of association (see [A/HRC/29/25/Add.2](#)) should be implemented in full."

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 expected 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 Makhamatov; 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 Temirgaliyevich 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) Zhuldyzbek Abikenovich Taurbekov; Sunni Muslim; born 20 September 1978; arrested 27 October 2018; sentenced 6 January 2020 Almaty's Almaly District Court; Criminal Code Article 256, Part 2 and Article 174, Part 2; appeal rejected 9 April 2020 Almaty City Court, 7 years in a general regime labour camp plus "compensation" of 48,100 Tenge plus court fees of 112,295 Tenge. Expected prison release date: October 2025.

8) 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.

9) Samat Asylkhanovich Adilov; Sunni Muslim; born 28 August 1986; arrested 27 October 2018; 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) 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.

11) Esim Kadirzhumanovich Suleimenov; Sunni Muslim; born 1 February 1983; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaty 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) Azamat Gaidarovich Umbetaliyev; Sunni Muslim; born 10 January 1992; arrested 27 October 2018; sentenced 5 August 2019 Almaty's Almaty 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.

13) 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.

14) Nariman Kabdyrakhmanovich Seytzhano; 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 Ak-mola Regional Court; 5 year prison term, plus 91,693.58 Tenge fee, plus bank accounts blocked. Expected prison release date: January 2022.

15) 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.

16) 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.

17) 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.

18) 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.

19) Bakhytzhano 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.

20) Abduvakhb 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.

21) 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.

22) 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.

23) Taskali Nasipkaliyevich Naurzgaliyev; 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.

24) 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.

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 Almaly 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 16 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) 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 end of post-prison ban: January 2023.

4) 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.

5) 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.

6) 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.

7) 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.

8) 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.

9) 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.

10) 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.

11) 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.

12) 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.

13) 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.

14) 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.

15) 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.

16) 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 Dalelkhonovich 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.

Emergency hospital stay for jailed Muslim

By Felix Corley

Forum 18 (20.04.2020) - <https://bit.ly/2YlarnQ> - Muslim prisoner of conscience Zhuldyzbek Taurbekov, who suffers from dilated cardiomyopathy, was transferred from Investigation Prison to Almaty's Cardiology Centre but after six days was today (20 April) transferred back. "Doctors say he's better, but I don't believe it," says Taurbekov's mother. Earlier in April, Almaty City Court rejected Taurbekov's appeal against a seven-year jail term for participating in a Muslim WhatsApp group.

On 14 April, prison authorities transferred the seriously ill Muslim prisoner of conscience Zhuldyzbek Taurbekov from Almaty's Investigation Prison to the city's Cardiology Centre. However, they transferred him back to prison today (20 April). "Doctors say he's better, but I don't believe it," Taurbekov's mother Asemgul Zhaugasheva told Forum 18. "Six days is not enough for him to have recovered. He should have stayed longer in hospital."

Zhaugasheva added that she does not know if her son has been put back in a cell, or is in the Investigation Prison's medical unit. During his six-day stay in the Cardiology Centre, she was not able to visit her son because of the coronavirus outbreak. She saw him once, only from a distance (see below).

An official of the Special Department at Almaty's Investigation Prison refused to answer any of Forum 18's questions about prisoner of conscience Taurbekov, including about who had taken the decision to transfer him to the Cardiology Centre and back again, and whether doctors had recommended that he be transferred there before 14 April (see below).

Taurbekov's transfer to hospital came less than a week after Almaty City Court rejected the 41-year-old's appeal against his seven-year jail term for participating in a WhatsApp Muslim discussion group and his request for release from prison on health grounds (see below).

Taurbekov was arrested in October 2018 as one of a group of nine men who had taken part in the WhatsApp Muslim group. The authorities accused them of propaganda of terrorism and inciting hatred, charges all nine denied. An independent analysis of one of the messages found no incitement or aggression, while a second found the prosecution's "expert analysis" had been conducted "superficially" (see below).

The other eight Muslims were jailed in August 2019 for between five and a half and eight years. The case against Taurbekov was separated off from the others' case in July 2019 because of his condition and he was then tried individually (see below).

Now Taurbekov has lost his appeal, he is likely to have any bank accounts blocked, potentially making life very difficult for his wife and their young children (see below).

Taurbekov is among [24 known prisoners of conscience serving sentences for exercising freedom of religion or belief, all of them Sunni Muslims. In addition to those in prison, others have also been punished for exercising freedom of religion or belief: sentenced in absentia \(3\); serving restricted freedom sentences \(6\); under post-jailing bans \(16\); and still on the financial blacklist after completing sentences \(27\).](#)

2018 arrest, pre-trial detention, trial

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 Alatau District in Kazakhstan's commercial capital Almaty.

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

Taurbekov and eight other 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.

Taurbekov and the other eight men faced criminal charges of promoting "propaganda of terrorism" and "inciting hatred" for participation in a WhatsApp discussion group about Islam, which was monitored by the National Security Committee (KNB) secret police.

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 criminal trial of all nine Muslims – including Taurbekov – [began at Almaty's Almaly District Court on 12 March 2019](#). However, on 3 July 2019, as his health worsened (see below), Taurbekov's case was [separated off from that of the other eight](#).

The Judge [jailed the other eight Muslims for between five and a half and eight years on 5 August 2019](#). The eight men are among the [24 known prisoners of conscience serving jail sentences for exercising freedom of religion or belief](#).

Seven-year jail term

Zhuldyzbek Taurbekov's trial finally began at Almaty's Almaly District Court on 3 December 2019. On 6 January 2020, Judge Kairat Imankulov found Taurbekov guilty of violating Criminal Code Article 256, Part 2 and Article 174, Part 2 and sentenced him to seven years' imprisonment in general regime labour camp, according to the decision seen by Forum 18. He denied any wrongdoing.

Article 256 punishes "Propaganda of terrorism or public calls to commit terrorism".

Article 174 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".

In addition to the jail term, Judge Imankulov also ordered that Taurbekov pay 20 Monthly Financial Indicators, 48,100 Tenge, financial compensation to his "victims" (in fact to the Victims' Compensation Fund). The Judge also ordered him to pay 112,295 Tenge in court fees and the cost of "expert analyses" in the case, according to the verdict. The total fees represent more than three months' average wage for those in formal work.

As he announced the verdict, Judge Imankulov allowed Taurbekov to sit in the defendant's cage in the courtroom because of his poor state of health, particularly his heart condition, Kazis Toguzbayev of Radio Free Europe's Kazakh Service, who was present in court, noted on 6 January. The Judge stressed that the seven year prison term was the minimum punishment under these Criminal Code articles. The Judge added that Taurbekov could apply for release from prison on health grounds.

City Court rejects appeal

Taurbekov appealed against his sentence and prison term, as well as appealing for his early release on health grounds. However, a panel of three judges at Almaty City Court chaired by Judge Askhat Ashirbekov rejected both parts of his appeal on 9 April, the Judge's assistant told Forum 18 on 20 April. He said the decision came into force immediately. The court said the decision was issued in writing on 19 April.

The Judge's assistant refused to give any other information about Taurbekov's appeal hearing. "You are not a party to the case," he told Forum 18.

The appeal hearing was held on 8 and 9 April remotely because of the coronavirus outbreak, Taurbekov's lawyer Farkhat Guliyev told Forum 18 from Almaty on 15 April. The three judges were at the court, the prosecutor was on the phone, Guliyev and Taurbekov's mother were at the lawyer's office and the translator into Kazakh (Taurbekov's mother's native language is Kazakh while the trial and appeal were heard in Russian) was in another location. The court rejected defence appeals for Taurbekov to be present in court.

Following the rejection of Taurbekov's appeal, his mother Asemgul Zhaugasheva (who is also his public defender) lodged an appeal electronically to the Interior Ministry's Criminal Implementation Committee for him to be sent not to a distant labour camp but to be held either at Almaty's Investigation Prison or to a labour camp in Almaty Region.

Zhaugasheva argued that her son needed urgent treatment and his condition needed to be constantly monitored, and that his family, with young children, lives in Almaty, Radio Free Europe noted.

Urgent hospitalisation

Taurbekov was already ill at the time of his arrest on 27 October 2018. He 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 2019 hearing. On 27 June he was taken from Investigation Prison to hospital.

Taurbekov was treated as an in-patient at Almaty's Cardiology Centre from 27 June to 6 July 2019, and again from 7 to 15 July 2019, according to medical records seen by Forum 18. On 23 October 2019, after he had been imprisoned for almost a year, he was issued a certificate as a second-category invalid (seen by Forum 18). This category includes those who suffer "persistent severe impairment of bodily functions" which reduce the ability to move, look after oneself or work.

Doctors have given Taurbekov a diagnosis of dilated cardiomyopathy (a disorder in which the chambers of the heart are enlarged because the heart muscle is weakened and cannot pump effectively) with reduced ejection function, as well as arterial hypertension and other complaints, his lawyer Farkhat Guliyev told Forum 18.

On 14 April 2020, prison officials transferred Taurbekov from Almaty's Investigation Prison to the city's Cardiology Centre, Guliyev told Forum 18. He was placed in the Centre's Chronic Heart Condition ward.

That afternoon, the Cardiology Centre phoned Taurbekov's mother Asemgul Zhaugasheva at her son's request to inform her that he had been urgently transferred there. "When I got there it was nearly five o'clock in the afternoon," she told Toguzbayev of Radio Free Europe's Kazakh Service the same day. "No doctor was present. They didn't allow me in. Only the head of the prisoner transfer staff came down and said that my son had been hospitalised. He said nothing about my son's condition."

However, the Cardiology Centre transferred Taurbekov back to prison in the afternoon of 20 April. "Doctors say he's better, but I don't believe it," Zhaugasheva told Forum 18 the same day. "Six days is not enough for him to have recovered. He should have stayed longer in hospital."

Zhaugasheva added that she does not know if her son has been put back in a cell, or is in the Investigation Prison's medical unit. During his six-day stay in the Cardiology Centre, she was not able to visit her son because of the coronavirus outbreak. She saw him once, only from a distance.

An official of the Special Department at Almaty's Investigation Prison – who did not give her name – refused to answer any questions about prisoner of conscience Taurbekov, including about who had taken the decision to transfer him to the Cardiology Centre and whether doctors had recommended that he be transferred there before 14 April. "We don't give any information by telephone," she told Forum 18 on 20 April. She then put the phone down.

Taurbekov's address at Investigation Prison LA-155/18 in Almaty's Turksib District:

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

United Nations rules on treatment of prisoners

The United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, [A/C.3/70/L.3](#)) apply to people who have been sentenced as well as those 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."

In January 2017, an Astana court ordered cancer sufferer Teymur Akhmedov held in pre-trial detention while he awaited trial on criminal charges of sharing his faith as a Jehovah's Witness with others. The Judge [rejected defence pleas \(including a doctor's report stating the need for hospitalisation\) to have him transferred to house arrest so that he could gain treatment.](#)

Akhmedov was jailed for five years on charges of "inciting religious discord or hatred", charges he rejected, with a further post-jailing three-year ban on religious activity. During his imprisonment, as his condition worsened, he was diagnosed with sigmoid colon cancer and eventually transferred to hospital. He was [pardoned in April 2018.](#)

Financial blacklisting expected

Now Taurbekov has lost his appeal, he is likely to have any bank accounts blocked, potentially making life very difficult for his wife and their young children.

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.

More court-ordered religious literature destruction

Felix Corley

Forum 18 (01.04.2020) - <https://bit.ly/3dHt1vo> - In 2020, courts ordered destroyed one Muslim and 196 Christian publications. The owners were each fined one month's average wage. Punishing an individual for importing one religious book ("Selected Hadiths") for personal use is a "clear violation" by the court, a legal specialist noted. "Normally [the Police] destroy books by putting them in a stove, but I can't say if they've already destroyed the book," the judge told Forum 18.

In the cases of three individuals so far in 2020, courts have not only fined them about one month's average wage for bringing a religious book into Kazakhstan or offering religious literature to others, but ordered their literature destroyed. The Police were tasked with destroying the books.

In February a court in the southern Zhambyl Region ordered destroyed a hadith collection seized from a Kyrgyz citizen who had crossed the border into Kazakhstan. The judge ordered the one Muslim book destroyed even though the Religion Law allows individuals to bring into the country one copy of any one religious book for personal use (see below).

Punishing an individual for importing one religious book for personal use "is a clear violation on the part of the court", a legal specialist told Forum 18 (see below).

The judge declined to say why he had punished the individual. He said that the Police were tasked with destroying the hadith collection. "Normally they destroy books by putting them in a stove, but I can't say if they've already destroyed the book," he told Forum 18 (see below).

Police in a village in the north-eastern Pavlodar Region detained and seized Christian literature from two Baptists who were offering it for free on the streets. In early March, the local court fined them each one month's average wages and ordered the 196 items of Christian literature destroyed (see below).

Asked if he was comfortable taking decisions to order religious literature destroyed, one of the judges told Forum 18: "When we're enacting the law we don't distinguish on the basis of individuals' religious, racial or ethnic affiliation" (see below).

Courts often order seized religious literature to be destroyed. Forum 18 found six cases in 2019 where courts ordered Islamic and Christian literature to be destroyed (see below).

In 2015, Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law [condemned such court-ordered book destruction as "barbarism"](#).

These six 2019 literature destruction orders came among the [161 known Administrative Code prosecutions to punish the exercise of freedom of religion or belief. Of these, 141 ended with convictions, with almost all being fined](#). Individuals, religious communities and a company were punished for worship meetings, offering religious literature and items (including online), sharing or teaching faith, posting religious material online, praying in mosques, inviting a child to meetings, or inadequate security measures.

Another five individuals are known to have been fined between January and March 2020 for offering religious literature for sale online. Another was fined for offering five Korans for sale in a shop. Another was fined for lending two religious books to another individual, while yet another was fined for posting Islamic materials on the Telegram messaging app (see below).

Forum 18 was unable to reach the head of the Information and Social Development Ministry's Religious Affairs Committee, Erzhan Nukezhanov, on 31 March or 1 April to find out why individuals are punished for distributing religious literature without state permission and why courts sometimes order such literature to be destroyed. His telephone went unanswered.

The government's programme of extra measures under the "Religious Freedom Road-Map", signed off by the Information and Social Development Minister Dauren Abayev on 29 January, includes a proposal to introduce warnings as well as lower fines under the Administrative Code to punish exercising freedom of religion or belief. It describes such a proposal – to be considered in 2020 – as "humanisation" of the law (see below).

The programme of extra measures similarly includes a proposal – also to be considered in 2020 – to remove the requirement for religious objects to successfully pass a state "religious studies expert analysis" before registered religious organisations can distribute them (see below).

Other proposals in the programme of extra measures cover the way the state operates

the censorship system, but no proposal is included to abolish state censorship of or restrictions on distribution of literature about religion (see below).

Religious censorship

Kazakhstan imposes [tight restrictions on religious literature and other materials. Religious literature is subject to compulsory pre-publication censorship and – together with icons, pictures and jewellery with religious inscriptions - can be distributed only in state-approved venues. Sharing faith with others without state permission is also banned. The regime also 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.](#)

In [six cases in 2019, courts ordered seized religious literature to be destroyed](#): 29 Islamic books seized from a commercial seller in Kyzylorda; 18 Islamic books seized from another commercial seller also in Kyzylorda; 2 Islamic books a visitor from Kyrgyzstan had in her luggage; 4 Islamic leaflets seized from a Muslim in Aktobe; one Kyrgyz-language Islamic book seized from a visitor from Kyrgyzstan; and 2 Christian booklets (one of them co-written by a Russian Orthodox priest) seized from a Protestant in Aktobe. The individuals were each fined three weeks' or one month's average wage for those in formal work.

Fine, seized Muslim book ordered destroyed

On 20 December 2019, Kyrgyz citizen and resident Bakhtiyar Saitkomolov crossed the border from Kyrgyzstan into Kazakhstan's southern Zhambyl Region. Border guards of the Kazakh National Security Committee (KNB) found in his car one copy of the Kyrgyz-language book "Selected Hadiths" by Muhammad Zakariya Kandhlawi and others, according to the subsequent court decision seen by Forum 18. The book is a key text for adherents of the Tabligh Jamaat Muslim missionary movement.

Border guards seized the book, claiming it was illegal to import religious literature into Kazakhstan. The acting head of the Aysha Bibi check point, T. Seraliyev, prepared a record of an offence against Saitkomolov under Administrative Code Article 490, Part 1, Point 3.

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 Monthly Financial Indicators (MFIs), about one month's average wage for those in formal work.

Judge Doszhan Tolenbekov of Zhambyl District Court heard the case on 6 February 2020 in Saitkomolov's absence. He found him guilty and fined him the prescribed 50 MFIs, 126,250 Tenge. The Judge also ordered that the book seized from him should be destroyed.

As Saitkomolov did not have state permission to distribute religious literature, the Judge was unable to impose a temporary or permanent ban on such activity, according to the decision seen by Forum 18.

Illegal decision?

Judge Tolenbekov found Saitkomolov guilty despite outlining in his court decision the guarantee enshrined in Article 20, Part 2 of Kazakhstan's Constitution of free access to information provided it is not banned in law. Judge Tolenbekov also cited Article 9, Part 3

of the Religion Law, which allows the import of one copy of any one religious work into Kazakhstan provided it is for personal use.

Judge Tolenbekov's decision makes no mention that Saitkomolov intended to give the seized book "Selected Hadiths" to anyone else, so it appears he had it for personal use.

The Judge noted that Saitkomolov had not submitted the book for a state "expert analysis" before importing it. However, Article 9, Part 3 of the Religion Law appears to require this only when registered religious organisations import books or other materials about religion.

Punishing an individual for importing one religious book for personal use "is a clear violation on the part of the court", a legal specialist told Forum 18 from Kazakhstan on 31 March.

Asked why he punished Saitkomolov in apparent defiance of the law, Judge Tolenbekov responded that the defendant did not appear in court. "He agreed with the decision – he wrote to say so," the Judge told Forum 18 from the court on 1 April. He repeatedly refused to answer why he punished Saitkomolov for having one religious book for personal use and why he ordered it destroyed.

Judge Tolenbekov said that the Police were tasked with destroying the hadith collection. "Normally they destroy books by putting them in a stove, but I can't say if they've already destroyed the book," he told Forum 18.

Saitkomolov did not appeal against the fine and destruction order, Judge Tolenbekov added. "But nor did he pay the fine as he is in Kyrgyzstan and there is no inter-state agreement to recover the money."

Court orders destroyed 196 confiscated Christian publications

On 29 February, four Council of Churches Baptists travelled to the village of Akkuly in the north-eastern Pavlodar Region close to the border with Russia. There they offered Christian literature to villagers on the street.

Police detained two of the Baptists, Oleg Stepanenko and Nadezhda Smirnova, and took them to the police station, local Baptists told Forum 18. Officers demanded that the two write statements. The two said that they had been distributing Christian literature, citing their Constitutional right to do so.

Officers confiscated their Christian literature, which was in Russian and Kazakh: 3 copies of "Jesus our Destiny", 10 copies of "The Most Important Truths", 15 copies of "All Children Need to Know This", 98 copies of the newspaper "Do You Believe?" and 70 Christian leaflets.

Officers drew up cases against both Stepanenko and Smirnova 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 separate hearings on 2 March, Akkuly District Court fined Stepanenko and Smirnova 50 MFIs each (one month's average wage). In Smirnova's case, Judge Bibigul Sabitdenova banned her from unspecified activity for three months.

Judge Sabitdenova ordered 196 items of seized Christian literature to be destroyed, according to the decision seen by Forum 18.

In Stepanenko's case, Judge Kairbulat Karimov also ordered 196 items of seized Christian literature to be destroyed, according to the decision seen by Forum 18.

Asked why he had fined Stepanenko for offering religious literature to others on the street, Judge Karimov told Forum 18 from Akkuly on 1 April: "They committed an administrative violation – that is the procedure here. I was doing my job."

Asked why he had ordered the seized literature to be destroyed, Judge Karimov responded: "The literature they sought to distribute was destroyed because it was the instrument of their violation." Asked if was comfortable taking decisions to order religious literature destroyed, he responded: "When we're enacting the law we don't distinguish on the basis of individuals' religious, racial or ethnic affiliation."

Judge Karimov told Forum 18 that the Police were in charge of fulfilling the destruction order he had included in the decision.

Both Stepanenko and Smirnova appealed against the fines and literature destruction orders. Pavlodar Regional Court is due to hear their appeals on the morning of 2 April, court officials told Forum 18.

Continuing fines for offering religious literature for sale online

Courts continue to fine individuals for offering religious literature for sale online. Forum 18 found five such cases in the first three months of 2020, with fines of three weeks' or one month's average wages for those in formal work. In all cases, individuals had offered such literature for sale on the online shopping site Olx.kz. All five told the court that they did not know that offering religious books and materials for sale online is illegal, according to the decisions seen by Forum 18.

All five were punished 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").

The known 2020 cases:

1) Yelena Yaragina: Pavlodar Specialised Administrative Court fined her 35 MFIs on 6 February for offering a Children's Bible for sale online (a religious studies "expert analysis" had determined that the Children's Bible was religious).

2) Vyacheslav Safronov: Oskemen Specialised Administrative Court fined him 35 MFIs on 27 February for offering 3 New Testaments and an Orthodox prayer book for sale online (a religious studies "expert analysis" had determined that the books were religious).

3) Natalya Nurzhanova: Pavlodar Specialised Administrative Court fined her 35 MFIs on 11 March for offering 2 copies of the Bible for sale online (a religious studies "expert analysis" had determined that the Bibles were religious).

4) Anastasiya Litvinova: Petropavl Specialised Administrative Court fined her 50 MFIs on 11 March for offering a copy of the Bible for sale online (a religious studies "expert analysis" had determined that the Bible was religious), plus 3-month ban on activity, plus Bible withheld by police.

5) Altynai Kulmakhanbetova: Atyrau Specialised Administrative Court fined her 35 MFIs on 20 March for offering a copy of the Koran for sale online, plus 3-month ban on

activity.

Forum 18 found prosecutions of [24 individuals for offering religious items for sale online in 2019, 18 in 2018, and 10 in 2017.](#)

Fines for lending, selling and posting online religious literature

In addition, Kostanai Specialised Administrative Court fined Birzhan Arynbayev 35 MFIs (three weeks' average wages) on 17 February 2020 for lending two books on Islam to an individual who had repeatedly asked to borrow them. Arynbayev was similarly punished under Administrative Code Article 490, Part 1, Point 3, according to the decision seen by Forum 18. Kostanai Regional Court rejected Arynbayev's appeal on 16 March.

Also punished under the same Administrative Code Article 490, Part 1, Point 3 was Sergei Snitsarenko. Kostanai Specialised Administrative Court fined him 50 MFIs (one month's average wage) on 4 March for posting Islamic talks and texts on the Telegram messaging app.

On 18 March under the same Article, Taraz Specialised Administrative Court fined Moldir Umiraliyeva 50 MFIs (one month's average wage) for offering five copies of the Koran for sale in her shop.

No plans to abolish religious censorship?

The government's programme of extra measures under the "Religious Freedom Road-Map", signed off by the Information and Social Development Minister Dauren Abayev on 29 January, includes a proposal to introduce warnings as well as lower fines under Administrative Code Article 490 to punish exercising freedom of religion or belief.

It describes such a proposal – to be considered in 2020 – as "humanisation" of the law, according to the programme seen by Forum 18.

The programme of extra measures similarly includes a proposal – also to be considered in 2020 – to remove the requirement for religious objects to successfully pass a state "religious studies expert analysis" before registered religious organisations can distribute them.

Other proposals in the programme of extra measures cover the way the state operates the censorship system, such as to hold a seminar on how to "improve" the system or the way "experts" are chosen. However, the programme includes no proposal to abolish state censorship of or restrictions on distribution of literature about religion.

154 administrative prosecutions in 2019

In 154 known administrative prosecutions in 2019, 130 individuals (1 twice), 2 religious communities and 1 company were punished for worship meetings, offering religious literature and items (including online), sharing or teaching faith, posting religious material online, praying in mosques, inviting a child to meetings, or inadequate security measures. Yet an official claimed "We have no problems in the area of freedom of conscience."

By Felix Corley

Forum 18 (09.01.2020) - <https://bit.ly/2S361Nm> - Kazakhstan's authorities are known to have brought at least 154 administrative prosecutions in 2019 to punish individuals, three religious communities and one company for their exercise of freedom of religion or belief. Of these, 134 ended with convictions, with 130 individuals (1 twice), 2 religious communities and 1 company being fined. However, the true number of such administrative cases is likely to be higher.

The 154 known administrative cases in 2019 represent a fall in the rate of prosecutions. In 2018, 171 such prosecutions are known to have been brought. In 2017, 284 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 2019 cases compiled by Forum 18 (see full list below).

An official of the government's Religious Affairs Committee department that monitors legal cases punishing the exercise of freedom of religion or belief refused to discuss the prosecutions with Forum 18. "We have no problems in the area of freedom of conscience," Yerzhan Omar claimed (see below).

Muslims, Protestants (especially Council of Churches Baptists), Jehovah's Witnesses, and commercial and private sellers were many of the targets of these prosecutions. Council of Churches Baptists refuse to seek state permission to exercise their right to freedom of religion or belief.

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 five 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; 2 Islamic books a visitor from Kyrgyzstan had in her luggage; 4 Muslim leaflets seized from a Muslim in Aktobe; and one Kyrgyz-language Islamic book seized from a visitor from Kyrgyzstan.

In the first known such cases, police in January handed two Jehovah's Witnesses summary fines for sharing their faith under the Administrative Code Article which punishes "Harassment in public places" with small fines. Both fines were overturned on appeal. Similarly, in October a court overturned another police fine on a Jehovah's Witness accused under the same Article (see below).

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

In 2019, Jehovah's Witnesses note 38 incidents where 46 individuals were detained and taken to the police station "while peacefully speaking to others about their religious beliefs. Although the authorities did not pursue administrative or criminal charges, they

warned some of those detained that they would be fined for "Carrying out missionary activity without state registration" under Administrative Code Article 490, Part 3."

Known 2019 cases

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

- 36 (34 individuals, 1 community and 1 company) for meeting for worship, hosting such meetings or maintaining places for such meetings (40 in 2018, 88 in 2017).
- 13 individuals for offering religious materials to others for free (10 in 2018, 39 in 2017).
- 26 individuals for offering religious literature, icons or other items for sale (34 in 2018, 58 in 2017).
- 23 individuals for offering religious items for sale online (18 in 2018, 10 in 2017).
- 28 individuals for posting religious materials online (23 in 2018, 12 in 2017).
- 4 individuals for trying to import religious literature (0 in 2018, 4 in 2017).
- 8 individuals for sharing faith with others (17 in 2018, 31 in 2017).
- 8 Muslims (1 twice) 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).
- 4 individuals for teaching their faith (3 in 2018, 2 in 2017).
- 1 individual for allowing children to be present or conducting religious rites against the wishes of one parent (1 in 2018, 9 in 2017).
- 2 religious communities 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 135 of the 154 known 2019 cases were heard in court, but 19 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, Shymkent, Taraz or Maktaaral.

Of the 150 administrative cases known to have been brought against individuals in 2019, 104 were against men and 46 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 150 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.

"We have no problems in the area of freedom of conscience," official claims

The Chair of the Information and Social Development Ministry's Religious Affairs Committee Yerzhan Nurkezhanov was unavailable when Forum 18 called, his assistant told Forum 18 from the capital Nur-Sultan on 8 January.

Reached the same day, Yerzhan Omar, an expert of the Committee department that monitors legal cases punishing the exercise of freedom of religion or belief, refused to give Forum 18 details of the full number of such administrative prosecutions in 2019, saying the information is for "official use only". He also refused to explain why individuals, communities and a company are known to have faced such prosecutions in 2019.

Asked why an individual was punished for bringing three personal religious books into Kazakhstan while driving from Kyrgyzstan to Russia (see below), Omar responded: "Everyone has to respect the law. Bringing in religious books is banned."

Omar similarly refused to explain why 25 prisoners of conscience are serving sentences for exercising freedom of religion or belief. The most recent to be jailed was Zhuldyzbek Taurbekov, jailed for seven years by an Almaty court on 6 January for joining an Islamic discussion group on WhatsApp (see forthcoming F18News article).

"We have no problems in the area of freedom of conscience," Omar claimed to Forum 18.

Full list of known 2019 administrative prosecutions

The list of 153 known 2019 administrative prosecutions below is based on court decisions and other information known to Forum 18.

Punishing unapproved meetings, rituals

Known administrative cases: 36

Known convictions: 27

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

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

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

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

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

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

Verbal warning: 1 warning

3-month bans: 5 bans

Permanent bans: 1 ban

Muslims: 11

Protestants: 18 (all Council of Churches Baptists)

Jehovah's Witnesses: 3

Hare Krishna community: 1

Business figures: 2

Companies: 1

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

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

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

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

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

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

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

1) 5 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 Skorniyakov, 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
- 29) 4 July 2019, Serik Karymsak, Muslim, Taraz Specialised Administrative Court, Article 490, Part 1, operating unapproved prayer room, 35 MFI fine plus 3-month ban on prayer room
- 30) 4 September 2019, Daniyar Sandybayev, Muslim, Turar Ryskulov District Court, Article 490, Part 1, Point 1, giving sermon in mosque, 35 MFI fine
- 31) 19 September 2019, Aslan Berkimbayev, Muslim, Khromtau District Court, Article 490, Part 1, Point 1, running unapproved prayer room at railway station, 35 MFI fine plus 3-month ban on prayer room
- 32) 23 September 2019, Nurzhan Kopbosynov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 1, Point 1, praying in flat, acquitted for lack of proof
- 33) 24 September 2019, Farkhat Mullakhimov, Muslim, Taraz Specialised Administrative Court, Article 490, Part 1, Point 1, praying in flat, acquitted for lack of proof
- 34) 4 November 2019, Bekarys Mirasov, Muslim, Kurmangazy District Court, Article 490, Part 1, Point 1, praying evening prayers in school sports hall, 35 MFI fine
- 35) 11 November 2019, Fyodor Kogai, business centre director, Nur-Sultan Specialised Inter-District Administrative Court, Article 490, Part 1, Point 1, maintaining a prayer room in business centre, 140 MFI fine plus 3-month ban on prayer room
- 36) 9 December 2019, Kanat Torebekov, shopping centre manager, Saryagash Specialised Administrative Court, Article 490, Part 1, Point 4, maintaining a prayer room in shopping centre, acquitted

Punishing offering free religious materials

Known administrative cases: 13

Known convictions: 12

50 MFI fines (1 month's average wage): 7 fines

35 MFI fines (3 weeks' average wages): 5 fines

3-month bans: 4 bans

Literature destruction orders: 1 order

Protestants: 10 (including 7 Council of Churches Baptists)

Muslims: 1

Jehovah's Witnesses: 1

Unknown: 1

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

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

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

- 1) 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 Zhumabayev 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
- 8) 7 August 2019, Gennady Sheleg, Protestant, Shal Akyn District Court, Article 490, Part 1, Point 3, offering Christian books on the street, 50 MFI fine
- 9) 8 August 2019, Murat Dosmagambetov, Muslim, Aktobe Specialised Administrative Court, Article 490, Part 1, Point 3, offering 4 Muslim leaflets at railway station, 35 MFI fine (because of disability allowed to pay in instalments) plus 3-month ban on activity plus literature destruction
- 10) 17 October 2019, Yury Dimitrienko, Council of Churches Baptist, Ualikhan District Court, Article 490, Part 1, Point 3, offering Christian books on the street, 50 MFI fine

11) 25 October 2019, Denis Yenenko, Council of Churches Baptist, Shal Akyn District Court, Article 490, Part 1, Point 3, offering Christian books on the street, 35 MFI fine plus 3-month ban on distributing religious literature

12) 10 December 2019, Kanaot Asimdzioni, unknown, Osakarovka District Court, Article 490, Part 1, Point 3, sharing religious video with friend via WhatsApp, 35 MFI fine

13) 31 December 2019, Bekali Akhunbekov, Jehovah's Witness, Saryagash Specialised Administrative Court, Article 490, Part 3, showing religious film to residents on tablet computer, acquitted

Punishing offering religious literature, items for sale

Known administrative cases: 26

Known convictions: 22

Initial criminal cases (Article 174): 1 case

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

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

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

Verbal warnings: 1 warning

3-month bans: 15 bans

Literature destruction orders: 2 orders

Commercial traders: 24

Muslims: 1

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

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

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

1) 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 Makhracheva, 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) 29 May 2019, Viktoriya Sizukhina, commercial seller, Nur-Sultan [Astana] Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 1 Bible for sale, 35 MFI fine plus 3-month ban on selling religious literature
- 17) 31 May 2019, Baurzhan Kudabayev, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, acquitted

18) 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

19) 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

20) 11 June 2019, Saltanat Koszhanova, commercial seller, Kyzylorda Specialised Administrative Court, Article 490, Part 1, Point 3, offering religious items for sale, verbal warning

21) 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

22) 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

23) 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

24) 31 October 2019, Tolkyn Khairullina, commercial seller, Semei Specialised Administrative Court, Article 490, Part 1, Point 3, offering 2 golden and 1 silver religious pendants for sale in shop, 35 MFI fine

25) 11 November 2019, Dinara Sergeyeva, commercial seller, Nur-Sultan Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, offering 11 icons for sale in shop, 35 MFI fine plus 3-month ban on selling religious literature

26) 10 December 2019, Tamara Kornienko, commercial seller, Pavlodar Specialised Administrative Court, Article 490, Part 3, offering Russian Orthodox books for sale in shop, 70 MFI fine

Punishing offering religious literature, items for sale online

Known administrative cases: 23

Known convictions: 23

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

35 MFI fines (3 weeks' average wages): 18 fines

Verbal warnings: 3 warnings

3-month bans: 6 or 7 bans

1-month bans: 3 or 4 bans

Literature retention orders: 2 orders

Private sellers: 23

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

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

- 1) 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 Kunchekyev, 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

21) 23 July 2019, Lyudmila Dvinyanina, seller, Pavlodar Specialised Administrative Court, Article 490, Part 1, Point 3, offering children's Bible for sale online, 35 MFI fine

22) 7 October 2019, Yevgevy Parfenov, seller, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, offering 1850 Russian Orthodox book for sale online, 50 MFI fine

23) 14 November 2019, Samal Mukhtarova, seller, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, offering 6 religious books for sale online, 35 MFI fine plus 3-month ban

Punishing posting religious materials online

Known administrative cases: 28

Known convictions: 27

Initial criminal cases (Article 174): 2 cases

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

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

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

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

35 MFI fines (3 weeks' average wages): 14 fines

3-month bans: 9 bans

Bans of unspecified duration: 1 ban

Muslims: 28

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

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

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

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

- 1) 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 Nazyrbekov, 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) 4 June 2019, Akhmet Zhangeldi, Muslim, Almaty Specialised Inter-District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 16) 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
- 17) 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
- 18) 12 August 2019, Talgat Madenov, Muslim, Zheskazgan District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 19) 14 August 2019, Murat Ulykpan, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban on activity
- 20) 16 September 2019, Nursultan Akkoshkarov, Muslim, Zheskazgan District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine
- 21) 22 October 2019, Askar Kakimov, Muslim, Kyzylzhar District Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine plus 3-month ban on distributing religious literature
- 22) 6 November 2019, Margulan Tashenov, Muslim, Zheskazgan District Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 23) 10 December 2019, Zhanat Umbetov, Muslim, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 24) 10 December 2019, Anuar Atygayev, Muslim, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 25) 10 December 2019, Aspandiyar Tasybayev, Muslim, Ekibastuz Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine
- 26) 13 December 2019, Aslan Tasbulatov, unknown, Petropavl Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine
- 27) 23 December 2019, Erik Tektai, Muslim, Karkaraly District Court, Article 490, Part 1, Point 3, posting religious materials online, 50 MFI fine plus 3-month ban

28) 24 December 2019, Sekengali Doskaliyev, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 1, Point 3, posting religious materials online, 35 MFI fine plus 3-month ban

Punishing trying to import religious literature

Known administrative cases: 4
Known convictions: 4
50 MFI fines (1 month's average wage): 4 fines
3-month bans: 2 bans
Literature destruction orders: 2 orders

Muslims: 3
Traders: 1

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

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

1) 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

3) 7 August 2019, Kubatbek Isayev, Muslim (Kyrgyz citizen), Zhambyl District Court, Article 490, Part 1, Point 3, 3 books he brought through Kazakh border in transit to Russia were religious, 50 MFI fine plus 3-month ban

4) 19 December 2019, Aizharkyn Dzhaliyeva (Kyrgyz citizen), Muslim, Zhambyl District Court, Article 490, Part 1, Point 3, having 1 Kyrgyz-language Islamic book in luggage entering Kazakhstan from Kyrgyzstan, 50 MFI fine plus book destruction

Punishing sharing faith

Known administrative cases: 8
Known convictions: 5
100 MFI fines (2 months' average wages): 4 fines
3.5 MFI fines (2 days' average wages): 1 fine

Protestants: 3 (all Council of Churches Baptists)
Jehovah's Witnesses: 4
Muslims: 1

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

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

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

- 1) 4 January 2019, Alla Oleinikova, Jehovah's Witness, Shymkent Police, Article 449, Part 1, sharing faith, 5 MFI fine (overturned on appeal)
- 2) 4 January 2019, Galina Tsyplenkova, Jehovah's Witness, Shymkent Police, Article 449, Part 1, sharing faith, 5 MFI fine (overturned on appeal)
- 3) 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
- 4) 22 April 2019, Dmitry Isayev, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine
- 5) 23 April 2019, Andrei Labinsky, Council of Churches Baptist, Oral Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine
- 6) 30 July 2019, Tolon Almanbetov (Kyrgyz citizen), Muslim, Zhetisai District Court, Article 490, Part 3, sharing faith on street, acquitted
- 7) 10 September 2019, Rakhatbai Ermanov, Jehovah's Witness, Nur-Sultan Specialised Administrative Court, Article 490, Part 3, sharing faith, 100 MFI fine
- 8) 15 September 2019, Akbota Zhakypova, Jehovah's Witness, Maktaaral Police, Article 449, Part 1, sharing faith, 5 MFI fine (overturned on appeal); 4 October 2019, Article 492, Part 2, 3.5 MFI fine

Punishing violating mosques' internal rules

Known administrative cases: 9

Known convictions: 8

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

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

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

Muslims: 8 (1 of them twice)

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

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

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

- 1) 12 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
- 5) 12 July 2019, Adilet Amanov, Muslim, Zhiloi District Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 6) 22 August 2019, Salauat Dosmukhanov, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 2, Amen in mosque, 50 MFI fine
- 7) 9 September 2019, Anuar Urazakov, Muslim, Isatai District Court, Article 490, Part 2, Amen in mosque, 35 MFI fine
- 8) 11 November 2019, Rustem Adaibayev, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 8, Amen in mosque (repeat "offence" – fined in October 2018), 200 MFI fine
- 9) 19 November 2019, Salauat Dosmukhanov, Muslim, Atyrau Specialised Administrative Court, Article 490, Part 8, Amen in mosque (repeat "offence" – see above), 200 MFI fine

Punishing religious teaching

Known administrative cases: 4

Known convictions: 4

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

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

Muslims: 4

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

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

- 1) 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

3) 24 July 2019, Shisir Ur, Muslim, Article 490, Part 3, Kordai District Court, teaching Koran to up to 25 children at parents' request, 70 MFI fine

4) 23 September 2019, Yakub Kelir, Muslim, Article 490, Part 3, Kordai District Court, teaching religion to children, 100 MFI fine

Punishing involvement of children

Known administrative cases: 1

Known convictions: 0

Administrative Code 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.

Jehovah's Witnesses: 1

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

1) 4 July 2019, Dmitry Bukin, Jehovah's Witness, Article 490, Part 7, Nur-Sultan Specialised Inter-District Administrative Court, invited child to worship meeting, case closed because of time limit for prosecution, his appeal against case closure rejected 15 August 2019

Punishing inadequate security measures

Known administrative cases: 2

Known convictions: 2

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

Protestant churches: 2

Administrative Code Article 149, Part 1 punishes inadequate anti-terrorism measures with a fine for non-commercial organisations of 200 MFIs.

1) 21 August 2019, Emmanuel Church, Baptist, Shymkent Specialised Administrative Court, Article 149, Part 1, inadequate anti-terrorism measures, 200 MFI fine

2) 25 September 2019, Sun Bok-Ym Church, Pentecostal, Shymkent Specialised Administrative Court, Article 149, Part 1, inadequate anti-terrorism measures, 200 MFI fine