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Fines for "extremist" books

Forum 18 News Service (06.01.2014) - Two Protestants in Kazakhstan's capital Astana were fined nearly four weeks' average wages in December 2013 for possessing Christian texts which the court found to be "extremist", according to court documents seen by Forum 18 News Service. One of the books had been banned as "extremist" one month after it was seized from one of those fined. However, Forum 18 can find no court decision banning any of the other texts as "extremist".

An Astana court is due to rule on 13 January whether a text by Salafi Muslim Mohammed ibn Abdul-Wahhab is "extremist" and should be banned (see below).

Protestants have repeatedly rejected to Forum 18 accusations by state bodies that works confiscated from them are "extremist" and deserve to be banned.

Unannounced hearings

Because court hearings to rule whether materials are "extremist" take place unannounced and because no published list of banned books appears to exist, people in Kazakhstan remain unaware of what has and has not been banned.

The unannounced nature of court hearings also makes it impossible for book publishers, distributors, readers or free speech advocates to challenge court-ordered bans.

The government's Agency of Religious Affairs (ARA) – which is often represented in "extremism" court hearings - does not publish on its website a list of religious books banned by the courts as "extremist". Forum 18 has repeatedly asked the ARA for such a list, most recently on 6 January, but has not received a copy. Saktagan Sadvokasov, the ARA spokesperson, refused to tell Forum 18 that day where people can get a copy of the list. He insisted that such bans were imposed by the courts, not by his Agency.

Bans and "bans"

Kazakhstan has three levels of banned religious literature: items banned by courts as "extremist"; items which the ARA has refused to approve for publication, import and distribution; and items which it has not given a response on or has not considered. Even senior ARA officials appear confused about how the censorship system operates.

Courts have included some religious publications in the numerous materials they have banned as "extremist". Once a work has been banned, those distributing it risk prosecution under Criminal Code Article 164, Part 1, or Code of Administrative Offences Article 344, Part 4.

However, under Kazakhstan's strict system of state-imposed religious censorship, all religious books are in any case illegal unless the ARA has declared them as legal. Some titles (but not all) which have successfully passed the ARA censorship are then included on the ARA website as having been approved for publication and distribution. However, distribution can only take place in approved venues (registered places of worship and state-licensed shops).

The Astana fines came as Bibles and 12 icons seized by officials from a shop in the city of Oral (Uralsk) in October 2013 have still not been returned three months later. The shop owner is to be brought to court for selling religious materials without the required state licence.

Raids and literature seizures

Prosecutors raided two Protestant organisations in Astana in October 2012. During the raid on the Bible League of Kazakhstan, they seized the computer belonging to its head, Igor Voronenko. During the raid on one of the city's Baptist churches, they seized copies of five books, according to separate court decisions seen by Forum 18.

Both raids were part of the same criminal case against retired Presbyterian Pastor Bakhytzhn Kashkumbayev. Under arrest since 17 May 2013, the 67-year-old pastor remains in the medical unit of Astana's Investigation Prison. The criminal case against him appears to have been completed and he is likely to face trial soon. A charge of distributing "extremist" materials appears to be part of the charges.

Following the October 2012 raids, both Voronenko and Baptist pastor Gennadi Vrublevsky were accused of distributing "extremist" literature. Prosecutors deemed that their actions

should not be subject to Criminal Code Article 164, Part 1. This punishes "inciting religious hatred", among other offences, with a fine or a prison term of up to seven years.

Prosecutors instead brought cases against Voronenko and Pastor Vrublevsky under Administrative Code Article 344, Part 4. This punishes "production, storage, import, transport and distribution" of non-media publications containing "propaganda or agitation for a violent change to the constitutional order, violation of Kazakhstan's territorial integrity, subversion of state security, war or the incitement of social, racial, ethnic, religious, class or clan discord, the cult of brutality, violence and pornography" with fines of 50 to 200 Monthly Financial Indicators (MFIs).

At separate hearings on 7 December 2013, Judge Beibit Nurzhan of Astana's Specialised Inter-District Administrative Court found them guilty and fined each 50 MFIs, 86,550 Tenge (3,500 Norwegian Kroner, 400 Euros or 550 US Dollars). This represents nearly four weeks' average wage for each, according to the government's Statistics Agency. Voronenko and Pastor Vrublevsky both admitted that they had the specified literature, according to the court decisions.

Voronenko and Pastor Vrublevsky chose not to appeal against the judgments and reluctantly paid the fines in the hope that they can avoid further pressure from the state, Protestants who asked not to be identified for fear of state reprisals told Forum 18 from Astana.

"Signs of ethnic and religious hatred"?

Voronenko was accused of having in his computer two "extremist" Russian-language works: "Conversation with Muslims about Christ 1, 2, 4, 5, 6, 7, and 8", and "How to Talk to Muslims about the Gospels". Prosecutors insisted that an "expert analysis" No. 756 of 18 March 2013 had found that these works "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion". The court decision does not reveal who wrote the "expert analysis".

Voronenko told the court he did not know that these texts had been banned and that having them in his computer was illegal. The court ordered that in addition to his fine, his computer should be reformatted to remove all material on it before it is returned to him.

Pastor Vrublevsky was accused of possessing five "extremist" books, four in Russian and one in Kazakh: "Healing the Broken Family of Abraham" by American Protestant Don McCurry and "Israel and the Kingdom of Islam" by the late German Protestant Ernst Schrupp, as well as "The Call for the Great Commission", "Islam and Occultism" and "Questions which Demand an Answer".

The court decision said "expert analysis" No. 5225 of 27 September 2013 (replicating the comments in the 18 March 2013 analysis) had found that the books "contain signs of ethnic and religious hatred and enmity and statements on the superiority of the Christian religion and the inferiority of the Islamic religion". It does not reveal who wrote the "expert analysis".

The freedom to make claims about the relative merits or demerits of religious or non-religious views is a central part of freedom of religion or belief.

The court decision says that the Baptist congregation's books are to be confiscated, but does not reveal what should then happen to them. In three administrative cases in 2013 known to Forum 18, courts ordered confiscated religious books (including Bibles) to be

destroyed, although in one of the cases the destruction order was overturned after widespread public outrage.

Seized before court-ordered ban

The Russian translation of "Healing the Broken Family of Abraham" is the only religious book known to have been banned as "extremist" in Kazakhstan. On 22 November 2012 Almaty's Almaty District Court No. 2 banned its publication, import and distribution in Kazakhstan. It found that the book contains "elements of incitement to religious hatred and discord."

It remains unclear why Pastor Vrublevsky was punished for having McCurry's book, as it was not banned by a court until a month after the book was seized from him in the raid. The "expert analyses" have not been published and, to Forum 18's knowledge, none of the other texts have been banned as "extremist" by a court.

The cases against Voronenko and Pastor Vrublevsky were prepared by Astana's Almaty District Prosecutor's Office official Gaukhar Saparbayeva. Despite repeated calls, Forum 18 was unable to reach her on 6 January. One of her colleagues said she has temporarily been assigned to the city Prosecutor's Office. Messages sent to her went unanswered.

Judge Nurzhan refused to respond to any questions on the cases. "I have no right to answer any questions by telephone," he told Forum 18 from Astana on 6 January and put the phone down.

Investigations

Other religious writings are being investigated for possible banning as "extremist". On 28 December 2013, Judge Maiya Galiyeva of Astana's Saryarka District Court set 13 January 2014 for the hearing to determine whether a Russian translation of the work "Explanation of the Three Fundamental Principles of Islam" is "extremist", according to court documents seen by Forum 18. The book – at least part of which was written by the Salafi Muslim Mohammed ibn Abdul-Wahhab, who helped found a precursor to the present-day kingdom of Saudi Arabia – is 543 pages and was published in Cairo in 2008.

Invited to the hearing of the suit – brought by Akmola Transport Prosecutor's Office – are the National Security Committee secret police, the Interior Ministry, the Justice Ministry, the Transport Ministry and the Agency of Religious Affairs. Also invited is Aidos Akhmetov, a resident of Astana. Forum 18 has been unable to find out whether he is the owner of a copy seized by prosecutors or has some other involvement in the case.

The telephones of the Transport Prosecutor's Office went unanswered each time Forum 18 called on 6 January.

Websites banned

Courts have also banned many websites and webpages as "extremist". Two webpages by Christians making often trenchant criticisms of Islam, as well as an article by a Muslim criticising democracy, have also been banned as "extremist."

Other websites and webpages banned relate to bomb-making or violent jihad.

Ban fails

However, not all attempts to ban religious publications succeed, Forum 18 notes. Astana's Prosecutor tried to ban as "extremist" a Kazakh translation of the Turkish book "The Religion of Islam" by Osman Karabiyik. Two "expert analyses" it ordered – of 11 July 2011 and 20 March 2012 – found "signs of extremism" in this and another work. A 21 December 2012 "expert analysis", by contrast, failed to find any "extremism".

On 25 December 2012, Judge Miras Satybaldin of Astana's Saryarka District Court rejected the Prosecutor's Suit. The Prosecutor appealed against the decision. At a 13 June 2013 hearing at Astana Appeal Court, the original rejection of the suit was upheld, according to the decision seen by Forum 18. Unusually for such banning hearings, the publisher – Turkestan Cultural Fund – was represented (their representative was also the book's translator).

At both hearings, "specialists" from the Agency of Religious Affairs insisted that the books did not contain incitement to hatred on grounds of religion, social origin or ethnicity. Ainur Abdirasilkyzy, head of the Agency's Religious "Expert" Analysis Department, told the appeal hearing that the Agency had commissioned its own "expert analysis" of "The Religion of Islam" to check that it did not incite "inter-religious enmity".

Abdirasilkyzy explained to the court that it is the role of her Department to check religious literature. "When signs of extremism are discovered, materials are sent to the National Security Committee and Interior Ministry for the adoption of appropriate measures to ban the given materials," she told the court.

"They need permission from the local authorities"

Forum 18 (21.11.2013) - Up to 16 police officers and journalists – led by the local religious affairs official – raided the meeting for Sunday worship on 10 November of a small Baptist congregation in Oral (Uralsk) in West Kazakhstan Region, local Baptists complained to Forum 18 News Service from the town on 21 November. Ten of those present are due in court to face possible fines of one or two months' average salary.

Meanwhile the prayer-leader at a mosque in the north-western city of Aktobe [Aqtobe], which failed to regain compulsory state registration in October 2012, has had his appeal against a fine rejected. And in a village near Aktobe, a Muslim who turned his newly-built home into a mosque with an unapproved minaret has been fined.

Sunday morning raid

The Council of Churches Baptist congregation in Oral had begun its 10 November meeting for Sunday morning worship when local police arrived, led by the head of West Kazakhstan Regional Akimat (Administration) Religious Affairs Department Talgat Nygmetov, local Baptists told Forum 18. Accompanying them were journalists with video-cameras and smartphones.

"They immediately started filming without asking permission and without introducing themselves," one church member present complained to Forum 18.

Nygmetov of the local Religious Affairs Department tried to halt the service, but church members insisted they would carry on until the service was over. But without waiting for the end of the service, police officers took four church members out of the meeting and took them to the local police station.

Police drew up a record of an "offence" against 10 individuals – Sergei Krasnov, Ivan

Isayev, Serkali Kumargaliev, Vladimir Nelepin, Aleksandr Nelepin, Andrei Labinsky, Nikolai Novikov, Kenzhetai Baytinov, Vladimir Trifonov and Anatoli Lazarenko. All face trial under Article 374-1 of the Code of Administrative Offences. Hearings are due, at least for some, on 28 November at Oral Specialised Administrative Court, according to court documents seen by Forum 18.

Article 374-1, Part 1 bans "Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation", and Part 2 bans "Participation in the activity of an unregistered, halted, or banned religious community or social organisation". At least 77 fines are known to have been imposed in 2013 under this Article alone in 2013, many of about the equivalent of one or two months' average salary.

If Lazarenko – who is aged 79 - is fined he would be the joint second-oldest individual known to have been fined in 2013 to punish them for exercising the right to freedom of religion or belief. The oldest was fellow Baptist Yegor Prokopenko, who was 86 when fined in April. Others fined have been in their seventies.

No answers

Despite repeated calls, Forum 18 was unable to speak to Nygmetov at the Akimat on 21 November. Forum 18 waited while his assistant went to ask if he was available to speak. After a delay the phone line was cut. When Forum 18 called back, the assistant – who did not give her name – told Forum 18 it was a wrong number.

Forum 18 could find no police officer prepared to explain why the Baptist Church's Sunday service had been raided. Oral Prosecutor Aydin Rashidov claimed to Forum 18 on 21 November that his office was not involved.

Church member fired for his faith?

Church members told Forum 18 that Baytinov, one of those expecting to be fined, had been sacked from his job as a caretaker at Oral's School No. 1 because of his faith. He had worked at the school for a year and his last day at work was 4 November, less than a week before the raid on the church.

They said school headteacher Nurly Dauletkaliyeva had been summoned by Oral's Prosecutor's Office and instructed to remove him from his job. "They said he is a 'sectarian' who spreads his faith at work," church members told Forum 18.

Dauletkaliyeva of School No. 1 denied that Baytinov had been sacked and that his faith was connected to the end of his contract. "No-one summoned me," she insisted to Forum 18 on 21 November. "His contract was for one year and it ended. He had been told it would be ending."

Prosecutor Rashidov denied absolutely that any of his staff had summoned headteacher Dauletkaliyeva and pressured her to sack Baytinov. "This is the first I heard of this," he claimed to Forum 18. "It didn't happen."

Independent mosque's imam loses appeal

Imam Mukhammad Toleu has failed in his appeal against an administrative fine for leading prayers in Fatikha Mosque in Aktobe, according to the verdict seen by Forum 18. He had been found guilty on 27 September by Aktobe Specialised Administrative Court of violating Administrative Code Article 375, Part 1 ("Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious

literature and other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship").

Imam Toleu was fined 50 MFIs or 86,550 Tenge (about 3,500 Norwegian Kroner, 425 Euros or 550 US Dollars), which is about one month's average wages, for his "offence". Article 375 was greatly expanded at the same time the harsh 2011 Religion Law was introduced. Many fines have been imposed under this Article in 2013.

Long targeted

The Justice Department had registered the mosque community in September 2005 at the address of the home, registration it retained until 2012. But officials have since then worked to halt the use of the Fatikha Mosque for meetings for worship. Mosques are being denied re-registration – and so permission to exist – if they will not join the Muslim Board, with independent and ethnic minority mosques having being particularly targeted since at least 2010.

In a suit brought by Aktobe Akimat, Aktobe City Court ruled on 24 August 2011 that the house used by the Fatikha Mosque was a residential property and banned the owners from using it for worship, according to the ruling seen by Forum 18. Aktobe Regional Court rejected one of the home owners' appeal against the decision on 11 October 2011.

The city authorities had already forced the home owners to take down a notice in Arabic and a half moon symbol from the outside of the house.

Forum 18 was unable to question Aktobe Region Akimat's head of the Religious Affairs Department, Baurzhan Yesmekhan, or anyone at the Justice Department on 21 November.

Re-registration bid rejected

After the adoption of the October 2011 Religion Law, all religious communities were given one year to apply to be re-registered. Despite frequent assertions by state officials that the 2011 Religion Law states that all mosques must belong to the state-controlled Muslim Board (a monopoly that is not imposed on any other religious community), Forum 18 cannot find this requirement in this or in any other published law.

Fatikha Mosque lodged its re-registration application on 24 October 2012, the day before the deadline. However, within 24 hours the Justice Department rejected the application, claiming the documents "were not in accord with the demands of the law".

Many religious communities complained of what they variously described as the "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" compulsory re-registration process – which broke the country's international human rights obligations. On 27 November 2012, Aktobe Region Inter-District Specialised Economic Court approved the Justice Department's suit to liquidate Fatikha Mosque, according to the ruling seen by Forum 18.

However, state-approved Muslim communities, along with the Catholic Church, were given different and more favourable treatment to other communities in state decisions on whether they were allowed to exist.

Raid

The most recent trouble for Fatikha Mosque began when a meeting for Friday prayers was raided on 19 July 2013. Up to 30 worshippers were present. Adilbek Zhanybekuli of

the police Department for the Struggle Against Extremism told Aktobe Specialised Administrative Court on 27 September that he had received a report that individuals were praying at the mosque and called in the Prosecutor's Office and the National Security Committee (KNB) secret police.

Toleu told the court that "no law bans praying five times a day". However, the court found him guilty, based on statements from officials and photographs they had taken.

On 14 November, Aktobe Regional Court rejected Toleu's appeal, according to the verdict seen by Forum 18.

"No permission to meet"

Prosecutor's Assistant Talap Usnadin, who had appeared in Aktobe Specialised Administrative Court, defended the prosecution. "They had no registration and no permission to meet [for worship]," he insisted to Forum 18 from Aktobe on 20 November. Asked why, he insisted that "they need permission from the local authorities".

An officer of the police Department for the Struggle Against Extremism told Forum 18 on 21 November that Zhanybekuli, who had initiated the case against Toleu, was not in the office. "I can't give any information on the case," he added and put the phone down.

Also liquidated at the same time as Fatikha Mosque was Aktobe's Nurdaulet Mosque – a Hanafi Sunni community in the city centre. Community members chose not to challenge the final liquidation but insisted they would continue to seek to function and gain new registration.

Struggling to survive

One independent mosque that is still struggling through the courts to continue to exist is the Tatar-Bashkir Mosque in Petropavl in North Kazakhstan Region. On 30 October North Kazakhstan Regional Court rejected the community's latest appeal against an earlier court decision setting up a commission to liquidate the community, according to the decision seen by Forum 18.

"We have lodged a case now to Kazakhstan's Supreme Court, and if that fails we will try to bring a case internationally," one community member told Forum 18 from Petropavl on 20 November.

Appeals from Kazakhstan against violations of the state's international human rights commitments are possible to the United Nations (UN) Human Rights Committee and other UN mechanisms in Geneva. These include the office of the Special Rapporteur on Freedom of Religion or Belief.

Up to about 40 community members still gather for Friday prayers at the mosque, compared to up to 150 before the 2011 Religion Law. Attendance has dropped because "people are afraid of the authorities". The imam and members of another independent mosque denied re-registration after intense state pressure - who asked not to be identified - told Forum 18 that when they met to discuss applying for new registration, officials "came out of nowhere" and threatened them with punishment.

Initial attempts to cut electricity off from the Tatar-Bashkir mosque after the initial court decision liquidating the community have been suspended, the community member added.

Illegal mosque or minaret?

Meanwhile, another mosque functioning in a private home in Aktobe has been targeted. Amanat Sundetov bought a plot of land of 1,000 square metres (about a quarter of an acre) in the village of Akzhar on the edge of Aktobe in May 2012 to build a private house. Once built, he said neighbours asked if he could turn part of it into a mosque and he agreed, according to court documents seen by Forum 18. He turned part of it into a prayer-room with prayer mats for up to 70 worshippers.

However, Murat Balbayev of the City's Architecture Department insisted that Sundetov had also built a minaret which was not on the original plan. "No private home in Aktobe has a minaret," he told Aktobe's Specialised Administrative Court on 28 August 2013 when Sundetov was tried for his offence.

But Sundetov was not accused of building an illegal minaret. He was accused of violating Administrative Code Article 375, Part 1 by building and opening a place of worship "and conducting religious rituals" without approval from the Regional Religious Affairs Department, according to the verdict seen by Forum 18.

An officer of Aktobe Police's Department for the Struggle with Extremism, S. Konyrbai, told the court that he had received information that a mosque was "illegally functioning" in the village. He visited twice and observed both times that up to 15 people were conducting the namaz in the premises. At his request the local police conducted "operational filming". Judge Murat Bayzhanov fined Sundetov 50 MFIs or one month's average salary.

No answers

The same officer at the Aktobe Police's Department for the Struggle with Extremism told Forum 18 that officer Konyrbai was also out of the office on 21 November. He refused to give any further information about Sundetov's case.

Despite repeated calls, Forum 18 was unable to find out from Aktobe City's Architecture Department whether Sundetov's minaret or the house was in violation of the regulations, and why he cannot hold prayers in his house. Although Balbayev appears to have been in the office, officials told Forum 18 he was not present. "He dealt with this issue," one official told Forum 18 on 21 November. Acting Department head Talgat Zhubikeshov was out of the office.

Pastor re-arrested within minutes as suspected "extremist"

Forum 18 (09.10.2013) - Just minutes after he was freed from Investigation Prison on 8 October to be transferred to house arrest, three police (or possibly secret police) agents re-arrested 66-year-old Presbyterian Pastor Bakhytzhan Kashkumbayev.

He is facing a new criminal investigation of being an "extremist" or "terrorist", his family and lawyer told Forum 18 News Service from Kazakhstan's capital Astana. The police investigator Captain Vyacheslav Glazkov has also stripped Kashkumbayev of his lawyer. Investigator Glazkov, the Police Anti-Extremism Department (which is overseeing the case), the National Security Committee (KNC) secret police and the city Prosecutor's Office all refused to comment on the case.

Family members told Forum 18 they have not been given any documents about the new "extremism" accusations, nor details of what lies behind them. "All we know is that they

looked at a video, but we don't know who's on it, what it's about or who took it," Askar Kashkumbayev - the pastor's younger son - told Forum 18 on 9 October. "These new accusations are complete rubbish. They're trying to turn my father into a terrorist."

Askar Kashkumbayev added that his mother, Alfiya, "is suffering a lot".

Pastor Kashkumbayev led Astana's Grace Church until his retirement on reaching the age of 66 in October 2012. That same month a criminal case was instigated against him on charges of harming the health of a church member, Lyazzat Almenova. Almenova told Forum 18 her health had not been harmed. He was arrested on 17 May 2013. Nine human rights defenders have included Kashkumbayev in a list of Kazakhstan's political prisoners and called for his release. An Astana court ordered Kashkumbayev's transfer from prison to house arrest on 7 October.

However, in the long-running campaign of state hostility towards Grace Church, officials have alleged that it is also involved in espionage, fraud, money laundering, distributing extremist texts and using hallucinogenic communion drink (see below). The Church and its leaders have repeatedly denied any wrongdoing.

Delayed release

Investigation Prison officials were unable to process Pastor Kashkumbayev's release on 7 October as the court decision transferring him to incommunicado house arrest was issued only at 5.30 pm. His lawyer Nurlan Beisekeyev, his wife Alfiya and other family members arrived at the prison on the morning of 8 October. Only at about 1 pm were formalities completed to release him.

Pastor Kashkumbayev was reunited with his wife, whom he had not seen for nearly five months since the day of his arrest, family members told Forum 18.

Video footage supplied by the family, seen by Forum 18, shows Pastor Kashkumbayev showing his wife and family his painful varicose veins on his legs, whereupon his wife bursts into tears.

New arrest

However, three plain-clothes officials - sent by Investigator Glazkov - were waiting at the prison gate. The officials claimed to be from the police, but church members present recognised one of them as a KNB secret police officer who had taken part in earlier searches of Astana's Grace Church.

The three ordered Kashkumbayev to accompany them to the police station for questioning by Glazkov "without a clear explanation of the reason", Beisekeyev complained to Forum 18. The lawyer - accompanied by the officials - drove Pastor Kashkumbayev and his wife to the police station and the three were signed in to the building.

Once in Investigator Glazkov's office, he revealed that a new criminal accusation has been lodged in parallel with the existing criminal investigation of the pastor. Kashkumbayev is being investigated for alleged violation of Article 233-1, Part 1 of the Criminal Code. This punishes "Propaganda of terrorism or extremism, or public calls to commit an act of terrorism or extremism, as well as the distribution of material of the content indicated" with imprisonment of between three and seven years.

According to the decision opening the new criminal case, seen by the lawyer Beisekeyev, Investigator Glazkov claimed that in the investigation into the alleged "serious harm"

Kashkumbayev caused to Almenova's health, an "expert analysis" had found that "elements of an extremist nature" were found in the Church's activity.

Khadzhi-Gali Imazhanov, deputy head of Astana Police's Department for the Fight Against Extremism - describing himself as "the boss of the police station" - then threatened the lawyer Beisekeyev and Alfiya Kashkumbayeva with violence if they did not leave the police station, Beisekeyev told Forum 18. Inspector Glazkov informed the lawyer that he represented Pastor Kashkumbayev only in the case related to alleged harming of health, not in the "extremism" case.

Glazkov refused to listen to Pastor Kashkumbayev's protestations that he had chosen Beisekeyev to be his lawyer and that, as a Kazakh citizen, he had the right to choose his own lawyer. Beisekeyev insisted to Forum 18 that as the two cases have the same number, they should be treated as a single case and no reason existed to obstruct him from representing his client.

Imazhanov then burst into Glazkov's room, shouting and insisting that Beisekeyev had no right to remain and that the police had the right to name a lawyer of its choice. Amid physical threats from him and from Glazkov, the lawyer then left (Alfiya Kashkumbayeva had already left the room during the first set of threats).

Glazkov then tried to get another lawyer present in the building in relation to another case, Askar Usenbayev, to act as Pastor Kashkumbayev's lawyer. However, Usenbayev refused when Kashkumbayev declined his services. Usenbayev helped Kashkumbayev write a statement that he was insisting on being represented by his own lawyer. Usenbayev also recommended to the pastor that he decline to answer any questions in the new criminal case in the absence of his own lawyer.

What are "extremism" accusations?

Lawyer Beisekeyev told Forum 18 he was not allowed a copy of the document instituting the new criminal case. Nor too have family members had access to the new case.

Investigator Glazkov repeatedly refused to discuss with Forum 18 the new criminal case. "What do you want?" he kept repeating and put the phone down.

Imangali Makishev, deputy head of Astana Police's Investigation Department, told Forum 18 on 9 October that the new criminal investigation of Pastor Kashkumbayev is in the hands of the Police Anti-Extremism Department.

However, Yerbulan Kusainov, Anti-Extremism Department head, told Forum 18 the same day he could give no comment by telephone. "That's the regulation." Asked why a new criminal case was opened against the pastor nearly five months after his original arrest, he responded: "The court will decide." Told of the family's concerns over Kashkumbayev's age and health, and their insistence that he is innocent, Kusainov responded: "My conscience is clear."

The man who answered the phone on 9 October of Kusainov's deputy, Imazhanov, refused to say if it was Imazhanov. When Forum 18 explained who was calling and asking about Pastor Kashkumbayev's case, the man put the phone down. Subsequent calls went unanswered.

Forum 18 was unable to reach Astana city Prosecutor Muktar Zhorgenbayev or his deputy Azamat Zhylykybayev on 9 October. Their officials told Forum 18 they were at lunch or in meetings each time it called.

Church members told Forum 18 that the criminal investigation of Kashkumbayev under the "extremism" charge is being supervised by the General Prosecutor's Office.

Health concerns

Under Kazakh law, those arrested can be held for up to three days, after which either a court must extend their detention or they must be freed.

Astana's Almaty District Court No. 2 - which had authorised Pastor Kashkumbayev's detention over five months - told Forum 18 on 9 October that no request for him to be held in detention has been received.

Askar Kashkumbayev said he and his family are highly concerned over the pastor's state of health. "We had hoped that he would be able to have treatment for varicose veins while he was under house arrest," he told Forum 18. "He's in pain over this, and they made him stand in a corridor for two hours at the prison yesterday."

Following his new arrest, Pastor Kashkumbayev is being held at Astana Police's Temporary Isolation Prison, its head, Adilbek (he would not give his last name), confirmed to Forum 18 on 9 October. Told of the family's concern about his state of health and the fact that the 7 October court decision ordering his transfer to house arrest was partly based on the pastor's state of health, the Prison Head was unconcerned. "His health is normal. He is being checked by a paramedic. People don't die here in my prison."

Protests

Askar Kashkumbayev told Forum 18 that the family has written protests to many state agencies over the treatment of his father, including the city Prosecutor's Office and the District Court. He said he also plans to lodge an appeal to Kazakhstan's Ombudsperson for Human Rights, Askar Shakirov. (The office of Kazakhstan's Ombudsperson for Human Rights is not fully compliant with the Paris Principles on the independence of such national human rights bodies from government, according to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.)

Askar Kashkumbayev lamented that after his father's arrest in May, the Astana Office of the Organisation for Security and Co-operation in Europe (OSCE) had told him it was unable to help as it cannot take up the case of individuals.

"Expert analyses"

Even before the criminal case against Pastor Kashkumbayev was launched in October 2012, a series of "expert analyses" appear to have been conducted on various aspects of Grace Church's activity and materials, according to court documents seen by Forum 18 and information published by Lyazzat Almenova's estranged sister, Guldana, and an organisation she leads, the Support Centre for Victims of Destructive Religious Movements.

The "expert analyses" relate to the three main state accusations against Grace Church and Pastor Kashkumbayev - distributing "extremist" books, harming psychological health and using hallucinogenic juice for communion - in case documents and in officials' statements to the media.

"No one has given the lawyer or the family these analyses," one Protestant close to the case told Forum 18 on 9 October. "See the KNB secret police puts them out through these Centres." It therefore remains unclear if these are the same as the one or ones referred to in the new document instigating a criminal case.

"Extremist" books?

A Russian translation of the book "Healing the Broken Family of Abraham" by American Protestant Don McCurry, confiscated during the police raid on Grace Church in Almaty in April 2012, was subjected to a Judicial Psychological/Philological Expert Analysis No. 3664 of 15 May 2012 by the Almaty Institute for Judicial Expert Analysis of the Justice Ministry. It found that the book contains "elements of incitement to religious hatred and discord".

On 22 November 2012, in a decision seen by Forum 18, Judge Gulmira Aytzhanova of Almaty's Almaty District Court No. 2 ruled the book "extremist" and banned its publication, import and distribution in Kazakhstan.

No one at the Almaty Institute for Judicial Expert Analysis was available to comment on the Expert Analysis on 9 October.

Guldana Almenova cites a Conclusion of a Complex Psychological/Philological Expert Analysis No. 4342 of 1 November 2012 allegedly finding that another book confiscated from Grace Church, "Worthy Answers" by two local Protestants, Galymzhan Tanatgan and Zhomart Temir, contains "elements of incitement of religious hatred and discord".

Forum 18 can find no independent record of this Conclusion. Guldana Almenova refused to tell Forum 18 on 9 October where she had acquired it or to send Forum 18 a copy. Forum 18 has also been unable to find out if a court has also banned this work as "extremist".

However, both books have repeatedly been seized as "extremist" by police and KNB secret police.

"Harm to psychological health?"

Guldana Almenova also cites a Conclusion of a Complex Psychological/Psychiatric Expert Analysis No. 99 of 18 September 2012 by an unnamed institution or individual that Grace Church's "psychological and psychotherapeutic influence on individuals" could cause "significant harm to the psychological health of parishioners". It also apparently alleges that using "the state of a trance", the Church formed "a changed consciousness" in the individual.

Guldana Almenova also cites a Conclusion of a Complex Psychological/Psychiatric Expert Analysis No. 111 of 12 October 2012 by Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology. This apparently alleges that a woman had suffered "psychological disorder" and "psychological deformation of the person" after visiting "seances of services" at Grace Church.

Forum 18 was unable to find the texts of these Conclusions. No one was available at Almaty's Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology when Forum 18 called on 9 October.

Harmful juice?

Guldana Almenova also appears to have access to studies of the juice or red tea that Grace Church uses for Communion services. She cites a Conclusion of an Expert of a Chemical/Toxicological Expert Analysis No. 1301 of 5 November 2012. This alleged that the juice contained Carbamazepine and Phenol.

A Conclusion she cites from the Almaty-based Centre for Research into Medical Substances of 19 October 2012 apparently notes that Carbamazepine (a mood-stabilising drug used in the treatment of epilepsy and bipolar disorder) causes hallucinations and aggressive behaviour, while Phenol, it adds, leads to short-term excitement.

Forum 18 was unable to find the texts of these Conclusions.

Another criminal investigation

As well as the two criminal cases underway against Pastor Kashkumbayev, another criminal investigation has been launched against as yet unnamed members of Grace Church, also under the lead of Investigator Glazkov.

Threats, fear, and independent mosque closures

Forum 18 News Service (02.10.2013) - Attendance at what may be Kazakhstan's last remaining publicly-accessible independent mosque has dropped from hundreds to tens because "people are afraid of the authorities", members of the Tatar-Bashkir Din-Muhammad Community told Forum 18 News Service from Petropavl [Petropavlovsk] in North Kazakhstan Region. On 12 September the Regional Inter-District Economic Court upheld the decision to liquidate the mosque and instructed the responsible authorities present at the hearing to complete the community's liquidation quickly.

Community members told Forum 18 that – even if in diminished numbers – they still gather for prayers at the 19th century mosque, as they continue to challenge the Court decisions.

Authorities in another Region of Kazakhstan also threatened the Imam of a liquidated independent mosque with fines if he sought to revive its activity. Financial Police officials "immediately arrived out of nowhere" when the Imam and a few community members arranged a meeting to discuss the possibilities of gaining new registration. The Police drew up a report, on the basis of which the Religious Affairs Department of the Regional Administration later attempted to open an administrative case against the Imam (see below).

Earlier this year, Regional Religious Affairs Departments were removed from the control of the Agency of Religious Affairs (ARA) in the capital Astana and subordinated to regional administrations. The Administrative Code was amended on 13 June to allow these regional Departments to continue to bring administrative cases to court to punish individuals and communities for religious activity.

The last independent mosque?

The Tatar-Bashkir Mosque may be the last remaining publicly-accessible mosque independent of the state-sponsored Muslim Board, Forum 18 notes. Abai District Mosque and Tautan Molla Mosques – the last known independent mosques in Karaganda Region – were for instance closed down by court decisions after heavy state pressure on their imams and congregations. As of 2 October, the Imams of both Mosques told Forum 18 that they fully stopped all activity several months earlier.

Forum 18 is aware of another mosque elsewhere in Kazakhstan mainly catering to members of an ethnic minority. Although denied re-registration as a religious

organisation in the round of compulsory re-registration in 2011-2, it is able to continue some activity as part of a cultural centre.

ARA officials refuse to comment

Baltabay Metezhanov, who oversees work with mosques at the ARA in Astana, refused to explain whether there is a legally prescribed order requiring mosques wanting state registration to join the Muslim Board. "I cannot answer that question," he told Forum 18 on 2 October. Asked why, he said: "Well, first of all I don't know who you are, I can't see your face." He then asked Forum 18 to send questions in writing.

Metezhanov also refused to say whether any mosques have registration independently of the Muslim Board.

No other ARA officials were prepared to answer these questions on 2 October.

Despite frequent assertions by state officials that the 2011 Religion Law states that all mosques must belong to the Muslim Board (a monopoly that is not imposed on any other religious community), Forum 18 cannot find this requirement in this or in any other published law.

Ethnic, independent and non-Hanafi Sunni mosques were targeted by the authorities even before the harsh 2011 Religion Law.

Any religious activity by any community without state registration is banned and subject to punishment. Speaking of a punishment handed down to a Jehovah's Witness, Nurali Kayrenbayev, Chief Specialist of Atyrau Religious Affairs Department, insisted to Forum 18 in August that "all religious activity outside the building of a registered community is banned".

Threats if mosque community restarts

In a different region of Kazakhstan the Regional Religious Affairs Department has threatened the Imam of another closed independent mosque with a possible administrative punishment for his attempts to gain new registration.

The Imam, who for fear of state reprisals asked Forum 18 not to reveal his or his mosque's details, told Forum 18 on 26 September that, between August and September, the Department summoned him for a talk and signing of an official report prepared by the Financial Police, which he refused to do.

The Imam told Forum 18 that when he and several community members gathered in the mosque building in August to arrange a meeting of founders for a possible new registration, the Financial Police "abruptly came out of nowhere". The officials filmed them and the building and questioned them about the purpose of their gathering. When the officials asked him to sign the report, he refused.

Several days later the Religious Affairs Department telephoned and sent their officials to the Imam's home to "convince me to sign the report or visit the Department". He said he again refused both demands. "I know that if I sign the report they at least will give me a big fine because they had told me earlier not to try for a new registration, and that I will have a trouble if I do so," the Imam explained to Forum 18.

After unsuccessful attempts to compel the Imam to sign the Financial Police report, the Religious Affairs Department then "sent the local Police Officer to my home," the Imam

said. "I asked the Police Officer, by what right he is telling me to visit the ARA Department, and how can it give instructions to the police. I told him that I will not visit the Department."

The Imam told Forum 18 that since early September the authorities "have left me alone and not bothered me again". He said that he and the other members have "given up hope of restoring the community and are not thinking now to try again." The Imam said that he hopes that the ARA Department will not further open a case against him.

Afraid to attend mosque

Members of the Tatar-Bashkir Din-Muhammad Community, who wished to remain unnamed for the fear of the State reprisals, told Forum 18 from Petropavl on 26 September that despite the drop in attendance, the community continues to assemble for prayers at the mosque, which was built in 1852. "We will continue gathering in the mosque since we continue the legal battle for our existence and no final legal decision has yet been made on us," they said.

However, "many community members were warned in their work places not to attend the mosque since it lost favour with the authorities, and many others are just afraid to come because of bad publicity of the mosque in the media as well as they know that the authorities are trying to liquidate us."

Agent provocateurs?

"Some long-bearded young men with a radical appearance also recently came to the mosque and walked amid the praying community members during the prayer and filmed everything," one community member told Forum 18. "They disturbed the people and told them that they are not praying correctly."

The community member added that "it is difficult to say whether the young men came by their own will or were instigated to make a provocation in the mosque."

Muslim Board and state officials often claim that allowing independent mosques to exist "will breed terrorists".

Appeal rejected

On 12 September, Judge Gulmira Daniyarova of North Kazakhstan Region's Specialised Inter-District Economic Court upheld the 20 February decision of Judge Damir Omarov of the same Court to liquidate Din-Muhammad Mosque of the Tatar-Bashkir Community. The ruling, seen by Forum 18, thereby rejected the community's petition to annul the Regional Agency of Religious Affairs (ARA) Department's orders No.674 from 4 December 2012 on verification of the list of the community's founders and No.46 from 29 January 2013 on rejection of the community's official re-registration.

Judge Omarov had issued the liquidation decision on the petition of the Regional ARA Department, which claimed that the community had not presented its documents for re-registration by the official deadline of 25 October 2012. However, following the community's appeal, North Kazakhstan Regional Court in August referred the case back to the Economic Court for further consideration.

The community argued in its appeal to the Regional Court that the decision of the ARA Department not to approve the list of founders was unlawful, since the community had

prepared and presented the list on time and that it was not responsible for the fact one of the founders died just before the submission deadline.

Refusing to comment on her decision, Judge Daniyarova told Forum 18 on 2 October through her Assistant that she "does not want to talk". Similarly, the chair of the court Judge Kayrat Shaymegenov also declined to discuss the case with Forum 18, referring all questions to Dinara Tulingutova, Press-Secretary of North Kazakhstan Regional Court.

Tulingutova in turn declined to discuss the case, asking Forum 18 to send questions in writing. When Forum 18 insisted, asking whether the authorities' refusal to re-register the community and then altogether liquidating it is not a violation of their Constitutional right to freedom of religion or belief and freedom of association, she responded: "That's a question I cannot answer." She refused to talk further.

Daniyarova in her decision rules that the former founders of the Din-Muhammad Community cannot petition the Court on its behalf since it was liquidated by the Court decision on 20 February. She also ruled that only the Liquidation Commission set up to handle the mosque's liquidation, representatives of which were present at the hearing, are eligible to represent the liquidated organisation. The Liquidation Commission in its turn petitioned the Court to disregard and reject the community's appeal and uphold the previous liquidation decision.

Complete mosque liquidation "as soon as possible"

Judge Daniyarova did "not give a chance" to the community's lawyer to "present our arguments of the unlawfulness of the original decisions of the regional authorities not to re-register us", community members – who asked not to be identified for fear of further state reprisals – complained to Forum 18 from Petropavl on 26 September.

The Judge positively responded to the petition of the Liquidation Commission, and told them to "complete the liquidation of the mosque as soon as possible," they lamented. "This practically means that the Judge ordered the Liquidation Commission to take the building away from us as soon as possible."

Further appeal

On 26 September the community lodged a further cassation appeal to the Regional Court against the Economic Court decision, Rafael Ryazapov, the Imam of the Mosque, told Forum 18 on 30 September. "The Court accepted our appeal, and we are waiting to hear from the Regional Court," he said.

Ryazapov declined to comment on the Court decision saying that "I will not comment for now so the authorities will not accuse me in trying to influence the Court." However, he said that he heard rumours that the authorities told some of their members that "they should not make vain efforts since they will not receive registration and will be liquidated anyway."

Mosque closure intended "right from beginning"

"The authorities were intent on closing down our Mosque right from the beginning," the community member complained to Forum 18.

They explained that Kazakhstan's state-sponsored TV Channel Astana already on 15 November 2012 broadcast the statement of the Muslim Board officials in a religious forum in Astana that the authorities had closed down the Tatar-Bashkir Community. They

pointed out that this was "way before" the ARA Department officially refused to re-register the mosque on 29 January 2013 and the Court on 20 February 2013 made a decision to liquidate it.

They added that "Therefore all the arguments of the authorities that we did not prepare our registration documents properly and on time and that we did not want to become part of the Muslim Board are just excuses."

In its 4 December 2012 decision refusing re-registration, the ARA Department claimed that the community violated the Law by deliberately including the name of a deceased community member in the list of founders. The community told Forum 18 that the member died days after he signed the founders' list and the list was presented to the authorities.

Then on 29 January the ARA Department ultimately refused to re-register the community, saying that the re-registration deadline had passed and the community was too late.

After in October 2012 the community presented its founders' list and other legal documents for re-registration Nurislyam Gabdullin, Chair of the North Kazakhstan Regional Department of the ARA, gave conflicting opinions when asked whether or not it would be re-registered. He claimed to Forum 18 on 4 December 2012 that the authorities had no intention of closing down the mosque, but told Forum 18 one day later that "there can be no Chechen, Tatar or Tajik mosques in Kazakhstan".

Negotiations for new registration also not successful

After the Economic Court's 20 February liquidation decision the Tatar-Bashkir Community - in parallel to challenging the Court decisions - held negotiations with the Regional Administration and the ARA Department to gain registration as a new organisation, community members told Forum 18.

"All our negotiations were unsuccessful as we did not accept the authorities' demands for the community to join the state-sponsored Muslim Board of Kazakhstan, to accept Kazakh as the only language of communication in the mosque and pay 30 percent of the offerings given to the mosque as levies to the Board," one community member complained to Forum 18.

Kazakh pastor told to wait another month in prison

66-year-old undergoes hunger strike as family unable to make contact

World Watch Monitor (23.09.2013) - A Kazakh pastor has been told he is to be detained for another month, four months after his arrest for allegedly "harming the health" of a member of his congregation.

Bakhytzhan Kashkumbayev, pastor of Grace Protestant Church in Astana, the capital, was arrested May 17, charged with the psychological manipulation of Lyazzat Almenova through the use of a "red-coloured hallucinogenic drink". He is set to be held until at least Oct. 17, two days before his 67th birthday, while the case against him continues.

Almenova told Forum 18 News her pastor was "totally innocent", but the state arrested Kashkumbayev after Almenova's mother claimed her daughter's attendance at the church had damaged her mental health.

Other members of the congregation say the drink is a harmless, non-alcoholic beverage used as part of the church's Holy Communion – to represent the traditionally used, and symbolic, red wine.

The investigation against the pastor dates back two years. Almenova's mother first submitted her complaint in July 2011. A raid was carried out at the church in October 2012.

Before and after the raid, a number of articles had been written about the pastor, attacking the church for using hallucinogens.

The pastor was moved to a psychiatric ward in Almaty, the former capital, on July 19, and ordered to remain there until Sept. 17, while he underwent psychiatric examination. He was released early from the ward on Sept. 8, only to be moved back to prison.

The day before he was moved into the ward, Kashkumbayev wrote a letter to the United Nations Human Rights Committee, saying that he planned a hunger strike as a protest against treatments he claimed would render him a 'vegetable'.

"Though I am 67, and I cannot boast of ideal health since I had a serious heart attack in 2011, with chronic otitis of both ears, varicose veins in my legs, chronic bronchitis, chronic gastritis, I am psychologically healthy," wrote Kashkumbayev. "[But] it will not take much for the authorities to make me a vegetable... I am begging you to protect me."

His lawyer warned him that he may suffer further ill health as a result of his hunger strike, but the pastor replied that he was even willing to go without water in an attempt to win his freedom through awakening the support of the international community.

After three days of fasting, however, he was transferred to the psychiatric ward, where he ended his fast.

Neither Kashkumbayev's family, nor his lawyer, were able to make contact with him during his time in the psychiatric ward, nor did they have any way of knowing about his health.

However, his son Askar told World Watch Monitor that in the last 10 days he has been able to visit his father a couple of times, while the family awaits permission for the pastor's wife to be allowed to see her husband.

Kashkumbayev's sons have been allowed to give parcels of food and clothes to their father, but each time they have to pay \$60-70 for the privilege.

Askar said he did not know why his father had been arrested, but he said he thought it could be as a warning to other Kazakhs not to change religions.

Last month, Askar told Forum 18 that the authorities were trying to humiliate his father and damage the image of the church.

"My father did not plan on making people sick and did not harm anyone. Our only hope is the support we can get from the wider public and international community. The local news media publish materials against my father. It looks like the authorities are intent on punishing my father," he said.

The Ukrainian Union of Evangelical Churches wrote a letter to the Ambassador of Kazakhstan in Ukraine, saying: "Our Union is deeply concerned with the situation. We

provide doctrinal practice similar to the faith of pastor Kashkumbayev, and our faith practices are guaranteed by the Constitution of Ukraine."

Inviting to religious worship a new offence

Forum 18 (03.09.2013) - In the first such case known to Forum 18 News Service, an individual has been punished under Kazakhstan's harsh controls on religious activity simply for inviting friends to attend a registered religious meeting. Zarina Burova was fined for illegal "missionary activity" after inviting friends by text message. In another recent case, the presence of several guests at a religious meeting of a state-registered community was enough to cause four fines for illegal "missionary activity".

Among an upsurge of raids and fines during the summer months on members of religious communities, regardless of whether or not these are officially registered, those sharing their faith with strangers were also punished for "missionary activity".

Thirteen Jehovah's Witnesses, all members of locally registered communities, were fined for alleged "missionary activity without registration" between May and July, Jehovah's Witnesses told Forum 18 from Almaty on 26 August. They said they expect more fines since "prosecutions [of Jehovah's Witnesses] continue throughout Kazakhstan".

Fined nine months' minimum wage

Each of the 13 Jehovah's Witnesses was fined 100 Minimum Financial Indicators (MFIs) or 173,100 Tenge (6,850 Norwegian Kroner, 860 Euros or 1,130 US Dollars). This is the maximum fine under Code of Administrative Offences Article 375, Part 3 and represents just over nine months' official minimum monthly wage.

Some of the thirteen "were penalised for talking to people about God and the Bible, and sharing their personal religious beliefs", Jehovah's Witnesses complained to Forum 18. "Why do these believers need to be registered specifically as missionaries" to be able to share their views on religion with others, they asked. "It is our Constitutional right and also protected by Article 18 of International Covenant on Civil and Political Rights [ICCPR, signed by Kazakhstan]."

However, four of the thirteen punished Jehovah's Witnesses were fined for meeting together with other members of their registered community to read the Bible and pray. But as some non-members attended the meeting, the authorities qualified this as "illegal" missionary activity.

Also targeted under Article 375, Part 3 are members of the Tabligh Jamaat group, a Muslim missionary movement banned throughout Kazakhstan by a court in the capital Astana in February.

Frequently targeted for conducting unapproved religious meetings or offering religious literature on the streets under Administrative Code Article 374-1 and other provisions of Article 375 are Council of Churches Baptists, who reject state demands that they register before conducting any religious activity, and other Protestant communities.

UN applications

On 29 August Jehovah's Witnesses filed nine separate complaints to the United Nations (UN) Human Rights Committee in Geneva on behalf of 15 individuals punished under

Administrative Code Article 375, Part 3. "Three of the applications we filed are for raids on meetings, which officials claimed constituted 'missionary activity,'" Jehovah's Witnesses told Forum 18. "The remaining six are for arrests for 'missionary activity' simply for peacefully speaking about religious beliefs with interested persons."

The applicants argue that the punishment for sharing their faith violated their rights to freedom of religion or belief, freedom of expression, peaceful assembly and association as set out in Articles 18, 19, 21 and 22 of the ICCPR.

These applications bring to 13 the number of separate applications Jehovah's Witnesses have filed with the UN Human Rights Committee, relating to 21 individuals in all. The first four applications were filed on 29 April.

"Further arrests have taken place and these cases will also be filed with the Human Rights Committee once the decisions enter into legal force," Jehovah's Witnesses told Forum 18.

Article 375, Part 3

"Missionary activity", whether by local citizens or foreigners, requires personal registration as a "missionary" under the harsh 2011 Religion Law and requires the individual to be appointed as such by a registered religious community.

Anyone carrying out "missionary activity" without registration, as well as use by missionaries of "religious literature, religious informational materials and religious items without approval of religious expertise", is subject to punishment under Article 375, Part 3 of the current Code of Administrative Offences. Punishments are a fine of up to 100 MFIs (currently 173,100 Tenge), while foreigners and stateless persons are also subject to deportation.

The same penalties would be applied under the new Article 481, Part 3 of the proposed new Code of Administrative Offences prepared by the Justice Ministry and due to reach parliament in autumn 2013. The latest draft text – dated 13 June – was made public on the Justice Ministry website on 3 July.

However, a new criminal offence of "missionary activity" without state permission is due to be introduced in the new Criminal Code, also due in parliament in autumn 2013. Under the latest available draft text, the maximum penalty would be four months' imprisonment.

Thirteen fines

The 13 fined Jehovah's Witnesses, according to the court decisions seen by Forum 18, are:

- in northern Akmola Region, Sergey Chuvashkin, by Esil District Court on 13 May. The Regional Court upheld his fine on 7 June. Andrey Korolev and Andrei Rakin by Kokshetau City Specialised Administrative Court on 21 June. The Regional Court upheld their fines on 22 July.

- in East Kazakhstan Region, Arman Abdullinov, Zhangazy Biyimbetov and Marat Seleubayev by Oskemen City Specialised Administrative Court between 20 and 21 May. The Regional Court upheld all three fines on 17 June.

- in western Atyrau Region, Zarina Burova by Atyrau City Specialised Administrative Court on 6 June. The Regional Court upheld the fine on 25 June.

- in northern Kostanai [Qostanay] Region, Eduard Malykhin, Irina Malykhina, Andrei Moiseyenko and Ivan Vengelevsky between 2 and 5 July by Karabalyk District Court. The Regional Court upheld Malykhin's fine on 1 August and Malykhina's on 2 August. The Regional Court upheld Moiseyenko and Vengelevsky's fines on 15 August.

- in central Karaganda [Qaraghandy] Region, Lyubov Artamonova and Anissa Tsimfer on 17 July by Karaganda City Inter-District Specialised Administrative Court. The Regional Court upheld their fines on 7 August.

Inviting people to meetings an offence?

Judge Askhat Saudabayev of Atyrau City Specialised Administrative Court fined Burova on 6 June. As indicated in the decision, the case against her was opened on the complaint on 2 April of Ali Seydov, Director of the Kazakh Society of the Deaf. Seydov asked Atyrau Police Department to "identify and punish those who propagate the ideas of Jehovah's Witnesses among members of the Society".

Atyrau's Terrorism Police "established as a result of operational search actions that since June 2011 Burova has carried out missionary activity among members of the Kazakh Society of the Deaf by propagating the ideas of Jehovah's Witnesses".

During the hearing Burova did "not admit her guilt, and said that she is being incriminated for inviting her friends, whom she has known for a long time, to a worship meeting in a private conversation".

Burova also told the Court that the Jehovah's Witnesses organisation, of which she is a member, had "not authorised her to act on behalf of the organisation but that she acted on her own behalf".

A. Uzakbayeva and E. Tukeshev, two witnesses in the case, received sms messages on their mobile phones on 26 March inviting them to a Jehovah's Witness meeting to "commemorate Jesus' death". The two, as well as another witness V. Karamyshev, told the Court that they have known Burova since 2012 and they have had occasional conversations with her on religious themes.

Witness L. Lutshikova told the Court that she had known Burova and her mother since 2011. They had invited her to their religious meetings and the last time she attended was on 20 April. As indicated in the Court decision, all the witnesses in the case are from the Society of the Deaf.

Judge Saudabayev insisted in the court decision that punishment was necessary as "carrying out missionary activity without registration is banned. As seen from the case files, the local Jehovah's Witnesses community did not authorise Burova to act in the name of the organisation. However, Burova acted on her own behalf and spread her religious beliefs among the members of the Deaf Society."

Judge defends fine

Defending the fine on 29 August, Judge Saudabayev told Forum 18 that "Burova's missionary activity was investigated by the Prosecutor's office in conjunction with the KNB [National Security Committee secret police]." He pointed out that "even the Regional Court" upheld the fine. Asked why the KNB secret police follow a peaceful religious believer, the Judge refused to comment.

Asked why religious believers cannot even invite people to their registered meetings, Judge Saudabayev responded: "I already gave my decision, if she is not happy she can

appeal further." Asked what kind of punishment will be given to Burova if she is again found inviting people to their meetings, he replied: "It will depend on what charges the Prosecutor's Office will bring."

"All religious activity outside building of registered community banned"

Nurali Kayrenbayev, Chief Specialist of Atyrau Religious Affairs Department, told Forum 18 on 29 August that Burova was punished because "all religious activity outside the building of a registered community is banned". He based his argument on the Religion Law's Article 7, Part 2. Told that this Article speaks of religious rites, ceremonies or other events which involve the community, and that Burova did not carry out any such activity but only gave invitations to people, and asked why she cannot do this, Kayrenbayev did not answer. He instead referred Forum 18 again to the same Article.

Told that most religious communities propagate their faith and inviting people is a fundamental element for this, and asked whether he does not think not allowing believers to do so is unwarranted, Kayrenbayev insisted: "This is the Law, and we need to obey it."

Ruslan Abirov, Deputy Prosecutor of Atyrau City, claimed to Forum 18 on 2 September that Burova was "not followed by Police or the KNB, but certain individuals wrote statements that she propagated the Jehovah's Witness religion to them." Asked why religious believers, who are members of an officially registered organisation, need to have an extra permission from the state to share their beliefs with others, Abirov replied: "The Religion Law demands that. If Burova receives that permission then she will have no problem in future."

Seydov of the Society of the Deaf defended his complaint against Burova that led to her punishment. "I do not know this Burova personally but I know their religion is an abomination, and their members have infected my people from the Society," he told Forum 18 from Atyrau on 2 September. "I complained to the authorities to take measures against their propagation. We have Islam as our accepted religion, and they must not propagate other religions to Kazakhs."

Seydov said that he saw Burova at the Court for the first time. Forum 18 tried to find out whether the complaint had been his initiative or not. However, he refused to explain clearly and put the phone down.

Why no guests allowed?

Judge Amirgali Dosmukhambetov of Kostanai Regional Court on 1 August upheld the fine given to Malykhin by Judge Gulmira Tuksaitova of Karabalyk District Court on 5 July. In his decision, Judge Dosmukhambetov maintained that Malykhin's arguments that the "authorities attempted to limit his Constitutional right of holding a religious worship in his private home are correct", but that the charges brought against him are "not for holding worship in a private home but missionary activity without registration."

Karabalyk Court officials told Forum 18 on 2 September that Judge Tuksaitova is on holiday, and referred Forum 18 to Judge Batyrbek Kudabayev, Chair of the Court.

Judge Kudabayev, echoing Judge Dosmukhambetov, told Forum 18 that Jehovah's Witnesses were "not fined for holding worship in a private home but unauthorised missionary activity." Asked why non-members of Jehovah's Witnesses, who are an officially registered community, cannot visit their meetings, and what the point of official registration is if communities cannot invite new people to attend, Judge Kudabayev declined to comment. "I am in the middle of a consultation. I have no time to discuss this."

Asked whether this case is a precedent for Kazakhstan and whether the authorities will from now on be able to interpret the attendance by guests at registered religious communities as "missionary activity", Judge Kudabayev refused to say. Declining to talk further, he referred Forum 18 to the Regional Court.

Kostanai Regional Court officials said on 2 September that Judge Dosmukhambetov is on holiday and referred Forum 18 to Gaukhar Yeremberdiyeva, Secretary of the Court on Administrative cases. Asked why a registered community cannot invite new people to their meetings, Yeremberdiyeva refused to say. "Karabalyk Court gave its decision, and the Regional Court upheld it," she told Forum 18. "All the argumentation is in the decisions."

Fines followed raid

The fines followed a police raid on 6 April of a worship meeting in the Malykhins' private home in Karabalyk, attended by about 30 Jehovah's Witnesses and two or three guests. Raiding the meeting were more than a dozen police officers, including from the Anti-Terrorism Police, accompanied by Kostanai Religious Affairs Department officials Arman Mustafin and Yuliya Denisenko. Even Malykhin's elderly mother – confined to her bed after a stroke – was questioned.

The Malykhins and two others present were summoned to the police, forced to write statements and were photographed and fingerprinted.

Denisenko – formerly head of a state-backed "anti-sect" centre in Kostanai – told the local media in the days after the raid that an unspecified number of the more than 900 publications seized from the Malykhins' home were found on "expert analysis" to be "extremist".

Lt-Colonel Nikolai Narkhov, Chief of Karabalyk Police, again refused to say why his officers raided a peaceful worship meeting of the registered Jehovah's Witness community. "We are not the one to fine but the Court," he told Forum 18 on 2 September. He refused to reveal who had instructed the police to raid the community and put the phone down.

"Banned from giving comments"

Judge Kuralai Tobelbasova of Oskemen City Specialised Administrative Court, who fined Abdullinov and Seleubayev, refused to comment on her decision to Forum 18 on 29 August. "We judges are banned from giving comments to journalists over the phone." She asked Forum 18 to send its questions in writing.

Manarbek Mukhamedjanov, Director of East Kazakhstan Religious Affairs Department, refused to comment on the case on 29 August.

Oskemen City's Irtysh District Police on 22 April opened an administrative case against Abdullinov and Seleubayev after they were stopped by a police officer on 20 February while they were going from door to door in a residential building. "When the suspects were stopped the police officers established that Abdullinov and Seleubayev were sharing their religious beliefs with the residents, and they had religious literature," the court decision notes. Their religious literature was confiscated and the Religious Affairs Department brought the administrative case against them.

"Constitution gives right to share personal convictions with others"

Abdullinov told the Court that Kazakhstan's "Constitution gives each person the right to

share their personal beliefs with others," and that he did not "act as a missionary but only shared his own beliefs with the residents."

However, Judge Tobelbasova pointed out that "missionary activity" requires state registration of the individual. "Abdullinov does not have such registration." The Judge added that he "used religious literature, for which he did not obtain positive religious expertise." She dismissed his complaints that his rights had been violated, arguing that the requirement to have registration "cannot be evaluated as an infringement of religious freedom".

Nationwide fines and raids on meetings continue

Forum 18 (22.08.2013) - Kazakhstan continues to very frequently punish the exercise of freedom of religion or belief without state permission, Forum 18 News Service notes. Meetings for worship by Baptists have been targeted, and the Baptists have written to President Nursultan Nazarbaev pointing out that this breaks both the Constitution and the international human rights standards the country has solemnly promised to implement. Jehovah's Witnesses have been fined also, for inviting individuals to religious meetings or for other activity deemed to be "missionary activity" (which can only be conducted by people who have state approval).

Atheist writer and Presbyterian pastor still detained

Also, atheist writer and anti-corruption campaigner Aleksandr Kharlamov and Presbyterian pastor Bakhytzhan Kashkumbayev are both still in detention. Kharlamov has been in detention since his 14 March arrest for "inciting religious hatred", and although sane has been subjected to repeated forcible psychiatric examinations. Kashkumbayev was arrested on criminal charges of "harming health" on 17 May and is still detained in a psychiatric hospital. The only person whose health the state claims was harmed told Forum 18 that Kashkumbayev is "totally innocent and has not harmed my health at all".

Judge Kayirbek Yelemesov on 13 August, in response to the Prosecutor's petition, returned Kharlamov's case to police for further investigation. He rejected the petition of Kharlamov's defence lawyer to free him from custody, Kuat Rakhimberdin of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 on 21 August. Pastor Kashkumbayev is still being kept at Almaty Psychiatric Clinic undergoing "tests", and his arrest was extended until 17 September, his son Askar Kashkumbayev told Forum 18 on 21 August.

Raids and fines still frequent

Raids and fines against those who meet for worship without state permission have become very frequent. The fines are accompanied by exit bans on those who do not pay such fines.

Between May and July, Jehovah's Witnesses appear to have been targeted for detentions and large fines. Jehovah's Witnesses told Forum 18 on 22 August that in this period at least 13 people were each fined the equivalent of two months' average salary (100 Monthly Financial Indicators [MFIs] or 173,100 Tenge, about 6,700 Norwegian Kroner, 880 Euros or 1,150 US Dollars) for "missionary activity". Appeal Courts have upheld all the fines (see forthcoming F18News article).

Raids are normally accompanied, as in a 28 April Baptist example, by police questioning "everybody who came out after the service. They asked each one whether they attended

the worship voluntarily or by coercion". Between 6 June and today (22 August), 18 Baptists have following police raids been fined for meeting for worship without state permission: 15 were fined the equivalent of one month's average salary (50 MFIs or 86,550 Tenge, about 3,350 Norwegian Kroner, 450 Euros, or 575 US Dollars) for taking part in such banned meetings; and three were fined the equivalent of two months' average salary (173,100 Tenge) for leading such banned meetings.

The recipients of the fines - which are the maximum provided in both the relevant Code of Administrative Offences articles - tend to have low incomes.

These fines tend to be imposed under the Administrative Code's Articles 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation"), or 374-1, Part 2 ("Participation in the activity of an unregistered, halted, or banned religious community or social organisation").

The last significant worsening of the Religion Law and Administrative Code, which flagrantly violated Kazakhstan's binding international human rights obligations, took place in September 2011. New, possibly harsher, Administrative and Criminal Code articles are being prepared. These may reach Kazakhstan's one-party parliament later in 2013.

Typical raid and fine

On 30 July Vyacheslav Flotch was fined 86,550 Tenge under Administrative Code Article 374-1, Part 2. The fine was imposed by Judge Serik Amirov of Zhaksy District Court and followed a 16 June police raid on a Baptist meeting for Sunday worship in the village of Zaporozhye.

Police Lieutenant Midet Asylbekov and Captain D. Ryspayev from Zhaksy District Police with local police officers Yespol Bimagambetov and M. Utegenov were on the raid. As soon as police arrived at Flotch's home, Captain Ryspayev began filming the cars parked outside. Lieutenant Asylbekov entered Flotch's home to look and take notes about the worshippers for five minutes.

Flotch, his brother Valdimir, Aleksandr Leven and two others were questioned at the District Administration the same day, in the presence of other officials.

Asked why they raided Flotch's home, Officer Bimagambetov on 22 August told Forum 18 that "the instruction for the checkup came from the District Akimat [Administration] Internal Policy Department". When asked what was wrong with Baptists meeting for worship in a private home, he said: "We are small people, we do what we are told to. We realised they are not criminals when we saw them".

Judge Amirov is on holiday, but Svetlana (who refused to give her last name), Head of the Chancellery, declined to comment on the case to Forum 18 on 21 August. She stated that Flotch had appealed and that the Regional Court in Kokchetau was "supposed to hear the case on 20 August". She refused to say what decision was made.

"I go to see what kind of help they need"

Mariya Zhekebatyrova, Chief of the Internal Policy Department of Zhaksy Administration, participated in the initial court hearing. She told the Court that she "many times visited the Baptists' worship services".

On 22 August Forum 18 asked Zhekebatyrova whether her visits are to control what the Baptists do, she stated: "I visit all the religious communities in our District, not just Baptists". She claimed that "I go to see what kind of help they need". Asked whether she

would help all religious communities by asking for the repeal of the laws penalising freedom of religion or belief, she said that "I can help them with any other question, but not with this one".

Asked to comment on Flotch's large fine as a result of her actions, she laughed and said "they must not violate the Law." She also commented that the Baptists "violated the Religion Law, which demands all religions to be officially registered and bans unregistered activity".

"This is not my duty"

Baptists do not know the result of the appeal. Didrikh Leven of Zaporozhye Baptist Church told Forum 18 on 21 August that they "do not know what the Court decided since we did not go the hearing." Asked why they did not go, he said that "Kokchetau is 300 km [190 miles] from here and we are sure that that the Court will uphold the decision". He stated that "in many other cases, regional Judges told us not to bother to travel because they will not cancel the fines".

Judge Nurlan Kurmangaliyev, who specialises in hearing freedom of religion or belief appeal cases, on 22 August also refused to tell Forum 18 whether the appeal was heard and what decision was made. Asked by Forum 18 why such heavy fines are given for exercising freedom of religion or belief, he replied: "You need to look at our laws, and you will understand". Asked why penalties were imposed under a Religion Law and Administrative Code which clearly violate the Constitution and international human rights standards, and why he did not take this into account when making decisions, he stated: "I cannot do anything about the Laws, this is not my duty."

Fines and raids still nationwide

The most recent raids and fines against Jehovah's Witnesses and Baptists have, as in the past, taken place throughout Kazakhstan, in Atyrau, East Kazakhstan, Pavlodar, Karaganda, West Kazakhstan and Akmola regions. Some more examples are listed at the base of this article.

Exercising freedom of religion or belief is also often prosecuted under Administrative Code Article 375. This was greatly expanded in September 2011 to include many new often unclearly defined "violations". These include: breaking the Religion Law; violating the provisions for holding religious rites, ceremonies, or meetings for worship; violating the procedure for conducting charitable activity; violating the procedure for importing, publishing or distributing religious literature and materials; building places of worship or changing a building's usage; conducting missionary activity; failing to prevent someone bringing a child to a religious meeting against the wishes of one of its parents; leading a religious organisation at the nomination of a foreign religious organisation without Kazakh state approval; carrying out of missionary activity by Kazakh citizens, foreigners and persons without citizenship without registration (re-registration); and the use by missionaries of religious literature, informational materials of religious content or objects of religious significance without a positive assessment by a state religious studies "expert analysis".

Mother fined under Article 375

Tatyana Degterenko in Akmola Region's Astrakhan District was on 11 July fined the equivalent of one month's average salary (86,550 Tenge), under Article 375 for her 9-year old son's "illegal religious activity" in his school. She appealed but on 30 July a higher court upheld the fine. Judge Kurmangaliyev of Akmola Regional Court on 22 August refused to comment to Forum 18 on his upholding of the fine.

Degterenko told Forum 18 on 21 August that David, her 9-year old son, on 14 March "asked us if he could take two CDs and give them as a gift to his teachers, and we agreed." She stated that the initiative to give the CDs to his teachers came from David. The boy on the same day gave two audio CD disks with a Christian message on God's love to his two teachers.

Tatyana Lovyagina, the school Headteacher, "immediately called police" after noticing the CDs labelled 'God loves you too' in the teachers' room. An Investigator from Astrakhanka District Police came to the school and questioned the boy. Among other questions, police asked Degterenko who gave the CDs to him, where they received the CDs from, and why he brought them to the school.

Return to the Soviet-era? "Yes!"

Asked why she called the Police, Headteacher Lovyagina on 21 August told Forum 18 that the local Administration instructed headteachers to report any religious activity in their schools. Asked why children cannot speak of or share their faith, Lovyagina categorically replied: "No way, the school is separated from religion, no religion can be propagated in the school." Asked whether this does not sound like returning to the Soviet-era, she exclaimed "Yes!"

Asked why the boy was questioned by police in the absence of his parents, and why the school did not inform the parents of the questioning, Lovyagina claimed to Forum 18 that it is "possible in the presence of the classroom teacher" to do so. When Forum 18 asked on what law or regulation this is possible, she replied: "You know what, if his parents did not give him the discs they would not be punished." She further declined to answer further questions.

Degterenko told Forum 18 that "we were disturbed to hear from our son that the Police Investigator in our absence questioned him." When she and her husband Tikhon Degterenko asked the Investigator about this, he claimed that "I only had a conversation with him, it was not an interrogation."

Police the next day summoned Degterenko's parents to a police station, to question them and open a case under Article 375 against the mother. Degterenko stated that she was fined after her son replied "my mother" in answer to the police Investigator's question as to who permitted him to bring the CDs to the school.

Dulat Bekbulatov, Chief of Astrakhanka District Police on 21 August refused to comment on the case or why his subordinate questioned Degterenko in the absence of his parents. "Firstly, I do not remember the details of the case," he said. "Secondly why should I talk to you over the phone?"

Complaint to President Nazarbaev

Following the multiple raids and fines, Council of Churches Baptists on 7 August wrote to President Nazarbaev, asking him to review the provisions of the Religion Law and Administrative Code which ban the exercise of freedom of religion or belief without state permission. They pointed out that these laws and their implementation break both the Constitution and international human rights standards Kazakhstan has signed.

In particular, the letter draws Nazarbaev's attention to part 4 of Article 3 of the Constitution: "International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law."

However "Kazakhstan", the Baptists state, "carries out intimidation of its citizens for their religious beliefs". They go on to note "unjust court decisions", and state that the "unjust laws" facilitate official "interference in the internal life of Churches belonging to Council of Churches Baptists to stop them from holding their peaceful worship services, to ban free of charge distribution of religious literature, and to fine ministers of unregistered Churches".

No answer has yet been received from the President.

Raids and fines

Raids and fines known to have taken place since 6 June against Baptists include:

Ivan Yantsen of Temirtau in Karaganda Region was on 10 June fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1. A Regional Court appeal hearing upheld the fine.

After raids on meetings for Sunday worship in East Kazakhstan Region, on 28 April and 12 May, Sergei Kulikov and Maksim Kandyba were on 6 June each fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2. On 10 June Nail Agatanov, Sergei Pelipenko and Marina Kulikova were also fined 86,550 Tenge for the same "offence"

In West Kazakhstan Region, all eight members of a Baptist Church in Taskala were fined in separate cases on 14 and 17 June. All eight were filmed during their Sunday worship meeting on 12 May by police during a raid. Aleksandr Yalfimov was fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1. Natalya Yalfimova, Malika Sultangaliyeva, Gaukhar Sultangaliyeva, Tatyana Sultangaliyeva, Tatyana Osipova, Yelena Zagaychuk and Gulmira Ismagulova were each fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2.

On 27 June Sofya Bunyak in Ekibastuz in Pavlodar Region was fined 86,550 Tenge, under Administrative Code Article 374-1, Part 2.

Bunyak's fine followed a series of raids beginning in November 2011 on her home, after which Aleksei Asetov was given a three-day prison term in May for refusing to pay a fine under Administrative Code Article 375 of 485,400 Tenge (about 18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars). This is about a year and a half's average local wages.

On 16 July in Astrakhan in Akmola Region, Aleksandr Gorbunov was fined 173,100 Tenge, under Administrative Code Article 374-1, Part 1.

Court trials of Kazakhstan believers continue

Two unregistered Baptists fined

Department of Intercession, MSTsEKHB (13.07.2013) - Dear brothers and sisters, court trials of believers of the MSTsEKHB [International Union of Churches of Evangelical Christians-Baptists] in the republic of Kazakhstan have not ceased. On 27 June 2013 in the city of Ekibastuz, Sister Sofia Iosifovna Buniak was convicted.

The order of the chairman of the Specialized Administrative Court, G.G. Sagidenov, says:

"On 24 March 2013 in the course of an inspection in accordance with an order of the prosecutor's office, UVD [Department of Internal Affairs] officers of the city of Ekibastuz discovered that in a residence at No. 58 of 13th Severnyi St. in the city of Ekibastuz, owned by citizen S.I. Buniak, the activity of the religious association 'House of Prayer of the International Union of Churches of EKHB' was being conducted. During the inspection it was established that this religious association does not have appropriate documents of registration with state agencies.

"On this basis . . . a protocol of administrative violation of law was drawn up.

"When questioned in court, the senior operations officer of UVD, A. Zh. Tokumov, explained to the court that . . . in inspection of the premises within the house, around twenty persons, who were praying, were found on the second floor in a prayer room. . .

"During the court session . . . S.I. Buniak did not admit guilt and she indicated that she is a member of the religious community . . . and her family devoted the second floor of their residence for a house of worship. . . .

"The court treated S.I. Buniak's testimony critically and considered it as the desire of the criminal to avoid administrative liability and punishment. . . ."

The court ruled to find S.I. Buniak guilty on the basis of part 2 of article 374.1 of the Code of Administrative Violation of Law of the Republic of Kazakhstan (participation in the activity of unregistered . . . religious associations) and subject to punishment in the form of a fine of 86,550 tenge (\$570 US).

The sister sent an appeal to the provincial court in which she stated her disagreement with the court's ruling:

"Inviting guests to a private home for reading the Bible and conducting joint fellowship is not . . . an organization or association. . . .

"Article 18 of the constitution of RK says: 'Each person has the right to the inviolability of private life, personal and family privacy, and protection of one's honor and dignity.'

"Article 20 guarantees freedom of speech and creativity. Censorship is prohibited. Each person has the right to receive and distribute information in any way not prohibited by law.

"Article 22 says: 'Each person has the right to freedom of conscience. Exercise of the right to freedom of conscience must not give rise to or restrict general human and civil rights and obligations before the state.'

"And article 34 requires each citizen to observe the constitution and legislation of RK, and to respect the rights, freedoms, honor and dignity of other persons.

"Under such circumstances, I have the full right to affirm that despite article 1 of the constitution of RK, according to which the republic of Kazakhstan affirms itself to be a democratic, secular, law-based, and social state, whose supreme values are the individual and his life, the judicial procedure which has occurred is nothing other than the persecution of a believing persons for her convictions.

"The imposition of registration upon a religious association violates the guidelines of the OSCE, which say: 'Registration of religious organizations in and of itself should not be obligatory. Individuals and groups of persons should be provided the right to profess

their religious without registration if they desire it.' (Established by the Venice Commission. Approved by the Parliamentary Assembly of CSCE, 5-6 July 2004)

"On the basis of the constitution of the republic of Kazakhstan and international norms

"I ASK

"To rescind the resolution on case No. 3-05/1029 of 27 June 2013 regarding administrative violation of law of the Specialized Administrative Court of the city of Ekibastuz."

And we, dear friends, support the request of our sister with our prayers and petitions.

Dear brothers and sisters, also in the republic of Kazakhstan, on 10 June 2013, a judge of the Specialized Administrative Court of the city of Temirtau, K.B. Imashev, considered case No. 3-1564/13 with respect to minister of the church of Temirtau, Ivan Isakovich Yantsen, and issued a decision to fine him guilty of an administrative violation of law on the basis of article 374.1, part 1 (leadership of the activity of unregistered . . . religious associations), of the Code of Administrative Violation of Law of RK, and imposed a punishment in the form of a fine of 173,100 tenge (\$1,143 US).

Ivan Isakovich appealed this decision in provincial court, but the court, after reviewing the case, left the decision of the first instance in effect.

We will pray and petition that the Lord will defend his people and give the strength to remain faithful to him to the end, despite the circumstances.

(tr. by PDS, posted 14 July 2013)

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Pastor Kashkumbayev in pre-trial detention

Forum 18 (05.07.2013) - Pastor Bakhytzhan Kashkumbaev (66) was arrested on 17 May 2013 and ordered to be held for up to two months' pre-trial detention while the case against him is investigated.

Pastor Kashkumbayev, of Grace Church in Astana, the capital, is being held in the Interior Ministry's Investigation Isolation Prison in Astana. His lawyers have been given access to him, but his wife and other family members have not. It is believed that Pastor Kashkumbayev's arrest is part of the government's efforts to restrict the freedom of churches and in particular to penalise any Muslim who becomes a Christian.

The case relates back to a complaint made in July 2011 by the mother of a church member who claimed that her daughter had suffered psychological harm after attending the church. In September 2012, expert assessment of Lyazzat Almenova claimed that regular attendance at the church had led her to develop paranoid schizophrenia. Church members strongly reject the allegation, and Liazzat Almenova has written to the Astana Prosecutor's Office to say that she is psychiatrically healthy and that the 2012 assessment was conducted illegally.

In October 2012, after raiding the church, detaining and questioning members and taking literature and money, police told the local media that the alleged "harm" was caused by church members being "given hallucinogens to drink". The prosecutor said, "The crime was carried out by Kashkumbayev under the guise of carrying out charitable and religious activity by means of exerting psychological influence on church members, including with the use of stupefying substances with the aim of collecting gifts for the use of the association." The alleged hallucinogen was a local red tea used as a non-alcoholic communion wine, bought by church members in nearby shops.

At Pastor Kashkumbaev's court hearing on 19 May, however, the main accusation did not relate to the tea, but rather to praying in tongues and singing which were said to have caused the mental injury to Liazzat Almenova. In Kazakhstan the charge of "intentional inflicting of serious harm to health" carries a penalty of between three and seven years' imprisonment.

Separate to the case against Pastor Kashkumbayev, on 19 March senior police investigator Captain Vyacheslav Glazkov launched a criminal case on in connection with allegations that Grace Church, or members of it, were inciting "religious hatred". An official of Astana Prosecutor's Office told Forum 18, "The case is not against the church itself, but investigating the fact of incitement of religious hatred. No specific individuals are suspects at the moment." As criminal cases can only be launched against individuals, it appears that if investigators and prosecutors conclude there is a case to answer, allegations would have to be launched against specific church members. "They are moving against Evangelical Christians," a church member told Forum 18. "It is no surprise that they have launched another criminal case."

Concerns for Kazakh Christians

Kazakh Christians are deeply concerned about the detention of Pastor Kashkumbaev, for two main reasons. First, they believe that recent changes in the law regarding religious organisations appear to limit the rights of individuals to practise their religion and are inconsistent with the Constitution (which guarantees freedom of religion) and seem to contravene the religious freedom principles enumerated in the Preamble to the Law on Religion.

Second, many believe that the authorities are targeting Christians who are former Muslims - in Kazakhstan, the thinking is that to be Kazakh is to be Muslim. Several Protestant denominations in Kazakhstan operate relatively undisturbed (some have even been granted registration) but 80 percent of Grace Church members are, like Pastor Kashkumbaev, ethnic Kazakhs and former Muslims.

Repression

Kazakh officials have been engaging in widespread raids of homes and places of worship – read some examples below – and aggressively enforcing the new Religion Law. Senior state religious affairs official Kairat Lama Sharif described the fall in the number of registered religious communities as a "positive dynamic" after 579 small religious groups (with fewer than 50 adult citizen members) were stripped of registration and deprived of their legal right to exist. These deregistered groups have been warned by government officials to stop all activity or risk sanctions.

Wade Kusack of Russian Ministries believes the arrest of Pastor Kashkumbaev is reminiscent of the way Christians were arrested during the Soviet era. There is a huge danger, he says: "If the church all over the world ignores this and there is no reaction from the West, I believe this type of persecution will continue."

Recent Raids

On 25 May, secret police raided the Almaty premises of the charity United Mercy in Central Asia, which has state registration. Officers seized religious literature and documentation about the work of the charity over the last nine or ten years. Questioning of charity workers continued after the raid. One of the books seized was *Worthy Answers*, by two local Christians, which has been seized in earlier raids on churches. During a confiscation in October 2012, police alleged that the book is banned and contains "extremist" ideas.

In early May, Baptist leader Aleksei Asetov was jailed for three days for refusing to pay a fine equivalent to a year and a half's average local wages, for meeting for worship without state permission.

On Easter Sunday, five police officers raided a home for hosting nine members of a small congregation of the New Life Pentecostal Church who were meeting for private worship. Church members were summoned to the police station, interrogated for six hours and several were fined.

In January 2013, the authorities raided at least eight worship meetings.

"Double punishment" of fines and exit bans

Forum 18 (10.06.2013) - Human rights defender Yevgeni Zhovtis, of the Kazakhstan International Bureau for Human Rights and the Rule of Law, describes the ban on leaving Kazakhstan for Council of Churches Baptists who refuse to pay fines imposed for exercising their freedom of religion or belief as "double punishment". However, Saida Sagdat, Deputy Chair of the Justice Ministry's Committee for the Execution of Court Judgments rejected this. "It isn't double punishment – it's a limitation on their actions until they pay their fines", she told Forum 18 News Service from the capital Astana on 10 June.

"This is a method of pressure on those who don't pay these unjust fines to punish us for our religious activity", Aleksei Buka – one of the Baptists banned from travelling abroad – told Forum 18 from his home in Kievka in Karaganda Region on 10 June. "The court executor promised to cancel the exit ban immediately if I promised to pay."

Several Baptists on the list told Forum 18 they were merely handed decisions to ban them from foreign travel and were not told of court hearings that approved such bans.

Zhovtis is concerned that such individuals are punished for exercising their right to freedom of religion or belief. But he is also concerned that the travel ban – a restriction on an individual's rights - "isn't governed by any law".

"Officials of the Justice Ministry's Committee for the Execution of Court Judgments simply take the decision and individuals don't have the proper opportunity to challenge this in court," Zhovtis told Forum 18 from Almaty on 10 June.

Growing number of fines

A growing number of members of a variety of faiths are being fined under the Code of Administrative Offences for meeting for worship without state permission, or for sharing their faith with others. Council of Churches Baptists, Jehovah's Witnesses and members of the Muslim Tabligh Jamaat missionary movement are particular targets.

Council of Churches Baptists refuse to apply for state registration on principle. They risk being placed on the exit ban list as they have a policy of civil disobedience, refusing to pay fines they regard as unjust and in violation of Kazakhstan's human rights commitments.

At least 62 Council of Churches Baptists have been given such administrative fines since the beginning of 2013, a church member who tracks such prosecutions told Forum 18 on 7 June.

Sixteen administrative cases are currently underway to punish Jehovah's Witnesses. "Some have already been fined and are awaiting their appeals, others are waiting for their trial to begin," one Jehovah's Witness told Forum 18 on 10 June. "But these cases all end the same way – with fines." The Jehovah's Witness said so far none of their people are known to have been placed on the exit ban list or been prevented from travelling outside the country.

Justice Ministry exit ban lists

There are two relevant Justice Ministry lists – a list of people temporarily under an exit ban, and a register of debtors. Several Baptists banned from travelling told Forum 18 they were not told of the court hearings where the travel bans were confirmed.

Baptists are among the tens of thousands of people on the Justice Ministry Committee for the Execution of Court Judgments' "List of people temporarily banned from leaving the Republic of Kazakhstan".

They include:

1. Aleksei Asetov from Ekibastuz in Pavlodar Region, given a three-day prison term in May for refusing to pay a fine, imposed for meeting without state permission. The fine, equivalent to 485,400 Tenge (18,725 Norwegian Kroner, 2,486 Euros or 3,273 US Dollars), was handed down in February 2012. Local people estimated that this was about a year and a half's average local wages.
2. Aleksei Buka from Kievka in Karaganda Region, most recently fined in May (see below).
3. Andrei Grigoryev from Aktobe, most recently fined in March 2010 (see below).
4. Sergei Krasnov from Oral in West Kazakhstan Region, most recently fined about one month's average wages or 50 Monthly Financial Indicators (MFIs) under Article 374-1, Part 2 in February.
5. Ivan Yantsen from Temirtau in Karaganda Region, was fined in December 2011 for participating in unregistered religious worship.

The second list, also published on the Justice Ministry website, is the "Register of Debtors". This contains perhaps half a million names of those who cannot leave the country because they owe money. This includes not just those who have failed to pay court-imposed fines but people involved in commercial disputes and those who have failed to pay alimony.

While some Baptists are on both lists, those who are only on the second list include:

1. Vyacheslav Cherkasov from Shchuchinsk [Shchüinsk] in Akmola Region, fined in March for offering religious books on the street. The court ordered that the books – including Bibles – be destroyed, but this part of the decision was overturned on appeal.

2. Olga Kandyba from Semey in East Kazakhstan Region, fined in October 2011 for failing to ensure that the building she owned which was used as a church did not have adequate fire prevention measures. The appeal decision which upheld the fine – seen by Forum 18 – stressed that the congregation was not registered and had already been fined for this.

3. Pyotr Zimens from Shchuchinsk in Akmola Region, most recently fined in October 2011 for leading a congregation meeting without state permission.

Not informed of hearings

Court executor Anuar Kosmagambetov prepared an exit ban on Grigoryev, according to the copy seen by Forum 18. Describing him as a "debtor", it claims it is "necessary" to ban him from leaving Kazakhstan. It says a copy of the decision is to be sent to him, as well as to state agencies, including the National Security Committee (KNB) secret police Border Service. The order says it can be challenged in court.

The ban was sent on 22 March to Aktobe City Court, where it was approved on 25 March by Judge Kanat Sembekov.

Baptists told Forum 18 that Grigoryev was not informed of the hearing or invited to it and was not given a copy of the exit ban in writing. However, Article 33 of the Law on Enforcement Proceedings and the Status of Court Executors requires exit ban decisions to be confirmed by a court and sent to the person concerned in writing. It appears to allow appeals only in cases where the exit ban has been issued not as a result of a court decision.

Asetov and Buka were both handed copies of the exit ban by court executors in late 2012. In Asetov's case, the exit ban had already been approved by a judge, but he was not informed about the hearing or invited to it, he told Forum 18 on 10 June. Buka told Forum 18 that no court had approved the travel ban in his case.

Cherkasov told Forum 18 on 10 June that he had heard of the exit ban list, but has not been told that his name is on it.

Court executor Kosmagambetov defends his decision to ban Grigoryev from travelling abroad. "He has been fined more than once and hasn't fulfilled his debt to the state," he insisted to Forum 18 from Aktobe on 10 June. He insisted that he tried to give Grigoryev copies of the exit ban but he refused to sign and accept them.

Asked why an individual should be punished even once, let alone twice, simply for meeting for worship, Kosmagambetov told Forum 18: "I'm just an executor."

No chance to challenge

Forum 18 was unable to reach Judge Sembekov at Aktobe City Court on 10 June to find out why Grigoryev had not been informed of and invited to the hearing that approved the exit ban.

Sagdat of the Committee for the Execution of Court Judgments insisted to Forum 18 that individuals – and her officials – have no choice but to accept the system. "We can't comment on court decisions or the basis of them – what is important is that the court has taken a decision," she told Forum 18. "Whether a person agrees with the court decision or not, as a state agency it is our duty to fulfil it."

Galym Shoikin, a Deputy Chair of the government's Agency of Religious Affairs, declined to discuss the fines and subsequent exit bans by telephone. "This issue isn't within our competence," he insisted to Forum 18 from Astana on 10 June.

Two refused exit so far

Two Council of Churches Baptists are known to have been prevented from leaving Kazakhstan because of unpaid fines. In autumn 2012, Buka wanted to visit Kyrgyzstan to seek medical treatment for his legs at a salt water lake where he has been treated before. However, he chose not to make the journey to the border after the court executor issued an order banning him from travelling abroad, he told Forum 18. He said church members later checked with border guards, who confirmed that his name is in the database of those banned from leaving Kazakhstan.

Buka refused to pay a fine handed down in December 2011 for participating in unregistered meetings for worship. The Regional Court rejected his appeal in January 2012.

On 17 September 2012, court executors tried to issue Buka with a record of a violation under Administrative Code Article 524 ("Failure to carry out court decisions") for refusal to pay the fine. However, the record – seen by Forum 18 – notes that he refused to sign. Four days later, Nuri District Court refused to hear the case, according to the decision seen by Forum 18, sending it back for further documentation.

Buka again refused to sign the record of a violation presented on 12 April 2013 and seen by Forum 18. Three days later, Nuri District Court again sent the case back to court executors for further documentation, according to the decision seen by Forum 18.

Nuri District Court finally heard the case in late May and sentenced him to three MFIs, he told Forum 18.

Similarly, Andrei Grigoryev was stopped by border guards as he tried to cross the border by car to Russia at Easter 2013.

Grigoryev has been fined several times for participating in unregistered meetings for worship. After he refused to pay a March 2007 fine, court executors seized the family's washing machine, music centre, documents for their Volkswagen car and his brother's trailer.

Grigoryev was most recently fined on 11 March 2010 by Aktobe's Specialised Administrative Court, according to the decision seen by Forum 18. He was found guilty under Administrative Code Article 374-1, Part 1 for leading unregistered meetings for worship. This Article bans "leading, participating in, or financing an unregistered, halted, or banned religious community or social organisation". Grigoryev was for this "offence" fined about two months' average wages or 100 MFIs, 141,300 Tenge (then about (5,700 Norwegian Kroner, 700 Euros, or 955 US Dollars).

Why was Muslim prisoner of conscience extradited to Uzbekistan?

Forum 18 (08.05.2013) - The Kazakh lawyer for Uzbek Muslim prisoner of conscience Khayrullo Tursunov has condemned his government's decision to extradite his client back to Uzbekistan in March. "I am outraged - Kazakhstan should have refused to extradite him because of the unreliability of the accusations against him," Kenes Zhusupov told Forum 18 News Service from Aktobe, where Tursunov was arrested in April 2012 and held until March 2013.

"The Uzbeks wanted him back as part of their campaign against Muslims who read the Koran and pray", Zhusupov commented. Tursunov "peacefully practiced his faith outside state-controlled Islam", exiled Uzbek human rights defender Mutabar Tadjibayeva of the Fiery Hearts Club told Forum 18. Some relatives suspect that the authorities may have sought Tursunov in revenge for his wife's escape from Uzbekistan.

Once he arrived in the Uzbek capital Tashkent on 13 March, Tursunov was immediately arrested. He "may receive up to 15 years" in jail, police Colonel Isameddin Irisov told Forum 18.

Extradition – even after UN appeals for extradition to stop

The Kazakhstan International Bureau for Human Rights and the Rule of Law, in a 4 February appeal, noted that under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment "the Kazakh authorities are obliged to desist from extraditing individuals to countries where torture is practised". The Bureau notes that "Uzbekistan is one of those countries where torture is a way of life". It called on the Kazakh government to respect its international commitments by not extraditing Tursunov.

On 28 February, the UN Committee Against Torture – in a letter seen by Forum 18 – had called on the Kazakh authorities not to extradite him while his complaint to the Committee was being considered (see below).

On 13 March, after eleven months' detention, Tursunov was put on a flight from Almaty to the Uzbek capital Tashkent.

The Almaty Office of the United Nations High Commissioner for Refugees (UNHCR) said it was unable to comment on Tursunov's case, citing confidentiality. "However, even if a person is not of concern to UNHCR, the Agency always calls on countries to follow the provisions of international instruments," it told Forum 18 from Almaty on 6 May.

Similar case

In a very similar case, the Committee against Torture is also investigating the fate of 29 Muslims illegally extradited by Kazakhstan back to Uzbekistan. "As the representative of the victims, I urge the Committee against Torture to be firm regarding Kazakhstan and request strong measures," Christine Laroque of the Paris-based Action des Chrétiens pour l'Abolition de la Torture (ACAT) told Forum 18 from Paris on 7 May (see below).

Why?

Forum 18 was unable on 2 or 8 May to reach Iogan Merkel, a Deputy General Prosecutor of Kazakhstan who approved Tursunov's extradition to Uzbekistan, for an explanation for why Kazakhstan defied the UN's request and broke both its international obligations and

domestic law. Forum 18 submitted written questions to him on 8 May, but received no response by the end of the working day in Astana.

Merkel's Assistant referred Forum 18 to the International Relations Department of the General Prosecutor's Office. But neither their phones nor those of Askhat Primbetov, head of the Extradition Division of the International Co-operation Department at the General Prosecutor's Office, were answered on 2 or 8 May.

Asylum rejected, arrested after request from Uzbekistan

Tursunov – who is now 38 - fled Uzbekistan for neighbouring Kazakhstan in September 2009, settling in Almaty. His application for asylum in Kazakhstan was rejected by the Almaty Department of Kazakhstan's Migration Committee on 6 October 2010, court documents seen by Forum 18 reveal.

On 24 February 2012, Uzbek criminal charges were brought against Tursunov, and his arrest was ordered.

After learning of the arrest order from Uzbekistan, the Kazakh authorities arrested Tursunov in Aktobe on 7 April 2012 while he was travelling by train from Kazakhstan to Russia, court documents seen by Forum 18 reveal. On 9 April 2012, Aktobe City Specialised Administrative Court approved his detention, which was subsequently extended several times by the Court.

Tursunov was initially detained in Aktobe, but was transferred to a detention centre in Almaty in February 2013. While in prison in Aktobe, his lawyer Zhusupov visited Tursunov almost every week. "His morale was low," Zhusupov told Forum 18. "He was very worried he would be unjustly sentenced and tortured if he was returned to Uzbekistan."

Illegal extradition?

On 27 April 2012, Uzbekistan's Deputy General Prosecutor Khakimbay Khalimov formally asked the Kazakh General Prosecutor's Office to hand Tursunov over for prosecution. On 25 October 2012, Kazakh Deputy General Prosecutor Merkel approved the decision to extradite Tursunov.

On 9 November 2012 Zhusupov, Tursunov's lawyer in Kazakhstan, submitted a petition to Judge Raiiya Kustanova of Aktobe Court No. 2. This sought further information on the alleged criminal organisation which Uzbekistan accused Tursunov of organising and leading. The court ignored the petition.

On 22 November 2012, Astana Regional Court referred Tursunov's appeal against extradition to Aktobe City Court No. 2. On 25 December 2012, Judge Kustanova upheld the extradition. The four-page decision, seen by Forum 18, reads that the Court in the case will "examine not whether or not Tursunov is guilty of the crimes, since it is not its duty, but the legality of the extradition".

Among other conditions when a person must not be extradited, Judge Kustanova indicates in her decision that according to Article 532 of Kazakhstan's Criminal Procedure Code, the authorities "must not extradite persons if there are grounds to suppose that the same persons may be subjected to torture in the requesting country."

Torture in Uzbekistan continues to be "routine", the Committee Against Torture has found.

However, without considering whether or not Tursunov might be subjected to torture in

Uzbekistan, Judge Kustanova stated that "the Court, on the basis of Kazakhstan's international obligations and law, did not establish any obstacles to the extradition of Tursunov."

Most of her decision simply recounts Uzbekistan' charges against Tursunov and the chronology of Kazakhstan's actions against him.

Officials at Aktobe Court No. 2 told Forum 18 on 2 May that Judge Kustanova was on holiday and not available. Forum 18 was referred to Zhanat Alniyazova, Chair of the Court's Chancellery. Asked why the Court upheld Tursunov's extradition, Alniyazova repeated Judge Kustanova's claim that the Court's role was to "examine not whether or not Tursunov was guilty of the crimes but the legality of the extradition".

Asked why the Court did not take into account the United Nations' and other human rights organisations' reports of torture in Uzbekistan, Alniyazova could not say.

She referred Forum 18 to Akbulat Kurmantayev, the Chair of the Court. On 2 May the phones of both Kurmantayev and his Assistant went unanswered. Kurmantayev's phone was picked up a few times but put down without answering.

Appeal

On 3 January 2013, Tursunov appealed to Aktobe Regional Court, complaining that Deputy General Prosecutor Merkel and Judge Kustanova of Aktobe City Court No. 2 did not take into account inconsistencies in Uzbekistan's charges. He also maintained that if he was handed over to Uzbekistan he would be ill-treated there by the authorities.

On 18 January, a panel of judges at Aktobe Regional Court chaired by Judge Nurilya Satybaldina rejected Tursunov's appeal and upheld the extradition. No further court appeal can be made in Kazakhstan.

The three-page 18 January decision, seen by Forum 18, repeats for the most part what is in Judge Kustanova's decision. Judge Satybaldina in similar fashion as Judge Kustanova in her decision, without saying anything on whether or not Tursunov may be subjected to ill-treatment, claims that "the Court, on the basis of Kazakhstan's international obligations and law, did not establish any obstacles to Tursunov's extradition."

Forum 18 was unable to reach Judge Satybaldina or any other official at the Regional Court on 8 May for comment.

"Kazakhstan's international obligations"

As the Kazakhstan International Bureau for Human Rights and the Rule of Law pointed out, Tursunov's return violated what Judge Satybaldina described as "Kazakhstan's international obligations". As Tursunov is likely to be tortured in Uzbekistan, if he is not already being tortured, his return has violated the UN Convention Against Torture. Kazakhstan acceded to the Convention in 1998, and Article 3 states:

"1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights."

Torture in Uzbekistan continues to be "routine", as the Committee Against Torture put it, with cases frequently being reported by victims to Forum 18. For good reason, victims (including children) of Uzbekistan's widespread use of torture normally choose not to complain or make their suffering public for fear of state reprisals.

In a similar case to Tursunov's, in June 2012 the Committee Against Torture found that Kazakhstan had violated the human rights of a group of Uzbek Muslims who were extradited to Uzbekistan in 2011.

In stark contrast, Kazakhstan did not extradite Uzbek Protestant Pastor Makset Djabbarbergenov.

UN calls for extradition to be suspended

On 14 February, human rights defender Tadjibayeva lodged an individual complaint to the Committee Against Torture on behalf of Tursunov, as she noted on the Fiery Hearts Club website Jarayon.com.

The complaint was forwarded to the Kazakh government on 28 February, according to the United Nations Human Rights Treaties Division reply to Tadjibayeva the same day, seen by Forum 18. Kazakhstan was asked for its response to the complaint within six months.

"Please note that the [Committee against Torture's] Special Rapporteur on New Complaints and Interim Measures has decided to request the State party [Kazakhstan] to refrain from extraditing Mr. Tursunov Khairullo Turdiyevich to Uzbekistan, while his complaint is under consideration by the Committee", the 28 February UN letter states.

"Not the first case when Kazakh authorities violated their human rights obligations"

Human rights defender Tadjibayeva, head of the Fiery Hearts Club human rights organisation, based in Paris, condemned the Kazakh authorities' decision to extradite Tursunov while the UN was considering his complaint.

"This is not the first case when the Kazakh authorities violated their international human rights obligations and handed over refugees to Uzbekistan," she complained to Forum 18 on 19 April from Paris. "In Uzbekistan the authorities systematically torture and humiliate peaceful religious believers in prisons." She pointed to the extradition of 29 Muslim men to Uzbekistan.

29 Muslim men's extradition at UN

On 1 June 2012, the Committee Against Torture found that Kazakhstan had violated the human rights of a group of 29 Muslim men – 27 Uzbeks and two Tajiks - who were extradited to Uzbekistan in 2011. The Committee noted that the men were detained as soon as they arrived back in Uzbekistan and that some at least had received prison terms of more than 10 years. It gave Kazakhstan 90 days to respond.

An 8 November 2012 Kazakh government response – with information prepared by Kazakhstan's General Prosecutor's Office – claimed that between 3 and 14 August, Kazakh diplomats had interviewed 18 of those extradited back to Uzbekistan, all of them now in prison. "None of the visited convicts indicated to have been subjected to torture, unlawful measures of physical and moral pressure or other impermissible methods of investigation," the UN summarised the Kazakh response as claiming.

Laroque of Action des Chrétiens pour l'Abolition de la Torture (ACAT) told Forum 18 that the Kazakh government's November 2012 response is being considered in private by the Committee Against Torture during its session in Geneva, which began on 6 May and continues until 31 May.

"As the representative of the victims, I urge the Committee against Torture to be firm regarding Kazakhstan and request strong measures," Laroque told Forum 18 from Paris on 7 May, "for instance to set up a mission with members of the CAT or independent experts to visit the complainants still detained and who are alleged to have been tortured in Uzbek jails."

Religious freedom to suffer in anti-extremist programme?

Forum 18 (06.05.2013) - Publication and distribution of all religious works, sharing faith, foreign religious study and places of worship are targeted in a proposed new State Programme to Counter Religious Extremism and Terrorism for 2013-2017, Forum 18 News Service notes. The State Programme also says all places of worship – among other public venues – would require "contemporary security systems" (presumably security cameras) by 2017. If adopted in its current form, it would also require teaching on "traditional religions" to become a compulsory subject in all state schools from 2014.

The Programme also involves extensive state involvement in teaching religion and controlling theological institutions (Islam appears to be the main or only faith that appears to be under consideration).

"Religious activity across the board will be more and more restricted," one member of a religious minority told Forum 18 in early May.

The 21-page draft State Programme, prepared by the General Prosecutor's Office and seen by Forum 18, is apparently in the final stages of preparation. It is due to be presented for approval to President Nursultan Nazarbayev later in May and adopted by Presidential Decree by June.

State concerns

The State Programme claims that religious extremism and terrorism pose a threat to the state and its population. It cites apparent greater radicalisation of the population, especially the young and prisoners, greater global terror threats, the withdrawal of international troops from Afghanistan, drug-trafficking and illegal migration.

In response, it proposes wide-ranging measures, including: increasing the numbers of personnel and resources available to police and security agencies; increased surveillance of society and public areas; close monitoring of all media; heightened border controls; increased state "propaganda" against religious extremism; teaching to ensure increased "religious literacy"; increased "patriotic" education; and greater non-religious leisure pursuits for young people.

Existing state denigration of specific faiths is widespread. Pentecostal Christians, Ahmadi Muslims, other non-Hanafi Muslims and Jehovah's Witnesses have been among those vilified in state publications and films. Given this, many religious minority members have told Forum 18 of their concern that these proposed measures might also be targeted at them, even though they insist they have nothing to do with extremism or terrorism.

Although ostensibly targeted at "religious extremism and terrorism", some of the measures are openly targeted at all forms of specified religious activities, especially

publication and distribution of religious literature, sharing faith and worship. The State Programme appears to make no attempt to justify such all-embracing controls by arguing that they are needed to identify the possibly small proportion of crimes among the many people engaged in such activity.

The only cautious note in the State Programme comes in the analysis of "weaknesses" in the way the state currently deals with the issue: "in some instances, some state officials and civil society institutions identify religion with extremist and terrorist activity". However, the State Programme does not develop this point, nor does it identify ways to avoid this "weakness".

Implementation plan

Accompanying the draft Programme is a draft Plan to implement its measures, made public on 26 March on Pavlodar Regional Education Administration website. The 29-page Implementation Plan contains 74 measures, a number of which directly target practising the right to freedom of religion or belief.

A wide range of state agencies are tasked with implementing the new controls, including the Interior Ministry (police), the National Security Committee (KNB) secret police, the Syrbar Foreign Intelligence Service, the Agency of Religious Affairs (ARA), the Foreign Ministry, the Education Ministry, the Culture Ministry, the General Prosecutor's Office and local Akims (administration chiefs).

Neither the draft State Programme nor the draft Implementation Plan have proposed costings of the measures filled in.

Compulsory school classes

The State Programme notes that the compulsory secondary school classes on religious knowledge to be introduced by 2014 will be "dedicated to the bases of traditional religions".

Point 36, Part 2 of the Implementation Plan requires "the introduction of a course of religious studies as a compulsory subject for the nine classes of secondary school, as well as for the first years of middle/specialist and higher educational institutions". A significant part of the course will be "prevention of manifestations of extremism and terrorism". New textbooks and new trained teachers are also required. Older school-children will be shown more films countering religious extremism. The deadline for all these measures is 1 September 2014.

Nowhere do the State Programme or the Implementation Plan identify what are or are not "traditional religions", a concept not defined in Kazakh law. Nor do the State Programme or Implementation Plan identify if the courses are designed to give students information about various faiths, their beliefs and practices or to teach them that some are better or more true than others.

Religion is not currently taught in schools. However, human rights defenders and members of a wide variety of religious communities condemned a textbook - "Introduction to Religious Studies" - which, in the words of one local specialist, contains "aggressive, sometimes insulting and even offensive" language about some Kazakh religious communities. Introduced into schools in January 2010, it was at the time the only textbook available to teach a Religious Studies course introduced for the 9th class (for children aged about 14) by the Education and Science Ministry in September 2009.

Point 37 of the Implementation Plan requires: "The appointment of foreign scholars/theologians to Kazakhstan's educational institutions." These scholars would arrive between 2013 and 2017. The Implementation Plan does not explain of what faith

these theologians would be, which institutions they would be appointed to, nor what tasks they would have once they arrive.

A press officer at the Education Ministry told Forum 18 from the capital Astana on 6 May that she could not answer questions by telephone. Forum 18 sent its written questions on the afternoon of 6 May, but had not received a response by the end of the working day in Astana.

State-controlled theological education

Both the State Programme and the Implementation Plan specify intrusive state measures into religious education, apparently of adults. The State Programme calls for increased theological provision in Kazakhstan so that individuals do not go abroad to study in "dubious" religious educational institutions.

Point 38 of the Implementation Plan requires: "Ensure conditions for citizens to receive theological education in Kazakhstan by creating its own competitive system of theological education accessible to low-income sections of the population." This measure is to be enacted by 1 September 2015. The Implementation Plan does not specify which faith or faiths are involved. It remains unclear why providing theological education is the role of the state, given the separation between the state and religion proclaimed in Article 3, Part 1 of the 2011 Religion Law.

The State Programme states that "in 2014 in religious educational organisations, equal weight will be secured for the receipt by students of both religious and secular subjects". It remains unclear whether this means that adults studying religion, for example, will have to study geography and history as well. It remains unclear if the state will force religious communities' educational institutions to amend their curricula to include non-religious subjects.

Point 39 of the Implementation Plan requires state bodies to organise foreign study for Kazakhstan's theological students, to be achieved by the third quarter of 2014. Again, no indication is given as to which faith is involved and whether this means private arrangements to study religion abroad are banned.

Once abroad, under Point 15 of the Implementation Plan, theological students from Kazakhstan would be subject to scrutiny from "special and law-enforcement agencies, as well as leading experts of state bodies (Foreign Ministry, Justice Ministry, ARA, Culture Ministry, Transport Ministry)", embedded in foreign theological establishments with the task of countering "religious extremism and terrorism". It remains unclear what the Kazakh state will do in cases where the foreign theological establishments refuse to accept such Kazakh officials in them.

Although no faiths are specified in these new requirements on theological education, they appear to be focused primarily, or possibly exclusively, on Islamic education.

Religious literature controls

Religious literature is already censored in Kazakhstan, with state permission required to publish, import or sell it. In two cases, religious literature – including Bibles – confiscated from individuals was ordered destroyed by the courts. In both cases the decisions were overturned after protests.

The State Programme and the Implementation Plan stress the importance of these controls. The State Programme laments that at present "publishing organisations printing religious publications within the country remain outside the necessary control".

The State Programme expresses apparent concern at the rise of interest in religious literature, without explaining why this is a cause for concern. It notes an August 2012

sociological survey that "25 per cent of the believing population of Kazakhstan adopted their specific faith through independent study of religious literature". The State Programme said that this made publication and distribution of religious literature a "first-ranking question" for the state. It insisted that "the establishment of an effective mechanism of state control over the distribution of religious literature is important, including for the prevention of religious radicalism".

Point 70 of the Implementation Plan declares: "Uncover and halt the distribution of religious literature and informational materials of religious content in non-approved locations." This task is to be carried out "continuously", with the Interior Ministry (police), the ARA and the General Prosecutor's Office responsible.

Point 34 of the Implementation Plan requires at least some of the new staff to be appointed to the Justice Ministry's Judicial Expert Analysis Centres to know Arabic.

Controls on places of worship

Registered places of worship are already subject to surveillance and intermittent raids, while unregistered places of worship are frequently raided and those leading or participating in worship subject to punishment.

The State Programme and the Implementation Plan reinforce this approach. Point 71 of the Implementation Plan specifies: "Uncover and halt the activity of illegally functioning places of worship." This task is to be carried out "continuously", with the Interior Ministry (police), the ARA, the General Prosecutor's Office, the Justice Ministry (the body that currently registers religious communities) responsible.

The State Programme specifies that "100 per cent" of places where the public gathers – including places of worship – will be fitted with "contemporary security systems" by 2017.

The Implementation Plan prescribes in Point 61 video-surveillance in publicly-populated places (without specifically mentioning places of worship) by 1 February 2014. Local akims and the Interior Ministry (police) are responsible for this.

Security cameras have already been installed in many places of worship. Local television company TV7 reported on 14 September 2012 that 14 of Almaty's 30 mosques had already installed them, as well as the city's Catholic cathedral, other Christian churches and synagogue.

Andrei Grishin of the Kazakhstan International Bureau for Human Rights and the Rule of Law expressed concern to Radio Free Europe's Kazakh Service on 21 September 2012, pointing to the role of the state in the surveillance and citing concerns over individuals' freedom. But an official of Almaty's Internal Policy Department denied to the broadcaster that the police had ordered the cameras' installation. Spokesperson Saltanet Azirbek claimed it had been the initiative of each mosque.

"These cameras will spy on everyone," one religious believer who asked not to be identified complained to Forum 18 in early May 2013. "Surveillance – currently intermittent – will become permanent. For communities the government doesn't trust, these cameras could be used to find things to punish them with."

Sharing faith banned

Sharing faith with others publicly is already banned, with those who continue to do so regularly subjected to administrative punishment. Criminal penalties for this are also planned.

The State Programme expresses apparent concern at the "active measures by missionaries of various religious organisations". It notes that the majority of those punished for sharing faith are members of the Islamic missionary movement Tabligh Jamaat (punishments on Protestant Christians and Jehovah's Witnesses go unmentioned).

The State Programme notes with apparent approval the ban on Tabligh Jamaat handed down by a District Court in Astana on 26 February.

Point 72 of the Implementation Plan declares: "Uncover and halt the carrying out on the territory of the country of illegal missionary activity." This task is to be carried out "continuously", with the Interior Ministry (police), the ARA and the General Prosecutor's Office responsible.

"Not authorised to discuss it"

The State Programme is being prepared under the authority of Deputy General Prosecutor Andrei Kravchenko, whose responsibilities include overseeing the law in the social and economic sphere. However, his assistant Sayan Abdikhairanov, who has been working on the State Programme, refused absolutely to discuss it. "I'm not authorised to discuss it," he told Forum 18 from Astana on 6 May. He referred Forum 18 to the Press Office.

However, Press Office head, Serikkali Mukashev, similarly refused to discuss the State Programme. "It is not yet ready – work on it is still proceeding," he told Forum 18 the same day. He said he had not read the document and asked Forum 18 to send its questions in writing.

An official of the General Prosecutor's Office International Co-operation Department, who did not give his name, told Forum 18 he had read the draft State Programme. But he too refused to discuss it.

The Press Office at the government's Agency of Religious Affairs (ARA) in Astana went unanswered each time Forum 18 called on 6 May.

"No such thing as unlimited freedom"

The State Programme to Counter Religious Extremism and Terrorism was first ordered by President Nazarbayev on 14 December 2012 in a speech entitled "Strategy: Kazakhstan 2050", published on the presidential website. Despite claiming that citizens of different ethnic and religious backgrounds have equal rights, Nazarbayev claimed that "Today the question is urgent of religious and pseudo-religious movements not traditional for our people." He did not identify these groups.

"Our Constitution guarantees freedom of religious confession, that's a fact. However, as is well known, there is no such thing as unlimited freedom – this is chaos. Everything must be within the framework of the Constitution and the laws." While insisting on individuals' right to choose their faith, Nazarbayev expressed concern over young people adopting unspecified "pseudo-religious" faiths. He insisted that an "internal filter" was needed in each individual.

Expressing pride that Kazakhstan was, in his view, part of the "Muslim umma [worldwide community]", he rejected Muslims who demand that their womenfolk wear headscarves, do not drive and do not eat at the same table as men. "We should not allow for true faith in the Almighty to be turned into aggressive and destructive fanaticism," Nazarbayev declared. "This contradicts the Hanafi school, to which the faithful of Kazakhstan belong."

Nazarbayev did not explain why – given that he acknowledged that individuals have a free choice in the area of religion, that citizens of different faiths have equal rights, and that the state is secular - he expects ethnic Kazakhs to be Hanafi Muslims.

Only Hanafi mosques are allowed to apply to join the Muslim Board and gain state registration (the Muslim Board has a state-backed monopoly over Islam). All non-Hanafi Muslim literature is already banned (see F18News 21 February 2013 http://www.forum18.org/Archive.php?article_id=1804).

Nazarbayev ordered the State Programme to be drawn up. "It is necessary harshly to halt the activity of non-traditional sects and dubious pseudo-religious movements," he insisted, without identifying them. "At the same time I want to warn the nation. The fight against extremism must not turn into a witch-hunt and develop into a fight with religion."

"To neutralise these negative manifestations"

An 18 December 2012 Presidential Decree ordered the adoption of the State Programme by June 2013, as well as a separate law by September 2013. Neither the title nor the content of the law was revealed, but its preparation was assigned to Presidential Advisor and Secretary of the Security Council, Marat Tazhin.

The General Prosecutor's Office announced on 10 January 2013 that work had already begun on the State Programme to Counter Religious Extremism and Terrorism in line with the President's speech "as well as on draft laws for perfecting the current legislation to neutralise these negative manifestations". It did not specify which draft laws it had in mind.

The General Prosecutor's Office Plan of how the speech should be implemented – published on its website on 15 January – gives a deadline of 25 May for completing work on the Programme and preparation of a draft Presidential Decree.

Speaking on 30 January, President Nazarbayev noted that the Programme was being prepared on his instructions, but insisted it was "to counter extremism and terrorism". "I consider it wrong to focus it on the problem of the danger exclusively of religious extremism and terrorism," the presidential website quoted him as telling a meeting of senior police and security officers.

Further anti-Extremism amendments

The Implementation Plan identifies in Point 1 the proposed legal changes as amendments to various laws "to counter extremism", which are to be enacted by September 2013. However, the specific laws which might be amended are not identified.

The Implementation Plan also requires official regulations in this area to be reviewed for possible amendments, by January 2014. In addition, each September between 2013 and 2017 a complete review of the entire legal framework in the area of countering extremism and terrorism is to be undertaken to see if its "further perfection is necessary".

Members of a variety of religious communities expressed concern to Forum 18 when President Nazarbayev signed into law the new Extremism Law and other legal amendments in February 2005.

Four raids, heart attack, eight fines – amid presidential claims of religious freedom

Forum 18 (22.04.2013) - Within two days of a claim by President Nursultan Nazarbayev that Kazakhstan fully respects religious freedom, seven mostly elderly Pentecostal church members were fined in East Kazakhstan Region for holding an Easter Sunday service in a private home. Officers initially accused them of storing drugs. One church member, Aleksandr Balaev – who is 66 – was fined the equivalent of six months of his pension, he complained to Forum 18 News Service. He said one 73-year-old church member suffered a heart attack four days after the raid, which he attributes to the stress of the raid and interrogation. She and another hospitalised church member could yet be fined.

In a heartfelt three-page hand-written letter seen by Forum 18, the 73-year-old, Galina Gileva, called on people to reach out to President Nazarbayev "so that he would hear us and resolve the problem with the authorities, i.e. the police and the courts". She recounted the pressure from the police "who have decided to use fear to separate us from God, something they can never achieve – they cannot ban me from my Christian faith".

Gileva added that police "brought me to such a position of stress that I suffered a heart attack". She had to seek medical attention for this and high blood pressure.

The fines on the Pentecostals came just over a week after a Baptist pastor elsewhere in East Kazakhstan Region was fined the same amount as Balaev for leading an unregistered religious service. Two Jehovah's Witnesses services have also been raided (see below).

Easter Sunday raid

On 31 March, Easter Sunday, nine members of a small congregation of New Life Pentecostal Church in the village of Zhaskent in East Kazakhstan Region were meeting for worship in Balaev's private flat when it was raided. Five police officers – among them anti-extremism police officer Captain Dauren Omargaliyev and local police officer Captain Timur Zhakupov – raided the service.

Accompanying them were the required two witnesses. Protestants familiar with the raid told Forum 18 that the two appeared to be drunk.

"Without presenting any warrant, the officers began to film and searched the flat," Protestants told Forum 18. "Senior local police officer Timur Zhakupov ordered church members to go to the police station to give statements, but they refused, demanding to know the reason for this. He told them they were conducting unregistered religious activity."

Six-hour interrogations

On 3 April, police summoned church members to the police station in Zhaskent, where they were held from 12 noon until 6 pm. "Before they were allowed to leave they were given the records of interrogation to sign where, as well as unregistered religious activity mention was made of storing and use of narcotics," Protestants complained to Forum 18. "Some of the elderly church members signed the record without reading it."

When one church member noticed the reference to narcotics, the rest refused to sign, according to several of the records seen by Forum 18. Officers then threatened to imprison them for 24 hours.

Church members complained about the police conduct to East Kazakhstan Regional Prosecutor's Office. In one 14 April complaint to Borodulikha District Prosecutor Yerzhan

Koshkin, seen by Forum 18, the mother of a 15-year-old girl who had been present at the Easter service complained that her daughter had been "forced to stand in front of the camera which led to a state of stress". Captain Zhakupov then came to their home and pressured the girl not to attend New Life Church's services again.

The telephone at the Borodulikha District Prosecutor's Office was not working on 22 April.

Seven fines

On 15 April cases against seven of the New Life Church members – four of whom are in their sixties – were handed to Borodulikha District Court, according to the verdicts seen by Forum 18.

On 18 April, Judge Bakhytzhon Sekerbekov found four church members guilty: Nina Afanasyeva, Natalya Mananskaya, Yekaterina Balaeva and Oleg Savitsky. On 19 April, Judge Zhannura Syzdykova found three more church members guilty: Vitaly Savitsky (Oleg's brother), Aleksei Murai and Aleksandr Balaev (Yekaterina's husband).

Balaev was regarded as the leader of the community. He was fined 100 Monthly Financial Indicators (MFIs) under Code of Administrative Offences Article 374-1, Part 1 ("Leadership of an unregistered or banned social or religious organisation"). The other six were each fined 50 MFIs under Code of Administrative Offences Article 374-1, Part 2 ("Participation in the activity of an unregistered or banned social or religious organisation").

Borodulikha Police told Forum 18 on 19 April that Captain Omargaliev was away on holiday, and no one else would be able to comment.

Zhaskent Police told Forum 18 the same day that Captain Zhakupov, Senior Lieutenant Ermuratov and Senior Lieutenant Zhakupbekov – all involved in the raid – were out.

The duty officer – who would not give his name – insisted to Forum 18 that the seven church members had been punished by the courts, not the police. "We didn't raid them, but they must register their community." Asked if the Soviet era – with its compulsory state registration and punishments for unregistered religious activity – had returned, he laughed and put the phone down.

Oskemen raid and fine

Five police officers raided a Baptist service in Oskemen, the capital of East Kazakhstan Region, on 20 March, local Baptists complained to Forum 18. The congregation – like all Council of Churches Baptist congregations – refuses to seek state registration, arguing that they do not need it and should not be forced to seek it.

"One of the police officers went through all of the rooms, photographed all the quotations from the Holy Scriptures hanging on the walls, all the religious literature and all those present," the Baptists noted. "When the meeting finished, they wouldn't let anyone leave the house and demanded that all of them – including the children – write statements."

As the community does not have state registration, officers drew up a record of an offence against the Pastor, Vitaly Krasilnikov under Code of Administrative Offences Article 374-1, Part 1.

On 9 April, Judge Edil Kuderbayev of Oskemen Specialised Administrative Court found him guilty and handed him the maximum fine of 100 MFIs, 173,000 Tenge, according to the verdict seen by Forum 18.

The verdict notes that Pastor Krasilnikov denied any wrongdoing in court. He insisted that the Constitution gives him the right to practice his faith and that he did not cause any harm to the state, society or individuals.

"A fellow church member accompanied Pastor Krasilnikov to the court, but they wouldn't let him into the hearing and wouldn't give a reason," the Baptists complained.

Pastor Krasilnikov has lodged an appeal to East Kazakhstan Regional Court.

Judge Kuderbayev refused to explain why he punished an individual simply for holding a religious meeting. "I can't give an interview – he has lodged an appeal," he insisted to Forum 18 from the court on 22 April. "Contact me after it has issued its ruling." He repeatedly refused to say if he was not embarrassed to be issuing such a punishment on an individual exercising the right to freedom of religion or belief and put the phone down.

Kentau raid

Jehovah's Witnesses too have suffered police raids on their meetings. On 3 March, police in the town of Kentau in South Kazakhstan Region raided a meeting in a private home. They filmed the service and those who were in attendance. Anatoli Lunev, who was conducting the service, was forced to give a statement, Jehovah's Witnesses told Forum 18.

On 18 February, Lunev had been summoned to the police station, where a similar statement was taken regarding the lawfulness of earlier Jehovah's Witness services in Kentau.

The duty officer at Kentau Police told Forum 18 on 22 April that both the police chief and his deputy were out and that only they could answer questions.

Karabalyk raid

On 6 April, a Jehovah's Witness service in a private home in the small town of Karabalyk in Kostanai Region was raided. "The actions of law-enforcement officials violated the rights of approximately 40 believers, members of a registered religious association who gathered for a religious service," Jehovah's Witnesses complained to Forum 18.

About 15 officials from the town administration together with local police officers "rudely disrupted" the service in the home of Eduard Malykhin, "forcibly bursting in". They halted the service, filmed those present and demanded a statement from each. "None of the believers were allowed to leave the premises, even to use the toilet. Among those present were gravely ill persons and relatives of the homeowner, who were also forced to give statements."

Senior lieutenant Renat Khusainov from the district police station, the only officer who introduced himself, stated that the reason for bursting into the private home and disrupting the religious service was an anonymous call regarding a religious meeting being held by an "unknown sect". However, even after Malykhin presented copies of all founding documents of the religious association, which was re-registered and legally active in the entire Kostanai Region, aggressive actions by the officials continued.

Malykhin's home was searched and his personal library with religious literature was seized. Most of the people present were summoned to the district police station the same evening or the following day (Sunday) to give statements (Forum 18 has seen several of the summonses). At present, they are preparing complaints to Kostanai Regional Prosecutor's Office against what they regard as the "unlawful actions" of the law-enforcement officials.

"They violated the law"

Lt-Colonel Nikolai Narkhov, head of Karabalyk Police, refused absolutely to answer any of Forum 18's questions on 22 April as to why the religious meeting had been broken up. "Ask our press service," he kept repeating. Asked if he has responsibility for the actions of his officers, he repeated his response and put the phone down.

Lt-Colonel Yelena Kasharina, head of Kostanai Regional Police Press Service, denied to Forum 18 the same day that the raid had constituted a raid. "There is the Religion Law and there is the Code of Administrative Offences," she insisted to Forum 18. "They violated them." She refused to answer any further questions. She said Forum 18 could only receive an official response by lodging an official request to Kazakhstan's Interior Ministry in Astana.

Saule Nurbisaliyeva, head of the Internal Policy Department of Karabalyk District Akimat (administration), was not in the office on 22 April. The Department's Chief Specialist – who refused to give her name – denied absolutely that any raid had taken place. "It's not true – how could it be?" she told Forum 18. "I've never heard of this. Maybe there was a visit."

Asked why people cannot enjoy the right to freedom of assembly, speech and religion, the Chief Specialist told Forum 18: "How can you know what's happening here? You're just working to publish untrue information, to make up bad things about life in Kazakhstan."

Nazarbayev's claims

President Nazarbayev made his claims that Kazakhstan has religious freedom on 17 April at a joint briefing with the visiting Finnish President Sauli Niinistö. "We now maintain that Kazakhstan is an example to the world of equal rights and freedoms for all citizens, making up more than 130 ethnic groups," the presidential website quoted him as claiming. "We have here 46 religious denominations, and religious freedom is fully secured."

Two grandmothers in their late seventies were among seven Baptists fined in early April for participating in an unregistered religious meeting in a private home in the town of Ayagoz in East Kazakhstan Region.

New Life Church's Easter Sunday service on 31 March in Stepnogorsk in Akmola Region was similarly raided. The raid followed an apparent state attempt to discredit or blackmail the Church. No administrative case was lodged against church members.

However, officials have not yet moved to stop regular worship at the Din-Muhammad Mosque in Petropavl in North Kazakhstan Region. Mosque members are challenging the decision by the ARA to strip it of its legal status. The next hearing is due in the Regional Court on 30 April, community members told Forum 18.

All independent mosques across Kazakhstan are illegal, and those that struggle to continue risk punishment for meeting for worship without state registration.

Prosecutors are also seeking to put on trial imprisoned atheist Aleksandr Kharlamov. He faces criminal charges – which he denies – of inciting religious hatred. He is being held in prison in Almaty and is due to undergo psychiatric examination.

Imprisoned atheist mad, bad, or neither?

Forum 18 (18.04.2013) - Imprisoned atheist Aleksandr Kharlamov is due to undergo a second officially-ordered psychiatric examination since his 14 March arrest, as Kazakhstan's prosecutors seek to imprison him on criminal charges of "inciting religious hatred". He rejects the accusation, which carries a maximum penalty of seven years' imprisonment. "No-one suffered from what he wrote on religion," the investigator police Captain Alikhat Turakpayev admitted to Forum 18 News Service, "but inciting religious hatred is banned by law." The 62-year-old Kharlamov is being held in the Investigation Isolation Prison No. 1 in Kazakhstan's commercial capital Almaty awaiting further psychiatric evaluation.

Kharlamov's lawyer, Manshuk Medikhanova, told Forum 18 on 11 April – shortly after her client's transfer to Almaty - that there is an 80 percent chance that he will be convicted and imprisoned.

Writings on religion an excuse?

Kharlamov is a journalist for the local newspaper "Flash!" and anti-corruption campaigner in Ridder, in East Kazakhstan Region. His partner, Marina Kaplunskaya, told Kazis Toguzbayev of Radio Free Europe's Kazakh service for a 15 April article that the authorities were angered by an article he wrote in 2011 about the trial of a police officer in Ridder. Kaplunskaya said he had been highly critical of the judge and prosecutor in the case, and thinks the attempt to prosecute him for his writings on religion is an excuse.

Kuat Rakhimberdin, head of the East Kazakhstan regional branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law, agrees. "Aleksandr Kharlamov is involved in many types of activity, but he annoyed the police and this appears to have been what triggered the case," he told Forum 18 from the regional capital Oskemen (Ust-Kamenogorsk) on 11 April. "His writings on religion are just the excuse. But in any case, this is a violation of his right to freedom of speech and religion."

Kazakhstan seriously violates its human rights obligations on freedom of religion or belief and related human rights such as freedom of expression. One of many recent examples is a police raiding on a meeting for worship, and the detention of a visiting pastor with others for preaching without state permission.

Captain Turakpayev refused to discuss whether the prosecution was motivated by the police's annoyance with Kharlamov. Asked if Kharlamov enjoys freedom of speech, Turakpayev responded: "Yes, but there is a law, which Parliament adopted." He declined to explain which law he had in mind. "The court will decide if we had a basis for opening this criminal case."

Turukpayev also refused to explain on what, if any, medically-relevant evidence he ordered two psychiatric examinations of Kharlamov. Asked who Kharlamov had incited his readers against, Turakpayev refused to say. "That is a secret of the investigation."

Asked if the police had received any complaints over what Kharlamov had written, he declined to answer.

Criminal case

The investigation against Kharlamov began in late 2012, according to court documents seen by Forum 18. A "court/philological expert analysis", produced on 17 October 2012, concluded that his writings on religion "contain negative information aimed at inciting religious hatred and discord".

On the basis of the "analysis", a criminal case against him was opened on 25 January 2013 under Criminal Code Article 164, Part 1. This Article is both unclear and wide-ranging. It criminalises: "Deliberate actions aimed at the incitement of social, national, clan, racial, or religious enmity or antagonism, or at offence to the national honour and dignity, or religious feelings of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, or their genetic or racial belonging, if these acts are committed publicly or with the use of the mass information media."

No definitions are offered for the concepts criminalised by Article 164. Punishments are a fine or imprisonment of up to seven years.

Kharlamov's home was searched on 6 February and his computer and published articles confiscated, according to case documents seen by Forum 18.

On 14 February Ridder-based police Captain Turakpayev commissioned a second "psychological/philological expert analysis" of his writings from the Justice Ministry's East Kazakhstan Region Judicial Expertise Centre. The 21-page "expert analysis" by three of the Centre's "specialists", completed on 11 March, found that 28 of the 36 writings it analysed "contain negative information aimed at inciting religious hatred and discord".

What did Kharlamov write?

"Any religion is nothing other than a primitive philosophy, that is, an ideology based on primitive ideas and concepts, on myths, on lies and deception, on mystifications and falsifications, that is on unreliable information," the "expert analysis" quotes one of Kharlamov's writings as declaring.

"All world religions – both mysticism and atheism, which reject the possibility of knowing the True and Real God – represent obscurantism and primordial primitivism," it cites another as declaring.

Kharlamov also argued that true Buddhism had been distorted by the Brahmins and described Judaism as "false Christianity" which Jesus had come to fight.

Gulnara Kudaibergenova, one of the three "experts" at the Judicial Expertise Centre who conducted the "analyses", refused to say whether anyone has suffered from Kharlamov's writings. "This is a juridical decision, not one for us," she insisted to Forum 18 from Oskemen on 18 April. "We just wrote the expert analysis in line with our methodology."

She stressed that she and her colleagues "didn't just get the literature from the street" but were assigned it by Captain Turakpayev.

Asked if she thinks Kharlamov is a danger to society, she replied: "I'm not obliged to respond." She then said "you are taking up my time" before putting the phone down.

"Stuck somewhere in the Middle Ages"

Rakhimberdin of the Bureau for Human Rights and the Rule of Law says no complaints have followed the publication of Kharlamov's writings on religion, which appeared on the website of the local newspaper he worked for, "Flash!". "The audience for his writings is very small," Rakhimberdin told Forum 18.

"Kharlamov doesn't have the aim of annoying religious believers," Rakhimberdin insisted. "I believe he had no evil intention when he wrote these pieces."

Human rights defender Yevgeni Zhovtis of the Bureau for Human Rights and the Rule of Law likened the treatment of Kharlamov to the treatment of dissidents during the Inquisition. After studying the case documents, he told Radio Free Europe: "I get the feeling that these people are stuck somewhere in the Middle Ages and are not aware that holding another opinion is not an issue for a criminal legal case."

"Serious crime"?

Kharlamov was detained on the evening of 14 March. The 16 March decision naming him as a suspect – signed by Captain Turakpayev and seen by Forum 18 – claimed his actions were deliberate. Kharlamov, "understanding that his view is diametrically opposed to the view and faith of the majority of religious people, and his actions could attract the rise of negative consequences in the form of religious hatred and discord, as well as leading to forming in people a negative attitude to religions which could facilitate a conflict between people, decided to publish his 'works'."

On 17 March, Judge Lyudmila Pobiyakha of Ridder Court approved Captain Turakpayev's request to have Kharlamov held in pre-trial custody for an unspecified period.

Prosecutor T. Bekturov told the Court that there was no reason to order milder pre-trial conditions as Kharlamov had committed a "serious crime", according to the court decision seen by Forum 18. "If he were free, he could hide from the court and the investigation."

Kharlamov dismissed this claim, insisting that he had no intention of fleeing. He also dismissed the accusation against him as "absurd" and complained that "isolation from society" would prevent him from being able to prepare himself properly to defend himself in the case. The court dismissed his defence, maintaining that he is "socially harmful" and published another article on religion despite knowing that the criminal case had been launched against him.

After the court ruling, Kharlamov was held in the Investigation Prison in the regional capital Oskemen.

Why were psychiatric examinations ordered?

On about 8 April, Kharlamov was transferred from Oskemen to Investigative Prison No. 1 in Almaty. "I sent him there so that they can conduct a further psychological/psychiatric assessment of him," Captain Turakpayev told Forum 18. "The question is: does he suffer from any psychological illness?" He refused to explain what, if any, medically-relevant evidence he had for ordering both psychiatric examinations.

Turakpayev had already ordered a psychiatric examination of Kharlamov in Oskemen and he claimed that this found Kharlamov was suffering from "delusional disorder". Turakpayev stated that the second examination was for another opinion on this.

Kharlamov told Toguzbayev of Radio Free Europe for the 15 April article from Almaty Investigation Prison that the preliminary investigation had found him "to be aggressive and I could represent a danger to those around me".

Kaplunskaya, Kharlamov's partner, told Toguzbayev that she had already been questioned as a witness and had stated that he had never been aggressive towards her or any members of her family over the ten years they had been living together. She added that neighbours had written similar positive statements about him.

Kharlamov complained to Radio Free Europe from prison that "an order has come down to present him as psychiatrically ill and on this basis to lock him up in a psychiatric hospital".

Zhovtis of the Bureau for Human Rights and the Rule of Law worried that "If they declare him not normal because he is an atheist – since all normal people believe and those who are not normal don't believe – then half the people in our country are not normal."

Who can or will examine Kharlamov?

It is thought that Kharlamov's psychological state will be examined at the Republican Special Psychiatric Hospital in Aktas in Almaty Region. However, a staff member there – who would not give her name – told Forum 18 on 18 April that the hospital does not conduct expert examinations. She said they are conducted by the Republican Scientific/Practical Centre of Psychiatry, Psychotherapy and Narcology in Almaty.

However, the woman who answered the phone there – who also would not give her name – told Forum 18 the same day that the law does not allow the Centre to give out information and referred Forum 18 to the investigator.

"He needs local state permission to preach"

Forum 18 (16.04.2013) - Officials who raided a Protestant church in Stepnogorsk in Kazakhstan's northern Akmola Region, as the Easter Sunday morning service on 31 March was finishing, have defended the raid. "The visiting pastor needed permission to preach here," Duman Uvaideldinov of Stepnogorsk police Criminal Investigation Department – who led the raid - insisted to Forum 18 News Service on 15 April. "He will receive an official warning."

Pastor Igor Andreikin and others from New Life Pentecostal Church are also concerned by an apparent attempt by an unknown "law-enforcement agency" to discredit or blackmail them. An unidentified "law-enforcement officer" attempted to send two young women into a sauna session with the Pastor and other men from the church, to be closely followed by police. Both the ordinary police and the National Security Committee (KNB) secret police have denied to Forum 18 that they had any involvement (see below). Pastor Igor Andreikin told Forum 18 that he was going public on this case to try to prevent such methods being used in future.

Raid

Pastor Andreikin – who lives in Temirtau in the central Karaganda [Qaraghandy] Region – visited Stepnogorsk at the invitation of the local New Life congregation and led several Easter worship meetings. He was concluding the Easter Sunday service on 31 March when four police officers raided the church, led by Captain Uvaideldinov of Stepnogorsk Police's Criminal Investigation Department. The other three officers were local officers from the 4th Microdistrict. They were accompanied by Orynbasar Beisenbina, head of the Internal Policy Department at the town's Akimat (local administration).

"Beisenbina began to accuse me of being a missionary and conducting illegal missionary activity," Pastor Andreikin told Forum 18. "She said I was violating the law and needed to be punished." He rejects this accusation, saying he is a duly accredited pastor of his church and that Stepnogorsk New Life Church's charter allows it to invite visitors to preach.

"I explained to the Akimat official and the police officers that I was leading a service in a registered local religious community and was not 'spreading my faith', the Religion Law's definition of 'missionary activity'," Andreikin told Forum 18. "The faith has already been spread in the church. My actions did not constitute a criminal or administrative offence."

However, the police did not listen to his arguments and insisted that he and the church's pastor, Yevgeni Medvedev, had to come to the town police station to write statements. Pastor Andreikin stated that statements should legally be drawn up on the spot if possible, rather than requiring individuals to go to the police station. "But so as not to inflame the situation, Pastor Medvedev and I were forced to submit to the demands of the police Captain and go to the police station and write statements there," Pastor Andreikin told Forum 18.

The two pastors wrote statements, but as the police saw no evidence of any law-breaking, no record of a crime or an offence was drawn up. They were then allowed to leave. Pastor Andreikin told Forum 18 that another church member was also forced to write a statement

Visiting "sects"?

A "religious studies teacher" present at the meeting also wrote a statement. He claimed to Andreikin that he visited all the "sects" in the town "to be able to teach the children better".

Police raided the church following a complaint lodged late the previous evening, 30 March, by Oksana Atamas, the Stepnogorsk representative of the Sana Akmola Religious Studies Consulting Centre based in the regional capital Kokshetau. This is one of Kazakhstan's state-backed "anti-sect" centres (see below). Atamas had attended the Saturday evening service, also led by Pastor Andreikin, and had learned then that he would be preaching at the Sunday service the following morning

"He needs local state permission to preach"

Police Captain Uvaideldinov of the Criminal Investigation Department told Forum 18 that police raided the meeting following an approach from the Akimat's Internal Policy Department. He made no mention of Atamas and the Sana Centre. "The Pastor was conducting illegal missionary activity," Uvaideldinov insisted to Forum 18 on 15 April. "He needs local state permission to preach." He said Andreikin would be warned, but did not say how or when the warning would happen.

Asked if Pastor Andreikin needs permission to cross the street while he is visiting Stepnogorsk, Captain Uvaideldinov refused to respond. Asked if Stepnogorsk did not have criminals his Criminal Investigation Department should be pursuing, and whether he was embarrassed to be raiding meetings for worship, he responded: "I'm not embarrassed." He then put the phone down.

Acting head of Stepnogorsk Police, Amangeldy Akmagambetov, said that police must respond when they get a request from an individual. "We go nowhere without a request," he told Forum 18 from Stepnogorsk on 16 April. "If there was a violation, the Pastor is likely to end up with a warning. We sent the material to the Prosecutor's Office."

But Akmagambetov insisted church members should not be concerned. "It's not that serious – maybe there was some misunderstanding. Don't be worried.

"He was conducting illegal missionary activity"

Beisenbina of the Akimat's Internal Policy Department defended her actions against New Life Church. "Our actions were correct - they had a visitor leading the service," she told Forum 18 from Stepnogorsk on 10 April. "He was conducting illegal missionary activity – he needs permission from the Agency for Religious Affairs (ARA) Department for Akmola Region."

Asked why a religious community cannot invite who they like to lead a meeting or address worshippers, Beisenbina responded: "We have the Religion Law." Asked why individuals and communities cannot enjoy freedom of speech and freedom of religion enshrined in Kazakhstan's Constitution and in its international human rights obligations, she replied: "They have freedom of speech and religion, but not if it is against the law."

Asked if Pastor Andreikin would face punishment if he spoke on a visit to Stepnogorsk about football, Beisenbina insisted that he had conducted a service. "And that was illegal."

Beisenbina told Forum 18 that she herself is a religious believer, but declined to say if her religious community had ever been raided by police and what she would think were that to happen.

"It was purely my initiative"?

Atamas of the Sana Centre insisted that she had filed the complaint to the police as "a citizen and a civic activist", but she admitted that she is also a contract employee of the Internal Policy Department under Beisenbina. (Her role is to work with Stepnogorsk's young people.) "But it [the complaint] was purely my initiative," she told Forum 18 on 10 April.

Atamas insisted she had complained to the police "because there had been illegality there – the visiting pastor needed Akimat permission". Asked why she was concerned about whether or not Pastor Andreikin had permission to speak at a meeting of a registered church of his own denomination, she insisted: "Because the youth could suffer." She declined to explain how young people might suffer.

Asked why she had attended New Life Church, Atamas said she went there twice. "I was interested, because young people go there."

Crime?

Changes in 2011 to the Religion Law introduced many new restrictions on freedom of religion or belief which violate Kazakhstan's international human rights obligations. Amongst them are tight new restrictions on those the Law describes without great clarity as "missionaries", who need permission to share their faith. Those who spread their faith or even discuss their faith with others without approval face administrative prosecution. Fines of up to 100 Monthly Financial Indicators (MFIs) - currently equivalent to nearly two months' average wages as measured nationwide by the state – for vaguely defined "offences" are frequent.

Other "offences" which have attracted official hostility and punishments – including a court ordering book burning - are possessing or distributing religious literature without

state permission. The book burning order has subsequently been cancelled, but their possessor has still been fined.

A proposed new Criminal Code – due to reach Parliament "by July" according to the General Prosecutor's Office – would introduce new criminal offences, including "carrying out of missionary activity without [state] registration", with a maximum penalty for local people of four months' jail.

New Life Church members insist to Forum 18 that, when one of their pastors visits another New Life Church in another city to lead a worship meeting in a church building owned by the congregation, this does not constitute "missionary activity".

"I was shocked"

Pastor Andreikin said that, after the March police raid, he looked at the Sana Centre's website. "Speaking frankly, I was shocked," he told Forum 18. He was concerned that only the Hanafi school of Sunni Islam and the Russian Orthodox Church are identified as "traditional faiths". He was also concerned that among beliefs listed as "neo-Christian" are the White Brotherhood and the Moonies. [The Christian faith is incompatible with these beliefs.] Andreikin also pointed to an article by Sana's Director Gulnara Orazbayeva, where she describes Pentecostal Christians as a "destructive new religious movement".

Pastor Andreikin pointed out that neither his New Life Church nor many of the other communities Sana identifies as "destructive" – including the Protestant Grace Church, Jehovah's Witnesses, and the Hare Krishna community – are listed on the ARA's website as "destructive" religious communities. Orazbayeva of Sana has previously struggled to justify her views in any detail to Forum 18.

State-backed "anti-sect" centre

Head of the Internal Policy Department Beisenbina refused to discuss with Forum 18 Atamas' role in her Department, or the extent of state involvement in the activities of the Sana Centre. Sana Director Orazbayeva and Atamas both separately stated to Forum 18 that Sana receives state funding.

The Stepnogorsk Akimat website noted on 18 March a joint lecture by Beisenbina and Atamas about the "dangers" of "non-traditional religious organisations" to students of the town's Industrial Technical College No. 2. "Non-traditional religious organisations bring a destructive influence on the psychic and physical state of an individual, as well as destroying the family, society and the state," the website summarises Beisenbina's remarks.

Sana was described as providing "help" in Akmola Region to those "who have been subjected to psychological violence and negative influence from non-traditional religious organisations".

Sana is also a member of the government-backed Association of Centres for Work with Victims of Destructive Religious Movements, led by Yulia Denisenko. She disrupted a service of Christian Family Centre, a Protestant Church in Lisakovsk in the north-western Kostanai [Qostanay] Region in October 2012. Denisenko is prominent in the ARA's efforts to establish "anti-sect" centres.

Decree

A Joint Decree – approved by the General Prosecutor's Office and the Culture Ministry on

24 September 2010 and by the Interior Ministry on 7 October 2010 – requires Centres for Work with Victims of Destructive Religious Movements to report monthly information from victims to the government's then Religious Affairs Committee (predecessor of the current ARA).

The Joint Decree also required summaries of complaints to be provided within "no more than five working days" to the General Prosecutor's Office for it to carry out oversight and to the Interior Ministry for it to conduct "further measures". Results of inspections resulting from these measures were to be reported to the Religious Affairs Committee for it to inform Kazakhstan's Security Council.

At the same time the Decree was issued, the ruling Nur Otan Party circulated an internal report strongly backing the work of the alleged Centres for Work with Victims of Destructive Religious Movements. A Party official insisted to Forum 18 that the report was the view of only one party researcher who has since been sacked, even though the report echoed official actions.

Attempt to smear or blackmail?

On Saturday evening, 30 March, Pastor Medvedev and his son Rodion, together with Pastor Andreikin and five other church members – all men – had arranged a visit to the local sauna. Pastor Medvedev later discovered that before their arrival, a man who claimed to be from an unnamed "law-enforcement agency" had visited the sauna to try to persuade the sauna staff to allow in two young women when the church members were alone in the sauna.

"This officer several times stressed that a very important operation was underway," Pastor Medvedev told Forum 18. "He said he knew who had booked the sauna for this time and that he knew that only men would be there. He gave the names and nicknames of the prostitutes."

Sauna staff told the man that children would be there and that the sauna's clients could lodge a complaint to the police. However, the "law-enforcement agency" man told sauna staff that the "most important thing was to let the girls in and that they should be able to take off all their clothes. And after that, two police officers will arrive."

Two young women were on the street outside when the church members arrived, Pastor Medvedev told Forum 18. But the sauna staff did not let them in. The women telephoned someone and passed the phone through the window to the sauna staff, but the staff continued to prevent them from entering.

"I believe there are certain 'third forces' who are seeking any possibility to discredit us before the public of Kazakhstan and the international society," Pastor Medvedev insisted to Forum 18.

Pastor Andreikin told Forum 18 that "if there are in our country certain 'third forces', as many eye-witnesses have told us, I have a great fear for my own safety and the safety of other church leaders." He fears that given that "boundaries have been crossed", there is nothing to stop officials planting drugs on church leaders or using other methods of framing them. He stated that he was going public on this case to try to prevent such methods be used in future.

"KNB officers didn't go to the sauna"

Told about the apparent attempt to smear or blackmail church members at the sauna on 30 March, Acting Head of Stepnogorsk ordinary Police Akmagambetov laughed. "Our

service was not involved in such a thing," he insisted to Forum 18. "Maybe some other service was involved." Asked if he meant the KNB secret police, he declined to comment.

The Deputy Head of Stepnogorsk KNB secret police, who gave his name only as Baurzhan, insisted that he was hearing about the 30 March events at the sauna "for the first time" from Forum 18. "But I can tell you categorically that KNB officers didn't go to the sauna," he told Forum 18 from Stepnogorsk on 15 April.

He said that to be able to answer Forum 18's further questions on the events, Forum 18 would have to come to Stepnogorsk and lodge an official request. "You must apply to us in accordance with the legally-established methods."

Surveillance

A number of prominent members of religious communities the government does not like are known to be monitored. Several are also on criminal investigation lists despite the fact that they have never been prosecuted or investigated on administrative or criminal charges (see forthcoming F18News article).

Pastor Andreikin travelled to the United States in March on a US State Department-funded visit with two other Kazakh religious leaders and the head of a government-backed "anti-sect" centre. He told Forum 18 that although he had mentioned nothing about it to them, officials of the Temirtau Akimat's Internal Policy Department appeared well informed about his participation in the visit.

Never too old to be fined

Forum 18 (10.04.2013) - Two grandmothers in their late seventies were among seven Baptists fined in early April for participating in an unregistered religious meeting in a private home in the town of Ayagoz in East Kazakhstan Region, according to the verdicts seen by Forum 18 News Service. Each was fined between one and two months' average wage for a local state employee. Asked by Forum 18 whether the judges and fellow court officials were not embarrassed to be involved in punishing religious believers for meeting for prayer, the judges' assistant at Ayagoz District Court laughed. "We can't comment on judges' decisions," added the woman, who would not give her name.

The oldest of the fined Ayagoz Baptists is 77. However, another Baptist – former Soviet-era religious prisoner Yakov Skornyakov – was 79 when he was given a massive fine for his religious activity in April 2006.

The seven fines bring to eight the number of members of the Council of Churches Baptist Church in Ayagoz fined in 2013. Another is awaiting trial. Members of the Council of Baptists have a policy of not seeking state registration, insisting that Kazakhstan's Constitution and the country's international human rights commitments cannot require communities to have registration before they can meet for worship. They also have a policy of not paying the many administrative fines handed down to their members across Kazakhstan.

The 4 April raid on the Baptist service in Ayagoz came just four days after a raid on New Life church's Easter Sunday service on 31 March in Stepnogorsk in Akmola Region (see forthcoming F18News article).

As well as Council of Churches Baptists, Jehovah's Witnesses too are facing increasing numbers of administrative fines (see below).

After widespread outrage among believers and human rights defenders in Kazakhstan, an appeal court has cancelled the part of the lower court decision ordering that Bibles and other Christian literature confiscated from Baptist Vyacheslav Cherkasov should be destroyed. However, it left the fine unchanged (see below).

The raids and fines come as an atheist writer and human rights defender Aleksandr Kharlamov is in detention in East Kazakhstan Region under investigation on criminal charges of inciting religious hatred for his writings on religion. In addition, several prominent members of religious communities have found themselves on criminal investigation lists despite the fact that they have never been prosecuted or investigated on administrative or criminal charges (see forthcoming F18News article).

Raid and administrative cases

For at least the second time in 2013, Police raided a service at the Council of Churches Baptist church in the town of Ayagoz on the afternoon of 4 April, according to Serik Turdin, Ayagoz District Prosecutor. "Police drew up a record of an offence because they were meeting without state registration," he told Forum 18 on 10 April.

Administrative cases against eight church members were prepared and sent to Ayagoz District Court. All were accused of violating Code of Administrative Offences Article 374-1, Part 2 ("Participation in the activity of an unregistered or banned social or religious organisation").

Seven of the eight cases have already been heard. Turdin's assistant Zukhra Shaimukhametova represented the Prosecutor's Office at all seven hearings, according to the verdicts. She was unavailable at court hearings each time Forum 18 tried to reach her on 10 April.

Fines

At separate hearings at Ayagoz District Court on 5 April, Judge Korlan Khalelova sentenced Valentina Dyakova, who is 77 years old, and Tatyana Agaeva. The same day, Judge Nurzhalgas Tompakova sentenced Vera Poltoratskaya and Viktor Poltoratsky.

At separate hearings on 8 April, Judge Bakdarly Orazbek sentenced Svetlana Zaitseva and Natalya Andryusheva. The same day, Judge Khalelova sentenced Raisa Bakenova, who is 76 years old.

Each of the seven was fined 50 Monthly Financial Indicators (MFIs), 86,500 Tenge (3,300 Norwegian Kroner, 440 Euros or 575 US Dollars), the maximum penalty under Article 374-1, Part 2. An official of the court chancellery – who would not give his name – told Forum 18 on 10 April that state employees locally receive a salary of between 50,000 and 90,000 Tenge per month. He said a teacher would generally receive about 50,000 Tenge per month.

At each trial, the court noted the 1 March letter from East Kazakhstan Justice Department (produced for the earlier prosecution of the church's leader) that the church does not have state registration. At Poltoratsky's trial, the verdict records that the court examined photographs of the church where the Baptists meet, with a sign outside that it is a "Prayer House for all Nations of the International Council of Churches of Evangelical Christian Baptists", and inside a room with a pulpit, benches, and quotations from the Bible on the wall.

The administrative case against an eighth church member, Valentina Bliznova, has also been handed to court. However, court officials refused to tell Forum 18 when the case will be heard.

District Prosecutor Turdin defended the cases against the eight church members. "They were praying illegally," he insisted to Forum 18. "If they registered their church, they wouldn't have these problems." Asked why people need to gain state registration before they can hold religious meetings, he responded: "It's the law. They have the right to appeal against the decisions if they're not happy with them."

Church leader's fine appeal fails

Two of the same judges have earlier handed down punishments on the church's leader, Pavel Leonov.

On 4 March, Judge Khalelova fined Leonov 100 MFIs, the maximum penalty under Code of Administrative Offences Article 374-1, Part 1 ("Leadership of an unregistered or banned social or religious organisation"). He was punished for leading a service which was raided by the police on 28 February.

Leonov appealed against the punishment. However, on 1 April – three days on the latest raid on his church – a panel of judges at East Kazakhstan Regional Court led by Judge Naylya Nuralyeva rejected his appeal, according to the verdict seen by Forum 18. Leonov had insisted to the appeal court that he had the right to invite relatives, friends and fellow-believers to his private home for religious meetings. The court held that the lower court had correctly characterised this as an administrative offence.

Judge Khalelova had also sentenced Leonov in April 2009 to one day's detention under Code of Administrative Offences Article 524. He had "categorically refused" to pay a fine of 100 MFIs handed down by Judge Tompakova in July 2008 under Article 374-1, Part 1, according to the verdict seen by Forum 18.

"Missionary activity" cases

Two Jehovah's Witnesses given administrative punishments in March on accusations of conducting "missionary activity without registration" have appealed against their fines. Both were found guilty under Code of Administrative Offences Article 375, Part 3.

Judge Bolat Kenzhenov of North Kazakhstan Regional Court is due to hear the appeal of Valeri Alekseev on the morning of 11 April. Judge Abay Ryskaliyev of the same court is due to hear the appeal of Nikolai Kokotov later the same morning, Jehovah's Witnesses told Forum 18.

Alekseev and Kokotov were each fined 100 MFIs – the maximum penalty for Kazakh citizens under this Article – at Mamlyut District Court on 12 March. Two female Jehovah's Witnesses were fined for the same "offence" in January 2013.

"The two men had peacefully spoken to a few persons about their religious beliefs, as is expressly guaranteed by the Constitution and the International Covenant on Civil and Political Rights (ICCPR)," Jehovah's Witnesses insisted to Forum 18. "We have at least six further cases in three different courts on the same accusation – and we expect more."

However, in the case of one Jehovah's Witness accused of illegal missionary activity – Sergei Chuvashkin – Judge Akmoral Zhumabekova of Esil District Court of Akmola Region on 18 March sent back the case for further investigation. The Judge complained that Galina Bessmertnaya of the Akmola Region Department of the government's Agency of

Religious Affairs (ARA) had prepared the records incorrectly, according to the decision seen by Forum 18.

The ARA Department had prepared the original administrative case against Chuvashkin.

Religious literature destruction overturned – but not fine

On 26 March Judge Nurlan Kurmangaliev of Akmola Regional Court overturned part of the decision in the case of the Baptist Cherkasov that 121 Bibles and other Christian literature confiscated from him should be destroyed.

Judge Damir Shamuratov of Burabai District Specialised Administrative Court had ordered the books destroyed when he fined Cherkasov on 5 March Code of Administrative Offences Article 375, Part 1. A Justice Ministry official in the capital Astana told Forum 18 that "most likely the books would be burnt".

The court-ordered religious literature destruction provoked widespread outrage within Kazakhstan. "Information that preparations are underway in Kazakhstan to burn the Bible have raced around the planet," Almaty-based journalist Sergei Duvanov – citing Forum 18's report of the case – noted on his Facebook page on 26 March, the same day that Cherkasov's appeal was heard.

"Just tell me, what was this official thinking when they said that the Holy Scriptures will be burnt?" Duvanov asked. "Did they realise that by this they had put themselves, their ministry and the Akorda [Presidential Palace] on a par with the inquisition of the Middle Ages? Had this person heard of the prophetic words of [the German writer] Heinrich Heine: 'Where they burn books, they will end in burning human beings'? I doubt it!" He argued that such decisions are a symptom of "the moral degradation of the system".

Duvanov predicted that the decision to burn Cherkasov's Bibles and other literature would be overturned in view of the negative publicity around the world. "But this will only happen because someone was able to report on the act of vandalism being prepared to human rights defenders in Oslo and they gave it wide publicity." He feared what would have happened had the threatened religious book burning not gained worldwide attention "and officials in accordance with the law had thrown books holy for Christians into the bonfire".

"Thank God they didn't destroy my books"

Cherkasov insisted to the Regional Court at the 26 March hearing that distributing religious literature to those that want it is not banned and "is his constitutional right, both to freedom of speech and freedom of religion", according to the appeal court verdict seen by Forum 18. He asked the court to return the books. Even the Prosecutor called for the cancellation of the part of the verdict ordering the confiscated books to be destroyed. Instead, the Court ordered the books to be handed to the Akmola Regional Department of the ARA.

However, the court upheld Cherkasov's guilt under Code of Administrative Offences Article 375, Part 1 ("illegal distribution of religious literature") and upheld the fine of 50 MFIs, the maximum under this Article for individuals.

"Thank God they didn't destroy my books," Cherkasov told Forum 18 from his home in Shchuchinsk [Shchüinsk] on 9 April. He said he went to the ARA Department in the regional centre Kokshetau on 8 April, where Department official Bessmertnaya – who had been involved in the court case – returned the confiscated books.

Cherkasov complained to Forum 18 that the fine had not been cancelled and said he intends to appeal against it further. He also complained that religious literature confiscated from him earlier has not been returned. Moreover, Bessmertnaya is preparing material for a further administrative case against him, he added. "She refused to tell me when it will reach court," he told Forum 18.

Forum 18 was unable to reach Bessmertnaya at the ARA Department in Kokshetau on 10 April. Officials told Forum 18 she was out of the office giving a lecture.

Court-ordered religious book burning a first?

Forum 18 (14.03.2013) - In what appears to be the first such instance since Kazakhstan gained independence in 1991, a court has ordered religious literature to be destroyed. A total of 121 religious books confiscated from a Baptist, Vyacheslav Cherkasov, were ordered destroyed by a court in the northern Akmola Region, according to the verdict seen by Forum 18 News Service. He was also fined one month's average wage. If Cherkasov loses his appeal to Akmola Regional Court, court executors will carry out the destruction. A Justice Ministry official in the capital Astana told Forum 18 that the books – which include Bibles – are likely to be burnt.

Local Council of Churches Baptists who attended Cherkasov's hearing told Forum 18 on 14 March that "we were shocked – this is sacrilege and illegality". One stated that "we are worried and are praying about this". They stated the confiscated books were Bibles, Children's Bibles, and other books and leaflets on the Christian faith, mostly in Kazakh.

Human rights defender Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law sounded distressed over the court-ordered destruction of religious literature. "This is terrible, terrible," he told Forum 18 from Almaty on 14 March.

First court-ordered destruction?

Forum 18 can recall no other court decision in Kazakhstan ordering religious literature to be destroyed. In April 2012 a court initially ordered two religious books – including a Bible – to be destroyed as part of an administrative case, according to the decision seen by Forum 18. However, exactly two weeks later the same judge reversed their decision when the individual from whom they had been confiscated complained. The individual was acquitted of any wrongdoing and the destruction decision was later annulled.

Similarly, no officials, members of religious communities, or human rights defenders contacted by Forum 18 could recall such court-ordered destructions either. "We know that religious literature has frequently been confiscated since the new Religion Law came into force in 2011," Zhovtis told Forum 18. "But I've never heard that religious literature is being destroyed, unless it is extremist."

Kazakhstan now joins two of its neighbours, Uzbekistan and Russia, as a state where courts have ordered religious literature to be destroyed. Courts in Uzbekistan routinely order religious literature – including Korans and Bibles – to be destroyed.

In Russia such destruction is not routine. But courts have, however, ordered Jehovah's Witness literature, as well as works by the Turkish Muslim theologian Said Nursi, which have been added to Russia's Federal List of Extremist Materials, to be destroyed.

Detained after "anonymous call"

Cherkasov, a Baptist from Shchuchinsk [Shchüinsk] in northern Kazakhstan, was detained by police on the street in the town on 20 October 2012, for offering Christian literature to passers-by. The court decision finding him guilty of this "offence" said that police had been alerted to this by an "anonymous call". Police then seized a suitcase of 121 items of religious literature from his parked car. Baptists state they are Bibles, Children's Bibles, and other books and leaflets on the Christian faith, mostly in Kazakh.

He admitted to Burabai District Specialised Administrative Court on 5 March that he had been offering literature free of charge, citing in defence his rights under Kazakhstan's Constitution. The Court insisted that only two bookshops in Shchuchinsk are, on the orders of Akmola Region's Akim [Head of local government], allowed to sell religious literature.

In summer and autumn 2012, local Akimats (local government authorities) throughout Kazakhstan issued decrees authorising named local bookshops which they had approved and licensed to sell religious literature. Such bookshop licences are required under Article 5, Part 4 of the Religion Law, and it is illegal to sell books and other religious material in other places without a licence.

Cherkasov, a Shchuchinsk-based member of a Council of Churches Baptist congregation, has repeatedly been stopped by police as he offers religious literature on the streets.

Judge orders literature destruction

On 5 March, Judge Damir Shamuratov ruled that Cherkasov was guilty of violating Article 375, Part 1 of the Code of Administrative Offences. Article 375 was in 2011 rewritten to encompass new "offences" including violating the procedure for importing, publishing or distributing religious literature and materials.

The Judge fined Cherkasov 50 Monthly Financial Indicators, 86,550 Tenge (about 3,350 Norwegian Kroner, 450 Euros or 575 US Dollars). This is currently equivalent to nearly one month's average wages as measured nationwide by the state.

"The 121 books of religious content confiscated during the inspection and contained in the suitcase, currently held in the administrative file – to be destroyed when the court decision enters into legal force," the verdict declares. "The decision relating to the destruction is to be sent for execution to the Burabai District territorial Department for the Execution of Court Judgments and, in accordance with Article 704, Part 1 of the Code of Administrative Offences, it is necessary to inform Burabai District Specialised Administrative Court when the given decision has been carried out."

The decision reveals that prosecutors had considered bringing criminal charges against Cherkasov, but decided that his actions did not constitute a criminal offence.

Kulzhiyan Nurbayeva, acting Head of the Legal and Analytical Department of the Justice Ministry's Committee for the Execution of Court Judgments, stated that when a court decision is adopted to destroy material, a commission is formed to carry out the court decision. "Most likely the books would be burnt," she told Forum 18 from Astana on 14 March.

Why?

Judge Shamuratov's assistant, Askhal Alizhanov, told Forum 18 from the Court on 14 March that the judge was out for the rest of the day. He insisted that the destruction order has not yet been sent to the court executors, as Cherkasov has appealed against the 5 March decision to Akmola Regional Court. "Maybe the Regional Court will change the decision."

Asked why Judge Shamuratov had ordered religious literature to be destroyed, Alizhanov responded: "It was his personal decision. I can't discuss it."

Local Baptists complained about the lack of official openness over the reason for the destruction order. "We asked in court for the Agency of Religious Affairs (ARA) regional department to give us the 'expert analysis' they did, but they refused," one told Forum 18 on 14 March.

The Religion Law imposes compulsory censorship – or "expert analyses" – conducted by the ARA for all "religious literature" or "other informational materials of religious content" imported for distribution in Kazakhstan, as well as for any religious literature acquired by libraries in any institution or organisation.

Appeals

Cherkasov had tried to challenge the legitimacy of the prosecutors' case against him under Administrative Code Article 375, Part 1. On 24 January he lodged a case in Burabai District Specialised Administrative Court, but on 31 January Judge Tolebek Zhumakayev rejected the suit, according to the decision seen by Forum 18.

Baptists said Cherkasov lodged his appeal against the 5 March decision on 13 March, but no date has yet been set for the appeal hearing.

"Nothing to do with us"

Despite repeated calls on 14 March, no-one at the Burabai District territorial Department for the Execution of Court Judgments was prepared to discuss with Forum 18 the destruction of religious books in fulfilment of a court order. Department Head Nurlybek Kuzenbayev was repeatedly busy in meetings, and none of his assistants was prepared to discuss the issue. They referred Forum 18 to Press Secretary Abzal Dukanov. However, he referred Forum 18 to Kuzenbayev, saying "only he is authorised to speak".

The official who answered the phone of Akmola Region Department of the ARA – who would not give his name – insisted to Forum 18 on 14 March that the decision to destroy Cherkasov's religious literature was the responsibility of the court. He added that it was the first time he was aware of a court decision to destroy religious literature.

The official declined to put Forum 18 through to Galina Bessmertnaya, the ARA Department official who had attended Cherkasov's court hearing. He refused to say if she had prepared the "expert analysis" on the books which was referred to in court. The official explained that such "expert analyses" simply establish whether literature is religious or not. "It is a formality."

Asked for a copy of the ARA Department's "expert analysis" of the books, the official refused. "Why do we need to send you the expert analysis?" A female voice in the background, apparently Bessmertnaya, declared: "We don't have the right to give out these analyses."

"I'm not interested"

Nurbayeva of the Justice Ministry's Committee for the Execution of Court Judgments stated that as part of her work she frequently reads court decisions. "This is the first time I have encountered a court order to destroy religious literature," she told Forum 18. Asked how court executors told to carry out such destructions might feel, she responded: "I understand it is hard."

Asked if court executors who have conscientious objection to burning religious literature can opt out of participating in it, Nurbayeva responded: "The executor must carry out the court order – their conscience doesn't come into it. If the court orders the destruction of religious literature the executor will carry it out."

The official of Akmola Regional Department of the ARA expressed no concern over whether court executors might have conscientious reasons not to want to destroy religious literature. "I'm not interested in whether court executors are bothered by having to destroy religious literature."

"They often took religious literature"

Religious literature is frequently confiscated, both during raids on meetings for worship, and when those discussing or sharing their faith with others are detained. Similarly, religious literature distributed in public, outside state-permitted places, has also been confiscated.

Cherkasov's fellow Baptists told Forum 18 that police and other state officials "often took religious literature", and never returned any confiscated literature. "Such confiscations generally started in spring 2012." The harsh new Religion Law and associated new punishments came into force in October 2011. "Police often refuse to hand over the record of confiscation although the law demands this", local Baptists complained.

Police and other officials raided a Jehovah's Witness meeting in a private home in the village of Karazhal in the central Karaganda [Qaraghandy] Region on 24 January. Police took written statements from the nine people present and seized their personal religious literature for "expert study", Jehovah's Witnesses complained to Forum 18. They expect the case to be forwarded to the Prosecutor's Office for administrative proceedings.

On 30 January, several police officers detained Andrei Rakin and Andrei Korolev, both Jehovah's Witnesses, on a public street in Kokshetau in Akmola Region. Police alleged they were engaged in unregistered missionary activity. "Police seized their personal Bibles and other religious literature and sent it for 'expert analysis'", Jehovah's Witnesses told Forum 18. Jehovah's Witnesses expect the case to be forwarded to the Prosecutor's Office for administrative proceedings. Jehovah's Witnesses told Forum 18 that sometimes confiscated religious literature is returned after it has been checked.

On 26 February, again in Kokshetau, police detained two Jehovah's Witnesses and seized their religious literature, allegedly for engaging in missionary activity. Jehovah's Witnesses also expect this case to be forwarded to the court for administrative proceedings.

Censorship

The religious literature seizures and court-ordered destruction come amid ever-tightening religious censorship in Kazakhstan, which has increased since the 2011 Religion Law. The Religion Law claims that everyone has the right to acquire and use religious literature. However, distribution of such literature is only permitted, according to Article 9, Part 2, in registered places of worship, approved religious education institutions and "special stationary premises determined by local executive authorities".

Censorship Regulations, codifying the censorship of almost all religious literature and objects, came into force in March 2012.

Only Islamic literature from the Hanafi Sunni Muslim school is permitted by the state, all other forms of Islamic literature being banned. Local authorities and "law enforcement" agencies have been enforcing censorship - including severe limitations on the numbers of

bookshops allowed to sell any kind of religious material - across Kazakhstan with raids and fines. Even some shops with permission to sell religious books such as Korans and Bibles have told Forum 18 that they do not want to do so, to avoid trouble from the authorities.

The government appears committed to using censorship and other freedom of religion or belief violations as a means to control society. For example, Yerlan Kalmakov of Kostanai Regional Internal Policy Department, asked why people must ask for permission from the authorities, replied: "Imagine what could happen if we allow just anybody to distribute religious materials".

No response

Officials of the ARA in Astana have repeatedly refused to answer Forum 18's detailed questions on religious censorship. Forum 18 asked why the authorities impose censorship, who decided to impose censorship, whether only Hanafi Islamic books are allowed, why only a limited number of bookshops are allowed to sell religious literature and materials, and why should people have to ask the authorities whether they can read, sell or purchase even unbanned books?

On 20 February, ARA Deputy Head Marat Azilkhanov – who worked for the NSC secret police from 1992 until his appointment to the ARA in August 2011 – refused to answer these questions. He referred Forum 18 to the ARA press secretary Saktagan Sadvokasov. Reached the same day, he refused to answer these questions and asked that they be sent in writing.

When he had received them in writing, Sadvokasov told Forum 18 that it must address its written questions not to him but to the ARA Head, Kairat Lama Sharif. Forum 18 re-sent the same questions in writing on 21 February, this time addressed to Lama Sharif. Forum 18 had received no response by the end of the working day in Astana on 14 March.

Bookshop censorship, ban on all non-Hanafi Sunni Muslim literature

Forum 18 (21.02.2014) - Local authorities and "law enforcement" agencies have been enforcing censorship – including severe limitations on the numbers of bookshops allowed to sell any kind of religious material from any belief – across Kazakhstan with raids and fines. For example in Kostanai [Qostanay] Region, which has an area of 196,000 square kilometres (76,000 square miles) and a population of about 900,300 people, only two bookshops are allowed to sell religious material.

Some shops from across Kazakhstan, which have permission to sell religious books, have told Forum 18 that they do not want to do so, to avoid trouble from the authorities. Police Major Kanat Amrin, Head of North Kazakhstan police Department for the Struggle against Extremism, Separatism and Terrorism, asked by Forum 18 why people must ask the authorities for permission to read, sell, or purchase books replied: "We must know who sells books, and whether books which are not officially allowed are among the books they sell."

Ban on all non-Hanafi Sunni Muslim literature

Kazakhstan is continuing to ban all non-Hanafi Sunni Muslim literature, and is targeting both Shia and Ahmadi Muslim literature. State-backed Muslim Board spokesperson Ongar

Omirbek, who edits the Board's newspaper, told Forum 18 on 20 February that "only Islamic literature from the Sunni Hanafi school can be distributed, as all other Muslim schools - including Ahmadis - are banned". (There are four schools of legal thought, including the Hanafi school, within Sunni Islam.)

Imam Muhammad-Husein Alsabekov, Deputy Head of the Muslim Board, told Forum 18 on 20 February that Ahmadi Muslim literature was banned by the Muslim Board. He also stated that mosques controlled by the Board cannot teach or use Ahmadi literature. Asked about Shia Muslim literature, he said that Shia books could be freely distributed at licensed bookshops.

Only a limited number of bookshops are allowed to sell any kind of religious literature or other materials, such as Orthodox Christian icons (see below).

In November 2012 Agabek Sydykov, spokesperson for the Muslim Board, told Forum 18 that all the Board's communities "must be Hanafi Sunni Muslim". "We don't have other sorts of Muslims here," he stated. Asked about Shia mosques or mosques affiliated with other schools of Sunni Islam, he responded: "There aren't any".

Shia Muslims across Kazakhstan, who asked not to be named for fear of state reprisals, told Forum 18 on 20 February 2013 that Shia literature cannot be found on sale. One Shia Muslim told Forum 18 in the south-eastern city of Almaty that they usually try to get Shia books from the Iranian Culture Centre.

Kazakhstan has nationwide forcibly closed all Ahmadi Muslim communities, banning their meetings for worship, and only one Islamic organisation – the Muslim Board – is permitted by the state to exist. Mosques are being denied re-registration – and so permission to exist – if they will not join the Muslim Board, with independent and ethnic minority mosques being particularly targeted.

Nationwide censorship

The Muslim Board's censorship appears to be being implemented throughout Kazakhstan. A Muslim from the western Atyrau Region, who asked not to be named for fear of state reprisals, told Forum 18 on 20 February that "in Atyrau Muslim books are almost exclusively sold at bookstalls next to mosques, and they usually propagate Hanafi teachings".

Another Muslim, from Almaty, told Forum 18 on 20 February that: "In recent months, the volume of religious books including Muslim books sold openly in public places has decreased sharply, and I have only seen books approved by the Muslim Board being sold".

An Imam outside the capital Astana, who asked not to be named for fear of state reprisals, told Forum 18 on 20 February that it is "not possible to teach, preach or distribute literature of other [non-Sunni Hanafi] Islamic movements since the Muslim Board and its Charter were officially approved and registered."

The Board was re-registered in June 2012. Article 1.1 of its Charter states that the Board is a "union of citizens of Kazakhstan confessing the religion of Islam of the Hanafi Sunni school". Article 2.2 states that the Board's "subject of activity is ensure correct and systematic teaching of Hanafi movement". Article 13.8 states that "the clerks of Mosques preach Islam according to the Hanafi school".

Imam Abdimutali Dauranbekov, the Muslim Board's Chief Imam of the western Aktobe Region, told Forum 18 on 18 February that "Ahmadis are a movement, and as such do not qualify as part of Islam, and therefore have no rights to sell their books as Muslim

books". Asked whether the officially recognised and propagated Hanafi Sunni Muslim school, is not a movement or another school of Islamic thought, the Imam said, "No."

Asked why Kazakh Muslims should ask for the permission of the Muslim Board to read, purchase or sell books, Dauranbekov told Forum 18 to call back later as he was busy. As soon as he heard the name of Forum 18 when called back the following day on 19 February, the Imam put the phone down. Subsequent calls went unanswered.

Agency of Religious Affairs involvement?

Imam Alsabekov of the Muslim Board claimed that the censorship was only a Muslim Board decision, not a decision of the Agency of Religious Affairs (ARA) (which is the state agency charged with restricting freedom of religion and belief). He claimed to Forum 18 that although the Muslim Board uses books propagating the Hanafi school of thought, it is not against other peaceful Sunni schools of thought. Their literature can, he claimed, be publicly distributed in Kazakhstan.

However, the ARA would not confirm or deny whether it was also behind the censorship. ARA Deputy Head Marat Azilkhanov on referred Forum 18 to their Press Secretary when asked why the authorities impose censorship, who decided to impose censorship, whether only Hanafi Islamic books are allowed, why only a limited number of bookshops are allowed to sell religious literature and materials, and why should people have to ask the authorities whether they can read, sell or purchase even unbanned books?

ARA Press Secretary Saktagan Sadvokasov on 20 February refused to answer any of these questions. After listening to each question he gave the same response: "send that question in writing, and we will answer you." No answer has yet been received by Forum 18.

No official notification of Ahmadi book banning

Ahmadi Muslim Imam Rufatzhan Tukamov told Forum 18 on 20 February that they did not receive an official notification that the ARA or courts had banned their literature in Kazakhstan. But, he said, "we are aware that the Muslim Board has banned our books". Imam Tukamov said that "we are not distributing our literature at the moment, as we still have not received re-registration from the authorities".

All Ahmadi Muslim communities have been forcibly closed by the state, and banned from meeting for worship. The imam said that the Ahmadi community is trying to restore its legal status through the courts. "And so in the meantime our believers only read their books in their private homes, so as not to get into trouble with the authorities."

Nationwide bookshop censorship

In summer and autumn 2012, local Akimats (local government authorities) throughout Kazakhstan issued decrees authorising named local bookshops which they had approved and licensed to sell religious literature. Almaty city Akimat, for example, approved eight named bookshops in a 31 July 2012 decree, approved by the local Justice Department on 13 August 2012. Such bookshop licences are required under Article 5, Part 4 of the 2011 Religion Law, and it is illegal to sell books and other religious material in other places without a license.

ARA Chair Kairat Lama Sharif on 25 January 2013 told the BNews news agency, that in the one and a half years of its existence the ARA had banned 150 religious books, 148 of which were prevented from distribution. 3,500 books underwent "expert analysis", he claimed. "If we give a negative 'expert opinion' on a book, it is then removed from all bookshops. We have the list of books that received positive opinions on our website, and any reader can purchase them". Censorship Regulations came into force in March 2012, with the ARA being tasked with conducting censorship.

Lama Sharif also told BNews that "It is prohibited to sell books in open air markets". He claimed that "those who distribute books removed from circulation will receive administrative fines, and after repeated fines more serious measures will be taken."

Nationwide raids on booksellers

Akimats and "law enforcement" agencies across Kazakhstan has been enforcing censorship with raids on people suspected of selling religious books. Forum 18 has, for example, had accounts of such raids from bookshops in four different widely separated regions of Kazakhstan.

The owner of one bookshop, who asked not to be identified for fear of state reprisals, told Forum 18 on 14 February that they have received permission to sell religious books from the local Akimat's Internal Policy Department. But, "as soon as we sell the few books we have left, we will stop selling any religious materials". Asked why, they said they "do not want to get in trouble with the authorities because of religious books". They further elaborated that "there are things which I cannot tell you over the phone, and I am a small person".

A bookseller from another region, who also wished to remain unnamed for fear of state reprisals, told Forum 18 on 13 February that "I obtained permission from the authorities after my bookstall was raided. But I am not selling any religious books or materials any longer". Asked for the reasons, they replied, "I did not like all the hassle when a large group of officials with men in military uniforms visited my shop".

The bookseller confirmed that some of the officials on the raid were not police, but troops from the Interior Ministry or army.

The bookseller said that they would like to sell Korans, Bibles, and other religious books, but that they "do not want to have similar visits from the authorities".

A bookseller from yet another region told Forum 18 on 15 February that they had been fined for selling religious literature. "I was selling Christian books, icons and other legally permitted Christian items", they explained. "I will not sell religious books in the future", they added. The bookseller did not wish to elaborate on this, for fear of state reprisals.

A seller of Muslim books from another region, who also asked not to be named for fear of state reprisals, told Forum 18 their bookstall in a shopping centre had been raided by the National Security Committee (KNB) secret police. "I do not mind this, and if I am not sure about a book I take it to Muslim Board officials to give their opinion."

The bookseller added that there are some books, like those of the Russian Imam Shamil Alyautdinov, which are not banned but which the bookseller does not want to sell. Alyautdinov's books have state permission to be sold, but in 2011 the ARA banned a visit by him to present his books.

Aktobe Region raids

Nurlan Kaldygozhin, of the north-western Aktobe [Aqtobe] Regional Prosecutor's Office, told Forum 18 on 19 February 2013 that raids began throughout the Region in early January, to reveal individuals, who "distribute religious literature against the regulations and fine them". He said that he cannot give specifics of how many individuals were raided, and how many of them belong to religious communities in the region. This is "secret information", he claimed, going on to claim that "inspections still continue".

Kaldygozhin said that all confiscated books were submitted for "religious expert analysis" by regional ARA "experts". "All the individuals were warned by us that they distributed

the books without official permission, and their bookstalls were closed down", Kaldygozhin stated. He also told Forum 18 that he did not know whether or not Ahmadi Muslim books are banned, as he is not a "religious specialist".

Dana Imangaliyeva, an "expert" of Aktobe regional ARA Department, told Forum 18 on 19 February that neither Director Baurzhan Yesmekhan, nor other officials who could give specifics of the recent bookstalls raids, were available. She also said that "I think the Ahmadi literature is banned, as it is not on the website of the ARA in Astana in the list of authorised books".

Kostanai Region censorship

Religious books or materials can only be bought in two shops in the entire north-western Kostanai [Qostanay] Region. The Region has an area of 196,000 square kilometres (76,000 square miles) and a population of about 900,300 people.

The two shops - both with the same name, Book House of Ahmet Baytursynov - in the towns of Kostanai and Rudny were designated in the local Akimat's decree 410 of 24 September 2012.

Why only two bookshops in the entire Region?

Asked why in all of Kostanai Region only two shops are allowed to sell religious materials, Anna Sagitova, Head of the Internal Policy Department of Zhitikara District, on 18 February claimed to Forum that: "We publicly announced that those individuals or entrepreneurs wishing to sell religious materials must receive official permission from the Regional Administration but no one applied in our District." She added that religious materials are not now being sold in any shops or any public places in Zhitikara. Asked why such censorship is imposed, Sagitova responded: "The Religion Law demands this. We are not the ones who adopted it, we are only responsible for executing it".

The Religion Law claims that everyone has the right to acquire and use religious literature. However, distribution of such literature is only permitted, according to Article 9, Part 2, in registered places of worship, approved religious education institutions and "special stationary premises determined by local executive authorities".

Yerlan Kalmakov, Deputy Head of Kostanai Regional Internal Policy Department, admitted to Forum 18 on 18 February that the fact that only two shops can distribute religious materials "limits the opportunities" to acquire religious materials. "This is so because only two shops in the whole Region applied for permission, after we publicly announced the regulations in the media", he claimed. He was quick to add that "we are at the moment looking for opportunities to expand the list of such shops".

"Imagine.."

When asked why individuals or shops which would like to distribute religious books, such as the Bible or Koran, must ask for permission from the authorities, Kalmakov replied: "Imagine what could happen if we allow just anybody to distribute religious materials". He added that "unregistered religious organisations, which are illegal in Kazakhstan will use this and attract people to their ranks. They will thus continue their illegal existence".

Kalmakov declined to explain what was wrong with the existence of unregistered and peaceful religious communities. He then halted the conversation and asked Forum 18 to send him questions in writing.

Kostanai Region bookshop raided and fined

A bookseller in Kostanai Region's town of Zhitikara, who did not have state permission, has been fined and closed down. Judge Altay Abdygali of Zhitikara District Court on 30

November 2012 fined Nadezhda Sheina, an individual entrepreneur, 100 Minimum Financial Indicators or 161,800 Tenge (6,100 Norwegian Kroner, 815 Euros, or 1,080 US Dollars). According to the verdict, which Forum 18 has seen, she was fined under the Code of Administrative Offences' Article 375, Part 1, and had been selling a variety of Christian books and other items.

A new Administrative Code Article 375 ("Violation of the Religion Law") - replacing the previous Article 375 - was introduced in an Amending Law along with the 2011 Religion Law. It punishes a wide range of often unclearly defined "offences" with possible fines for individuals and groups with state-registration, and bans on the activity of "guilty" religious groups.

Asked why such a large fine was imposed, Judge Abdygali told Forum 18 on 15 February that the bookseller "violated the Administrative Code by selling religious materials without official permission". Told that the shopping centre is not any longer selling religious materials, and asked whether he does not consider the raid and fine pressure on people to stop selling or distributing religious materials, the Judge responded: "There are shops authorised to sell such literature".

When asked what he thought of the fact that even some shops in Kazakhstan with permission to sell books do not want to do so, to avoid trouble from the authorities, Judge Abdygali said that he does not wish further to discuss the issue. He then asked Forum 18 to send him questions in writing.

Asked about the fine, Sagitova of the Internal Policy Department said it came after a raid by Prosecutor's Office officials on the bookstall, which was in a shopping centre. "I warned the bookseller and the shopping centre that they must ask for permission, but they ignored this and so the Prosecutor's Office opened the administrative case." Asked why such a harsh fine was imposed, and whether the authorities could not have just given a warning, Sagitova said that the bookseller "violated the Administrative Code, and ought to carry the punishment".

According to the verdict seen by Forum 18, the bookstall was open from 30 August until mid-November 2012. The verdict claims that the bookseller "admitted guilt, and told the Court that they were warned by the Zhitikara Administration of a possible administrative penalty".

Valery Beloziorov, the manager of the shopping centre, told Forum 18 on 18 February that "we are not selling religious books any longer". Asked for the reasons, he replied: "I personally am not involved in selling anything, I only rent space to vendors. It is up to them what they choose to sell." Asked whether the shopping centre would rent space to people with official permission to sell religious books and materials, he repeated his previous response.

Prosecuted for distributing religious books in Akmola Region

In the northern Akmola Region's Burabai District, the local police Department for the Struggle against Extremism, Separatism and Terrorism is prosecuting Vyacheslav Cherkasov, an unregistered Baptist from Shchuchinsk.

Pyotr Zimens, a co-believer, told Forum 18 on 18 February that between January and February police stopped Cherkasov and another fellow believer 15 times on various days in Shchuchinsk while they were distributing Christian books on the street to passers-by. Police Major Bekmyrza Bayakhmetov questioned both Cherkasov and Zimens several times in early February. Bayakhmetov "demanded that Cherkasov stop distributing books on the street", Zimens said. Major Bayakhmetov also told Zimens that he "must influence" Cherkasov to do this.

"Why should I ask my brother to stop doing what our faith teaches us to do," Zimens asked Forum 18. He added that Kazakhstan Constitution "gives us the right to religious freedom, and we have the right to share our faith with others and to distribute Christian literature for free."

Burabai Police on 18 February, with Galina Bessmertnaya, a specialist in Akmola regional ARA Department, "came to Cherkasov's home demanding that he sign police reports", Zimens told Forum 18. "He refused to sign the reports, as he does not think he has violated the Law."

Bessmertnaya of the ARA told Forum 18 that "we read the police report to him [Cherkasov] in the presence of two witnesses, and according to the procedures we could refer the case to the Court, which we did". She told Forum 18 that Cherkasov was distributing religious literature in "an unauthorised place." She stated that "distribution based on the Law can only be allowed in authorised places by Akimats, or in religious buildings."

Asked what would happen if Cherkasov's co-believers continue to distribute literature despite being fined, Bessmertnaya stated that "more serious measure swill be taken. If they do not want this, then they had better obey the Law". She refused to specify whether more serious measures include custodial or prison sentences.

Both Major Bayakhmetov and Lieutenant Colonel Bakhtiyar Utekin, Head of the local police Department for the Struggle against Extremism, Separatism and Terrorism, on 19 February refused to comment on the case. When asked about the case, Utekin responded, "Please, send us your questions in writing. I don't know who you are, and why should I talk to you about this over the phone." He then put the phone down.

The case will be heard in Burabai District Administrative Court on 27 February. The case is being brought under Administrative Code Article 375 Part 1 ("Violation of the Religion Law"), Bessmertnaya of the ARA told Forum 18 on 19 February.

Raids in North Kazakhstan and the capital

Raids also took place in North Kazakhstan Region and Astana. Police Major Kanat Amrin, Head of North Kazakhstan police Department for the Struggle against Extremism, Separatism and Terrorism, was asked by Forum 18 on 18 February why people must ask the authorities for permission to read, sell, or purchase books – even officially authorised books.

Major Amrin replied: "We must know who sells books, and whether books which are not officially allowed are among the books they sell." Asked why such harsh penalties for breaking the censorship regime are imposed, he replied "we only execute the Administrative Code and Religion Law."

Yerlan Kusainov, Head of Astana police Department for the Struggle against Extremism, Separatism and Terrorism, told Forum 18 on 19 February that police "exposed 44 individuals, as a result of operational measures between 21 and 25 January. Most violated the Religion Law, as they carried out illegal missionary activity, and two were individual entrepreneurs not belonging to any religious organisations. They distributed religious literature in unauthorised places." Kusainov said that administrative cases were only opened against the two involved in illegal book distribution.

However, Sofia Kolyshbekova of Astana Akimat's Internal Policy Department told the media on 11 January that "all 44 individuals were charged under Part 1 of Article 375 for illegal distribution of religious materials". Police, she said, "confiscated 259 pieces of religious literature and audio-video materials". Kusainov of Astana Police claimed to Forum 18 that Kolyshbekova had been "misinterpreted" by the mass media. "Only two had administrative charges brought against them, we only warned the rest", he claimed.

Kusainov refused to give specific details of the raids and prosecutions saying that it "is secret operational information." He also said that the "inspections will continue since we need to execute the [Religion] Law, and stop illegal distribution."

"If they continue to pray, they'll be brought to legal responsibility"

Forum 18 (01.03.2013) - A 19th century mosque in Petropavl [Petropavlovsk] in North Kazakhstan Region has failed in its challenge to the state's court-ordered liquidation, while another mosque in the north-western city of Aktobe [Aqtobe] has been told it has nine months to gain re-registration to avoid liquidation. "We don't intend to close," a member of Aktobe's Nurdaulet Mosque insisted to Forum 18 News Service on 25 February. "We have the right to gain registration as an independent religious organisation in accordance with the law." A state Agency of Religious Affairs (ARA) official has told Forum 18 that, if Muslims from the Din-Muhammad Mosque in Petropavl continue to meet for prayers when the liquidation decision comes into force, community leaders will be punished.

President insists he allows only state-controlled Islam

Officials have repeatedly insisted that insist that only Hanafi Sunni Muslim communities belonging to the state-backed Muslim Board are allowed to exist, despite no law or publicly-available regulation imposing this.

During a 19 February meeting in the capital Astana with new Chief Mufti and head of the Muslim Board Erzhan Mayamerov, President Nursultan Nazarbaev repeated this claim. "The only recognised structure of traditional Islam in our country is the Spiritual Administration of Muslims of Kazakhstan [the Muslim Board]," he stated in remarks reproduced on the presidential website. Also present at the meeting were the head of the ARA, Kairat Lama Sharif, and other senior state officials. Nazarbaev has consistently opposed people being permitted to exercise the right to freedom of religion and belief and other fundamental rights.

Mosques are being denied re-registration – and so permission to exist – if they will not join the Muslim Board, with independent and ethnic minority mosques being particularly targeted. All Ahmadi Muslim communities nationwide have been forcibly closed, and their meetings for worship banned.

Kazakhstan also continues to ban all non-Hanafi Sunni Muslim literature, a Muslim Board spokesperson telling Forum 18 that "only Islamic literature from the Sunni Hanafi school can be distributed, as all other Muslim schools - including Ahmadis - are banned".

One Muslim told Forum 18 in late February that about 40 mosques are struggling to continue an independent existence outside the framework of the state-backed Muslim Board.

"Incomprehensible" court-ordered liquidation

Petropavl's historic Din-Muhammad Tatar-Bashkir Mosque, built in 1852, has lost the first stage of its legal battle to retain its legal status. On 20 February, Judge Damir Omarov of North Kazakhstan Region's Specialised Inter-District Economic Court upheld the Regional ARA Department's suit to liquidate the community, according to the decision seen by Forum 18.

The Mosque community received the written court decision on 22 February, a community member told Forum 18 from Petropavl the same day. "Sensible people find incomprehensible this speedy and shameful decision taken in one day. This proves that there is no law in Kazakhstan."

The decision notes that the Mosque representative (Imam Rafail Ryazapov) had not been able to attend because of illness, and had requested a postponement until he recovered. However, the court ignored this. The community member lamented to Forum 18 that the court ignored the imam's health problems and went ahead with the hearing.

Judge Omarov was unavailable when Forum 18 called, but an aide to the Judge rejected the Mosque community's complaint that the case was heard in its absence. "The Mosque could have sent someone else," the aide – who did not give her name – insisted to Forum 18 from the court on 25 February.

The community member told Forum 18 that it is appealing against the liquidation to North Kazakhstan Regional Court. "Prayers continue in the Mosque."

Heavy pressure has been used by officials against Imam Ryazapov and others in the Mosque community, to force them into the state-controlled Muslim Board.

Imposed court fee

According to numerous liquidation decisions seen by Forum 18, liquidated religious communities also have to pay a court fee. This is even though they neither initiated nor wanted the court hearings, and is currently 866 Tenge (about 30 Norwegian Kroner, 4 Euros, or 6 US Dollars).

Risk of raids and fines, planned new penalties for exercising religious freedom

Both registered and especially unregistered religious communities the authorities dislike face the constant risk of raids by police Departments for the Struggle against Extremism, Separatism and Terrorism, the National Security Committee (KNB) secret police, and other state agencies such as the Prosecutor's Office. Such raids often occur during meetings for worship. At least eight such meetings were raided in January. Three religious leaders – all Council of Churches Baptist pastors in North Kazakhstan Region – were punished for leading these meetings with the maximum administrative fine of 100 Minimum Financial Indicators (MFIs). This is currently equivalent to nearly two months' average wages as measured nationwide by the state.

New criminal penalties for exercising freedom of religion and belief are set out in Articles 410, 411 and 412 of the draft new Criminal Code released for public discussion on 10 January. The new Code is expected to be considered in parliament, the Majilis, in August and adopted by the end of 2013 (see forthcoming F18News article).

"If they continue to pray, they'll be brought to legal responsibility"

Bulat Omarov, chief specialist at North Kazakhstan Regional ARA Department (no relation of the judge), defended the court-ordered liquidation of Din-Muhammad Mosque. "The court took the decision and it was in accordance with the law," he told Forum 18 from Petropavl on 25 February.

He said the regional Justice Department had been decisive in rejecting the Mosque's re-registration application, not the ARA. Reminded that the liquidation had followed a suit

lodged by the regional ARA Department, not the Justice Department, he repeated his assertion.

ARA specialist Omarov rejected suggestions that the ARA and the Justice Department were "specially looking for excuses" to reject the Mosque's application.

Asked what would happen to the Mosque community if they continue to pray in their Mosque, as they have consistently told Forum 18 they would do, Omarov responded: "If the liquidation decision comes into legal force and if they continue to pray, they'll be brought to legal responsibility."

He repeatedly refused to say if the Mosque will be raided, if religious books will be confiscated, and if individuals will be fined. This has happened to numerous religious communities across Kazakhstan.

"We live in a democratic state"?

Asked why people who come together to pray and listen to sermons should be punished, Omarov claimed: "Praying isn't banned – we live in a democratic state. But if a religious organisation continues to function when it does not have registration, its leaders – not ordinary members - will have committed an offence."

All unregistered exercise of freedom of religion and belief by groups of people is illegal, against Kazakhstan's binding international human rights obligations.

Forum 18 was unable to reach for questioning any official at the North Kazakhstan Regional Justice Department.

"We rebuilt the Mosque from bare walls"

Community members have repeatedly told Forum 18 of their pride that they were able to rebuild the 19th century Din-Muhammad Mosque with their own resources, after extensive damage during the Mosque's confiscation in Soviet times. "We rebuilt the Mosque from bare walls," one community member told Forum 18. "It had no floor, nor ceiling nor roof when we got it back."

The Hanafi Sunni community prays in Arabic, but holds sermons in Russian, Tatar and Kazakh. "The authorities insist we have sermons only in Kazakh," the community member told Forum 18. "But we hold sermons in the language of the people who attend the Mosque so that they can understand what is said."

The state has long tried to closed down mosques which cater to worshippers of one ethnic background.

Support for "historical justice" for Mosque

Community members told Forum 18 they are grateful for the widespread support they have had. The Mosque has received vocal support from fellow-Muslims in the Russian Republic of Tatarstan and elsewhere. In a 15 February letter to the then head of the Muslim Board Absattar Derbisali, seen by Forum 18, one of Russia's Chief Muftis Talgat Tadzhuddin asked for the Board's support for the Mosque's re-registration.

In a 22 February letter to the Mosque's Imam Ryazapov seen by Forum 18, Tatarstan's representative in Kazakhstan, Ayrat Khasanov, hoped that "historical justice" for the Mosque will be restored. He noted that while he is a secular diplomat and cannot

interfere in the activities of a religious organisation, "it is impossible to ignore the problem of suffering of ethnic kin".

Human rights defender Vadim Kuramshin, whose father was an ethnic Tatar, visited the Mosque in October 2012 and made a donation. He intended to call a press conference to discuss the Mosque's concerns on 3 November 2012. However, he was arrested three days beforehand, after speaking about torture in Kazakhstan at the Organisation for Security and Co-operation in Europe's Human Dimension Implementation Meeting in Warsaw in September. In December 2012 Kuramshin, a prisoner's rights campaigner, was sentenced to 12 years in jail after a rigged trial. The trial and sentence has been widely condemned by human rights defenders in Kazakhstan and internationally.

Aktobe mosque liquidation

Aktobe's Nurdaulet Mosque – a Hanafi Sunni community in the city centre – was first registered in September 2001. After the 2011 Religion Law imposed compulsory re-registration, the Mosque lodged its re-registration application in September 2012. However, the Regional Justice Department rejected the application on 5 November 2012, citing a "negative" so-called "expert analysis" of its statute.

The Regional Justice Department then lodged a suit in court to liquidate the Mosque community. On 20 December 2012, Judge Lyazzat Bisenova of Aktobe Region Specialised Inter-District Economic Court upheld the liquidation, according to the decision seen by Forum 18. However, in a surprise move, she set a term for the liquidation of nine months.

In no other court-ordered liquidation seen by Forum 18 has anything other than immediate liquidation been ordered.

The Mosque community then lodged an appeal to Aktobe Regional Court. At the hearing on 29 January 2013, the community argued that the "expert analysis" had been prepared on 23 August 2012, before the community had even lodged its re-registration application. The ARA told the court the "expert analysis" had been wrongly dated, and was completed on 23 October 2012. The community also rejected the claim by the ARA that no founders' meeting had taken place to approve the application and the statute.

The ARA told the court that the Mosque statute failed to match the competences and organisation allowed for a local religious community, and failed to set out the community's attitude to marriage and the family, education and the health of its members.

Such state examinations of beliefs are required by the 2001 Religion Law, which breaks Kazakhstan's binding international human rights obligations.

A panel of judges chaired by Judge Zhanlai Mambetova rejected the Mosque community's appeal on 29 January, in a decision seen by Forum 18.

Mosque "will pray on"

The Mosque community has chosen not to challenge the 29 January Regional Court decision, a community member told Forum 18 from Aktobe on 25 February. "We are applying for new registration." The community lodged a new application on 17 February. The ARA demanded changes to the statute and extra information on 26 February.

A community member insisted the life of the Mosque is "normal" and "we are and will pray on". About 1,500 worshippers attend Friday prayers.

A community member told Forum 18 that the Mosque is insisting on its right to remain an independent community. "We have told the Muslim Board and the ARA that we are independent and that we will choose our own imam. We respect the Muslim Board and fulfil its fatwas [religious rulings]. We are simply insisting on being able to calmly enjoy our Constitutional rights."

The Muslim Board has been insisting that all mosques belong to it, the Board must appoint all imams, and the Board must take 30 per cent of all mosque's financial income.

A community member noted that the Mosque's insistence on its independence had led some officials to "look for dirt – reasons not to register us". However, "they can't find any violations – we have never had a warning in more than a decade".

The community member acknowledged that "it would be better without all these legal issues", but stressed that "we don't want conflict with anyone".

Will ARA obstruct independent registration?

The Nurdaulet Mosque was one of seven Islamic communities in Aktobe Region liquidated through the courts for failing to get the required re-registration. All were denied re-registration because they are independent of the Muslim Board. Officials have long been insisting – even before the text of the 2011 Religion Law was known – that "mosques cannot be independent".

Bauyrzhan Esmakhan, the head of Aktobe Regional ARA Department, claimed that it is hoping to "find a common language" with the Nurdaulet Mosque. "If they want to be part of the Muslim Board, let them. But we can register them as independent as well if that is what they want," he told Forum 18 from Aktobe on 25 February.

Told by Forum 18 that it is not aware of any other mosque which has been allowed to re-register independently of the Muslim Board, Esmakhan repeated his assurance. He defended the denial of re-registration in 2012. "There were mistakes in their application and we told them so," he said. "If there are mistakes again, we will reject the application again."

Esmakhan was the Muslim Board's Imam for Aktobe Region and imam of Nur Gasyr Mosque in Aktobe until May 2011, when he was among eight regional imams removed from office.

Asked what would happen to the Nurdaulet Mosque building if the community fails to gain re-registration within nine months, Esmakhan responded: "If the community is re-registered, the Mosque will remain. If it was built as a mosque it should remain as a mosque." He declined to say what would happen if the community fails to get re-registration but continues to worship.

Forum 18 was unable to reach any official of the Aktobe Regional Justice Department for questioning.

"Upset" at enforced liquidation

A small seminary attached to a Baptist congregation in Almaty was "upset" at being subjected to court-ordered liquidation, one Protestant familiar with the liquidation told Forum 18 on 23 February.

On 9 January, Judge Alibek Bilispaev of Almaty's Specialised Inter-District Economic Court upheld the Regional Justice Department suit to liquidate Almaty Baptist Seminary, according to the verdict seen by Forum 18.

The Seminary's representative told the court it recognised that under the 2011 Religion Law its parent religious organisation had been unable to register a religious education establishment. It had therefore not applied for re-registration and had "liquidated itself", according to the record of the hearing seen by Forum 18.

Asked in court by Prosecutor's Office official A. Tilepova why the Seminary objected to being liquidated on court orders, the Seminary representative responded: "It would show our dishonesty."

The Protestant told Forum 18 the Seminary is seeking to continue its activity with registration under the umbrella of a registered regional religious organisation.

Police raids on places of worship of Jehovah's Witnesses

General Counsel for JW (11.02.2013) - 20 January 2013, 11:30 a.m.—Esil (Akmola Region): Eight police officers, including one armed with a machine gun, entered a rented hall in the town of Esil where Jehovah's Witnesses were holding their weekly religious meeting. The police attempted to end the religious meeting but the persons gathered insisted that as a registered organization they had the right to conduct the religious meeting in a rented facility. At the end of the religious meeting the police required all in attendance to provide written statements. Jehovah's Witnesses anticipate that the case will be forwarded to the prosecutor's office for administrative proceedings.

24 January 2013, 5:00 p.m.—Karazhal (Karaganda Region): Seven officials, including police and members of the local town administration, stopped a meeting of Jehovah's Witnesses in a private apartment in the town of Karazhal. The police took written statements from the nine persons in attendance and seized their personal religious literature for an expert study. Jehovah's Witnesses anticipate that the case will be forwarded to the prosecutor's office for administrative proceedings.

27 January 2013, 11:15 a.m.—Sarykol (Kostanay Region): Three officials, including Captain Erlan Shariprov, Head of the District Criminal Police Department, and Ms. Elena Bauer, Head of the Department of Internal Affairs of the Sarykol District Administration, rudely interrupted and stopped the peaceful religious meeting of Jehovah's Witnesses in Sarykol which was held in a private apartment of one of Jehovah's Witnesses. The officials did this despite the fact that Jehovah's Witnesses are registered in Sarykol. Regardless, all seven persons in attendance were forced to write explanatory statements. The police then took three of the men in attendance to the police station where they were interrogated for an additional 1.5 hours. The police insisted that the three men must sign statements that had been prepared by the police. The three detained men appealed to the on-duty prosecutor to permit them to prepare their own written statements. The Chief Assistant of District Prosecutor Salamat Suleymenov directed that the three men must sign the statements prepared by the police. The three men were finally released after they were compelled to sign the statements prepared by the police. These men intend to appeal the illegal actions of the police.

30 January 2013,—Kokshetau (Akmola Region): Several police officers detained Mr. Andrey Rakin and Mr. Andrey Korolev, both Jehovah's Witnesses, on a public street alleging that they were engaged in unregistered missionary activity. The police seized their personal Bibles and other religious literature and sent it for an expert study. Jehovah's Witnesses anticipate that the case will be forwarded to the prosecutor's office for administrative proceedings.

Jehovah's Witnesses are gravely concerned by the police raids, arrests, and convictions of their fellow believers, which appear to be coordinated by the ARA. These cases are now taking place throughout Kazakhstan and could lead to the banning of Jehovah's Witnesses in Kazakhstan under Article 375(9) of the Code of Administrative Violations.

"To counter manifestations of religious extremism and terrorism"

Forum 18 (05.02.2013) - At least eight meetings for worship in Kazakhstan were raided by police and other officials in January, Forum 18 News Service has learned. In some cases meetings for worship were broken up, and in other cases police waited until they were over before questioning meeting participants. Three religious leaders – all Council of Churches Baptist pastors in North Kazakhstan Region - were punished for leading these meetings with the maximum administrative fine of 100 Minimum Financial Indicators (MFIs). This is currently equivalent to nearly two months average wages as measured nationwide by the state.

Other Protestant and Jehovah's Witness congregations are among the religious communities whose meetings for worship have also been raided. Independent and ethnic minority mosques are also being targeted, and continue to be denied re-registration - and so permission to exist - if they will not join the state-backed Muslim Board.

"Terrorism"?

At least some of the raids were led or instigated by local police Departments for the Struggle against Extremism, Separatism and Terrorism. North Kazakhstan Regional Police announced the raids on three local Council of Churches Baptist congregations as a joint operation with the Regional Department of the government's Agency of Religious Affairs (ARA). A 1 February statement on the police website announced that police, with the regional ARA Department, conducted "operational/prophylactic activity to counter manifestations of religious extremism and terrorism".

Although the victims of the raids were unnamed in the statement, the dates and locations of raids, as well as fines imposed, matched the details of the raids and fines against Baptists. The police statement also claimed the raids were directed at "illegal missionary activity", and "illegal migration". It also claimed that "special emphasis was put on investigating places where religious books are traded". Similar operations against uncensored religious literature distribution have taken place elsewhere in Kazakhstan (see forthcoming F18News article).

What the authorities claim is "illegal missionary activity" is regularly targeted. Seven individuals – Muslim, Protestant and Jehovah's Witness – are known to have been fined under the Code of Administrative Offences since August 2012. At least five of them were fined 100 MFIs.

Council of Churches Baptists have a policy of not paying fines imposed to punish them for exercising their freedom of religion or belief, as they do not think they should be punished for this. Their congregations refuse to register with the state in any country they operate in; all unregistered exercise of freedom of religion and belief by groups of people is illegal in Kazakhstan.

Petropavl raid and fine

Over 10 police officers raided the Council of Churches Baptist congregation in Petropavl [Petropavlovsk] in North Kazakhstan Region, during a meeting for Sunday worship on 20 January, local Baptists told Forum 18. Among the four officers willing to identify themselves was Captain Ruslan Mukhamedzhanov of the police Department for the Struggle against Extremism, Separatism and Terrorism, who was leading the operation.

Officers told congregation leader Aleksandr Pukhov that they had received an anonymous call that religious literature had been seen being unloaded from a car, and that they had to check this. "Without permission from church members, officers forced their way into the house and, despite complaints, filmed the premises and those present at the service," Baptists stated to Forum 18.

Officers charged Pukhov, but refused to give him a copy of the charges. Only the following day – 21 January – did he manage to get it. He was accused of violating Administrative Code Article 374-1, Part 1 ("Leading, participating in, or financing an unregistered, halted, or banned social or religious organisation"), which carries a maximum punishment of 100 Minimum Financial Indicators (MFIs). This sum – currently 173,100 Tenge (6,300 Norwegian Kroner, 850 Euros or 1,150 US Dollars) – represents the equivalent of nearly two months average wages as measured nationwide by the government. Average earnings are lower outside Kazakhstan's major cities.

On 21 January Pukhov was summoned to court, but no trial took place. On 23 January he appealed to the court to close the case, but received no reply. The trial went ahead on 28 January under Judge Serikbol Sapargaliev at Petropavl Specialised Administrative Court. Pukhov was fined 100 MFIs or 173,100 Tenge, an official of the Court Chancellery told Forum 18 from Petropavl on 4 January. "No appeal has been lodged yet, but Pukhov has until 8 February," the official added.

"The trial lasted just 22 minutes," local Baptists complained to Forum 18. They said Pukhov intends to appeal against the fine to the Regional Court, adding that he would not be paying the fine as he does not consider himself guilty of any offence.

Forum 18 asked Judge Sapargaliev on 4 February via his assistant why he fines individuals for exercising their Constitutional right to freedom of religion or belief. However, after conferring extensively with the judge, his assistant responded: "He won't give any interview by telephone." She then put the phone down.

Petropavl Police "didn't raid them"?

Major Kanat Amrin, the head of North Kazakhstan Regional Police's Department for the Struggle against Extremism, Separatism and Terrorism, told Forum 18 from Petropavl on 4 February that he is the officer who led the raid's (Captain Mukhamedzhanov) superior. Asked why the Baptist congregation had been raided, Amrin responded: "We didn't raid them. We have a Religion Law, which requires all religious activity to be registered. No one has the right to break the law."

Asked why a religious congregation was subject to scrutiny by a Department for the Struggle against Extremism, Separatism and Terrorism, Major Amrin told Forum 18: "We

received information." He refused to say what the information was, or who had supplied it.

"All religious formations and communities in the Region – with registration and without – are on our records," Major Amrin added. Asked why, he then backtracked, refusing to confirm whether or not religious communities are automatically under his Department's scrutiny. He refused to answer any other questions and put the phone down.

As well as the police, it is known that the National Security Committee (KNB) secret police has been for some years monitoring and attempting to plant spies inside religious communities.

Taiynsha raid and fine

About seven police officers, an official of the regional ARA Department, and two official witnesses raided the Council of Churches Baptist congregation meeting for Sunday worship in a private home in the town of Taiynsha in North Kazakhstan Region on 20 January. "Officer Dasha Solonar immediately started filming everything," local Baptists complained to Forum 18. "When we asked them to stop they didn't react."

After the worship service finished, church members asked the raiders to show their identity documents, but only three did so: local police officer F. Yesimov, Senior Lieutenant Solonar and Abu-Bakir Karmetov of the regional ARA Department. The other officers refused to identify themselves.

Police charged church leader Aleksandr Kerker for leading an unregistered religious community, local Baptists complained to Forum 18. Like Pukhov in Petropavl, Kereker too was accused of violating Administrative Code Article 374-1, Part 1.

Reading Psalms and singing Christian hymns illegal

On 30 January, Judge Turgunbai Zhakenov of Taiynsha District Court fined Kerker 100 MFIs or 173,100 Tenge – the same fine as Pukhov – according to the verdict seen by Forum 18. It notes that police officer Yesimov stated that during the raid: "Kerker stood at the pulpit and read Psalms from the Bible, then those present sang Christian hymns." The court ruled that Kerker violated the Religion Law, as the community refuses to seek state registration and was meeting without state permission for worship. The verdict records Kerker as denying any guilt, and rejecting state registration on religious grounds.

The verdict notes that a disc (presumably the police film of the service and the prayer house) is to be kept in the case file.

"They wouldn't let any of us into the court," local Baptists complained to Forum 18. They added that Kerker rejects the "illegal" verdict and will appeal to North Kazakhstan District Court. They complain this is the third time he has been fined for exercising his freedom of religion and belief.

Taishna Police too "didn't raid them"?

The duty officer at Taiynsha Police, who did not give his name, told Forum 18 on 4 February that neither police chief Abai Tastemirov nor Senior Lieutenant Solonar were present. But he defended the raid. "We didn't raid them. All was done in accordance with the law." Asked who was to blame for the violation of the right to freedom of religion and belief when the meeting was interrupted, the duty officer responded: "No one is guilty of that." He then put the phone down.

Karmetov of North Kazakhstan Region ARA Department also insisted the Baptists had not been raided. "All was in accordance with the law," he told Forum 18 from Petropavl on 4 February. "That religious community met to conduct a service. And our Religion Law bans unregistered religious activity." He then put the phone down.

Karmetov's superior, regional ARA Department head Nurislyam Gabdullin, refused to say why his officials had taken part in the raids in Taiynsha and elsewhere in January. "What do you mean why?" he asked Forum 18 on 4 February. "I can't say anything by phone," he added and put the phone down.

Kishkenekol raid and fine

As in Petropavl and Taiynsha, a Council of Churches Baptist congregation meeting for worship on 20 January in the village of Kishkenekol in the same North Kazakhstan Region was also raided, local Baptists told Forum 18. The raid was conducted by about six police officers, two witnesses, and a man in civilian clothes who refused to reveal who he was. Local Baptists think he might have been from the KNB secret police. One of the police officers told church members that his role in the police was to monitor religious communities. He did not explain what police department he was from, local Baptists said.

Officers tried to film the service, but church members asked them to stop as they were on private property. Police stopped the filming. Church leader Roman Pugachev asked the police to wait until the end of the service so as not to interrupt his congregation at worship. Police then waited.

After the service, all those present were questioned. Pugachev refused to write a statement. Like Pastors Pukhov and Kerjker, an administrative case against Pugachev was then prepared under Administrative Code Article 374-1, according to court documents seen by Forum 18.

On 28 January, Judge Kanat Beisekeev of Ualikhan District Court found Pugachev guilty and fined him 100 MFIs or 173,100 Tenge – the same fine as Pastors Pukhov and Kerker – an official of the Court chancellery told Forum 18.

Pugachev then lodged an appeal to North Kazakhstan Regional Court. "He won't pay the fine as he doesn't consider himself guilty," local Baptists told Forum 18. "Our Constitution allows us to meet and hold services, to pray and read the Bible – it allows for religious freedom."

Pugachev was fined for exercising his freedom of religion and belief three to four years ago, but that fine was overturned on appeal, Baptists told Forum 18.

Sarykol raid

In the northern Kostanai [Qostanay] Region, four police officers led by Yerlan Sharipov raided Jehovah's Witnesses as they held a religious meeting, in a private home in the village of Sarykol on 27 January. Accompanying the police was Yelena Bauer, head of the Internal Policy Department at the District Akimat [local administration]. "They broke up the meeting, forcing those present to write statements about what they were doing and taking three of them to the police station," Jehovah's Witnesses complained to Forum 18. "They were then freed."

Asked about the raid, the head of Sarykol District Police, Major Kanat Rakhmetzhanov instantly responded: "What do you mean raided? It was a police measure. Our officers acted in accordance with the law. We're not embarrassed by what we've done."

"We had reliable information that prayers were being said"

Asked whether his officers would have burst into a private home if the individuals had gathered to watch a football match on the television, to read poetry together or to drink vodka, Rakhmetzhanov responded: "It is not against the law to gather to watch football, read poetry or drink vodka. But our lads wouldn't have gone to such a meeting for no reason. We had reliable information that prayers were being said." Asked why meeting for religious purposes was treated differently from meeting to watch football or read poetry, he repeatedly declined to answer.

Bauer of the Akimat also categorically denied that the meeting had been raided. "No one suffered," she claimed to Forum 18 from Sarykol on 4 February. "We didn't violate anyone's rights." Asked how raiding a private home where people were meeting to exercise their right to freedom of religion and belief was not a violation of individuals' rights, Bauer responded: "They must apply to the local authority to get permission for religious meetings." Asked why, she replied: "The law says so and they must abide by the law."

Told that Kazakhstan's Constitution and international human rights commitments do not require individuals to seek state permission before they exercise their human rights, Bauer answered: "We spoke to them calmly, and they're educated people. They understand our position. You're making a mountain out of a molehill."

Asked whether, if the Jehovah's Witnesses meet again, they will face a similar official response, Bauer repeated her assertion that only by getting state permission would they be allowed to meet.

It is as yet unknown whether the authorities will be bringing any legal charges against the Jehovah's Witnesses.

Satpaev raid

In the central Karaganda [Qaraghandy] Region, police in Satpaev raided New Life Protestant Church during its 10.30 am meeting for Sunday worship on 20 January, church members told Forum 18. Six officers arrived half an hour after the service had begun, accompanied by a Prosecutor's Office official. The raid was led by Daulet Sagintaev of the local police Department for the Struggle against Extremism, Separatism and Terrorism. Only two of the other officers were prepared to identify themselves.

One officer immediately began filming. They refused to stop filming despite church members' requests. When church leader Aygul Kdirniyazova asked if they had permission to film, officers said they did. But they refused to show any document authorising the filming.

Sagintaev took Pastor Kdirniyazova into an office in the church building, accompanied by the Prosecutor's Office official and two other police officers. Again they refused to show a document authorising the raid. Pastor Kdirniyazova explained to them that she knows the law and knows she has not violated it. Sagintaev then accused her of committing an administrative offence by holding a religious service at a different address from the registered address of the community. He said the Prosecutor's Office had asked his Department to "check up" on the community. Pastor Kdirniyazova showed the officials the church's registration certificate and rental contract.

"She refused to write a statement as she had not violated the law," church members told Forum 18. However, after calling her lawyer, Pastor Kdirniyazova wrote a statement insisting she had broken no law.

The officer who had filmed church members at the service then came into the room. "He

was angry, telling them that church members had refused to write statements and insisting that they should all be taken to the police station," church members told Forum 18.

Police took the names and personal details (including address and place of work) of three other church members in addition to Kdirniyazov. Sagintaev said he was going to inspect the whole building, but did not do this taking photos instead.

At 11.30 am – an hour after they arrived – the officers left. Then the officer who had filmed the service returned, and wrote a record of an offence.

After the raid, Pastor Kdirniyazova wrote to Satpaev's Prosecutor's Office, complaining that the raiders had violated Administrative Code Article 375 by interrupting a religious service.

The duty officer at Satpaev police refused on 4 February to answer any of Forum 18's questions why New Life Church had been raided, and put the phone down.

It is as yet unknown whether the authorities will be bringing any legal charges against the Protestants.

Karazhal raid

In Karaganda Region, four police officers raided a Jehovah's Witness meeting in a private home in the village of Karazhal on 24 January. Accompanying them was Dosbol Kulumbetov of the local Akimat's Internal Policy Department. They also brought with them two official witnesses. The meeting was stopped and all those present were taken to the local police station, Jehovah's Witnesses told to Forum 18.

At the police station the Jehovah's Witnesses were forced to write statements about what they had been doing. They were then allowed to leave.

No one at the police was immediately available to explain why the religious meeting was raided.

"This wasn't a raid"

Kulumbetov of the Akimat defended the raid. "This wasn't a raid – a raid is when physical force is used," he insisted to Forum 18 from Karazhal on 5 February. "We didn't detain anyone – it was all done in accordance with the new Religion Law, which is based on our Constitution. Conducting a religious meeting requires a specialised, registered place. It's not right to accuse me of anything."

Kolumbetov refused to say how the authorities knew the Jehovah's Witnesses were meeting in the private home. He also refused to say if the group would have been raided had they been meeting together to drink vodka, watch football on television or read poetry.

It is as yet unknown whether the authorities will be bringing any legal charges against the Jehovah's Witnesses.

Esil raid

In the northern Akmola Region, eight police officers - one of them armed with an automatic weapon - raided a Jehovah's Witness meeting in Esil on 20 January, Jehovah's Witnesses told Forum 18. The raid was led by Captain Yerbolat Abdrakhmanov of the Criminal Police.

"The police waited until the end of the meeting, and then demanded statements from all those present," they told Forum 18. "They took photos of the private home and then asked those present to disperse quietly."

The duty officer at Esil District Police told Forum 18 on 4 February that neither police chief Kuat Baltabaev nor Captain Abdrakhmanov was present. "I wasn't there, so I can't say what happened," the duty officer told Forum 18.

It is as yet unknown whether the authorities will be bringing any legal charges against the Jehovah's Witnesses.

Eighth known raid

Police also raided the Sunday service in late January of a Protestant church. "They broke up the service and took the leader to the police station," a Protestant familiar with the raid told Forum 18. "The leader was forced to write a statement, but no further action has been taken so far."

The Protestant asked that the church's location and name not be published, to try to avoid further state harassment.

It is as yet unknown whether the authorities will be bringing any legal charges against the Protestants.

Seven large fines for "illegal missionary activity" – so far

Forum 18 (22.01.2013) - One year after Kazakhstan significantly widened and increased administrative punishments for exercising the right to freedom of religion or belief, a growing number of individuals are being handed such punishments, Forum 18 News Service notes. Some punished for "illegal missionary activity" were sharing their faith with others on the street, others were leading religious meetings within their communities. Many are being given the maximum fine of 100 Minimum Financial Indicators (MFIs), which in many parts of the country represents several months' average wages.

"We are very concerned that more Jehovah's Witnesses will soon be arrested and convicted for 'missionary activity'," Jehovah's Witnesses told Forum 18 from Kazakhstan's commercial capital Almaty on 22 January. They fear that the fines already handed down "will no doubt further embolden the Agency of Religious Affairs [ARA] and local law enforcement officials to arrest Jehovah's Witnesses. The detentions and convictions appear to be coordinated by the ARA."

Seven "missionary activity" prosecutions so far

Seven individuals - four Jehovah's Witnesses, two Muslims and a Protestant – are known to have been prosecuted since August 2012 under Article 375, Part 3 of the Code of Administrative Offences. This punishes "illegal missionary activity" with a maximum fine of 100 MFIs (a figure set annually). In 2012 this amounted to 161,800 Tenge. In 2013 this rose to 173,100 Tenge (6,400 Norwegian Kroner, 860 Euros or 1,150 US Dollars). At least three more individuals are known to be expecting prosecution under Article 375, Part 3.

In the same period, one Baptist has already been prosecuted under Article 375, Part 1 with at least two more prosecutions imminent.

Article 375 of the Code of Administrative Offences ("Violation of legislation on religious activity and religious associations") was significantly expanded and fines were increased under a 2011 Amending Law. It came into force – along with a new restrictive Religion Law - on 25 October 2011. Kazakhstan quickly began to use the new punishments against people exercising their right to freedom of religion or belief.

Officials of the Legal Statistics Committee of the General Prosecutor's Office in the capital Astana refused to give Forum 18 any statistics for 2011 and 2012 for the number of prosecutions brought under Administrative Code Article 375 or Article 374-1 (which also prescribes punishments for unregistered religious activity). Press officer Saulebek Zhamkenov told Forum 18 on 22 January in writing that it had to submit an official request for the information in writing.

Compounding Jehovah's Witness fears of further prosecutions was a statement from the ARA published on its official website. It was responding to a 26 November 2012 question from a reader in the southern city of Shymkent complaining about the "renewed activation of Jehovah's Witnesses" and asking if sharing religious views and literature on the street is legal. The ARA replied that preaching on the street "is not allowed". "In connection with this, if illegal activity on the part of any religious organisations appears, you are within your rights to appeal to the appropriate agencies," an apparent reference to the police.

Astana case

On 4 December 2012, Judge Bayrzhan Akhmetkaliev of Astana's Specialised Inter-District Administrative Court found Jehovah's Witness Dmitry Bukin guilty of "illegal missionary activity" under Administrative Code Article 375, Part 3. He was fined 100 MFIs, according to the verdict seen by Forum 18.

The verdict reveals that the Astana Police's Anti-Extremism Directorate had "established during the course of operational/prophylactic measures" on 15 September 2012 that Bukin was conducting "illegal missionary activity" by leading a two-day religious meeting in a rented building. Anti-Extremism officer I. Zhumagalov told the court he had arrived during the meeting, which was attended by about 200 people, but had been prevented by those present from filming it.

Two officials of the ARA, N. Mukanova and Alia Masalimova, participated in the hearing and agreed with the charges.

However, Bukin rejected the accusations, insisting that his community has state registration and that holding religious meetings does not constitute "missionary activity".

Bukin appealed to Astana City Court. However, on 16 January 2013, in the presence of representatives from several foreign embassies, Judge Saule Aisina rejected the appeal. She dismissed a motion by Bukin's lawyer that the case should be suspended and referred to Kazakhstan's Constitutional Council to determine if the definition of "missionary activity" in Article 1, Part 5 of the Religion Law is unconstitutional.

Law Professor Roman Podoprigora of Almaty's Caspian Public University told the court that holding religious services does not constitute "missionary activity", the verdict reveals. However, Mukanova of the ARA, who had appeared for the prosecution at the lower court hearing, repeated her assertion that it does.

"Bukin was convicted simply because he had arranged and participated in a religious meeting of Jehovah's Witnesses. It was evident that the outcome of the hearing was predetermined," Jehovah's Witnesses complained to Forum 18 in the wake of the appeal. "As everyone in the courtroom witnessed, the judge did not want to hear any arguments about freedom of expression or freedom of religion protected by Kazakhstan's Constitution or the International Covenant on Civil and Political Rights."

Erbulan Kusainov, head of the Anti-Extremism Directorate of Astana City Police, admitted to Forum 18 that officer Zhumagalov from his Directorate had been involved in the case against Bukin. However, he refused absolutely to answer any questions. "I won't give any comment," he told Forum 18 from Astana on 22 January.

Zhorabek Daurenov, who recently took over as head of the ARA Department in Astana, defended Bukin's fine. "As patriots of Kazakhstan we must all obey the law," he told Forum 18 from Astana on 22 January. He rejected suggestions that the prosecution of Bukin and the earlier local case against Tamara Kim (see below) violated Kazakhstan's Constitutional guarantees of religious freedom. "If the Religion Law had been against the Constitution, it wouldn't have been adopted," he claimed.

"According to Kazakhstan's law on Administrative Violations, Bukin has no further right of appeal," Jehovah's Witnesses told Forum 18. "Instead, his only option is to file a motion to the Astana City Prosecutor's Office requesting that they protest the decision to the Supreme Court and, once that is rejected, to file a motion to the General Prosecutor's Office. We intend to file a motion directly with the General Prosecutor's Office in the coming days."

Other Astana cases

On 28 December 2012, Astana City Police detained Talgat Bilbayev for "talking near his apartment to a man about the Bible", Jehovah's Witnesses complained to Forum 18. They added that the same day, Astana City Police also detained two other Jehovah's Witnesses - Ahmet Alseyitov and Marat Nurbayev - on similar grounds. All three expect that their cases will soon be forwarded to Astana Prosecutor's Office.

These cases follow an earlier case when prosecutors initially failed to convict a Protestant under Administrative Code Article 375, Part 3. The police had drawn up a record of an offence after they caught Tamara Kim, a deacon in Bethel Protestant Church, leading Sunday worship for about 10 church members during an "inspection" in the church building on 1 July 2012. However, on 6 August 2012, Judge Yevgeni Kurbatov of Astana's Specialised Inter-District Administrative Court rejected the prosecutor's demand to punish Kim for "missionary activity" without personal registration as a missionary from the ARA Department.

Kim told the court that for the previous two months she had led services in her church during the pastor's absence abroad. However, she rejected accusations that she was thereby conducting "missionary activity".

The verdict - seen by Forum 18 - reveals that the then ARA Department head A. Mukazhanov insisted to the court that "holding religious rituals and sermons is missionary activity and requires agreement" from his Department. The prosecutor demanded that she be convicted and fined 100 MFIs. However, Judge Kurbatov found that no offence had been committed.

Astana's Deputy Prosecutor Almat Baishulakov then appealed against the acquittal. On 27 August 2012, Judge Aisina of Astana City Court - who later was to confirm Bukin's sentence - overturned the earlier decision and fined Kim 100 MFIs under Article 375, Part 3, according to the verdict seen by Forum 18.

The verdict reveals that the ARA sent a letter on 7 August 2012 admitting that the Religion Law does not define "spreading a faith" or "religious rituals and ceremonies". However, two officials of the ARA's Legal Department, Mukanova and Masalimova (who were later to testify in Bukin's case), were questioned in court for a more "objective" view. They testified that religious services and sermons constitute "missionary activity".

Kim then lodged a further appeal to Kazakhstan's General Prosecutor's Office, Protestants told Forum 18.

Pavlodar case

On 21 December 2012, Judge Bibigul Alinova of Pavlodar's Specialised Administrative Court found Jehovah's Witness Nurzhan Aglakov guilty of "missionary activity" under Article 375, Part 3. He too was fined 100 MFIs. The verdict – seen by Forum 18 – reveals that he was stopped on the evening of 11 November 2012 while sharing his faith among fellow residents.

"Nurzhan was simply answering questions about his beliefs to an interested man who lives in the same building," Jehovah's Witnesses complained to Forum 18.

On 14 January 2013, Aglakov filed an appeal to Pavlodar City Court, which set 25 January as the date for the appeal. Jehovah's Witnesses told Forum 18 they have asked the Court to delay the appeal hearing to allow time to send a lawyer.

Aktau cases

On 15 January 2013, Judge Bolat Pazylov of Aktau Administrative Court found two Jehovah's Witnesses guilty of conducting "missionary activity" under Administrative Code Article 375, Part 3. Nadezhda Shefer and Natalia Lashova were each fined 100 MFIs, according to each of their verdicts seen by Forum 18. Mangistau Regional Police had called Aktau Police after reports had come in on 29 November 2011 that "two women of European appearance were conducting illegal missionary activity" on the streets of Aktau, the verdict notes. The verdict notes that a police officer had decided that the two should not be prosecuted under the Criminal Code.

Both Shefer and Lashova are planning to appeal against their fines.

Raushan Gaisina, a Deputy Head of Aktau Police, refused absolutely to discuss the fines – or why her officers had been involved in detaining individuals discussing their faith with others on the street. "I'm not embarrassed about this," she insisted to Forum 18 from Aktau on 22 January. "But I won't give any information by telephone."

Gaisina referred Forum 18 to Mangistau Regional Police press department. Reached the same day, an official said nothing when Forum 18 asked why police are involved in detaining individuals who discuss their faith with others on the street. She then hung up. When Forum 18 called back, the line had been diverted to a fax machine.

Equally reluctant to talk was a Deputy Prosecutor in Aktau, Serik Amirov. "You don't have true information on the case," he told Forum 18 on 22 January. Told that Forum 18 had taken its information from the Shefer and Lashova's verdicts, he declined to answer any other questions and put the phone down.

Forum 18 was thus unable to ask Amirov about two members of a Muslim movement reported as also having been fined under Article 375, Part 3 for "illegal missionary activity". Deputy Regional Prosecutor Erzhan Berdibekov told the local media on 16 January that the members of the Suleyman Hilmi Tunahan movement had come from other regions of Kazakhstan and conducted religious activity in a private home. Forum 18 has been unable to find out if the movement – which Berdibekov said had been closed down – is connected with the late Turkish Sufi scholar of the Naqshbandi movement with the same name.

Aktobe case

Meanwhile, prosecutions are continuing under Administrative Code Article 375, Part 1. This punishes violations of the legal procedure for holding religious worship with a fine of 50 MFIs on individuals and 100 MFIs on leaders of religious organisations.

On 21 January, Aktobe's Specialised Administrative Court fined local Baptist Dana Abykenov 50 MFIs under Article 375, Part 1. Although he was expecting a trial hearing, local Baptists said he was taken from work directly to the court without prior warning. "This is a significant fine," a fellow church member told Forum 18 from Aktobe on 22 January. "It represents several months' average wages here. But of course he won't pay the fine as he's not guilty of doing anything wrong. Though they might deduct the fine from his wages."

Local Baptists told Forum 18 Abykenov was punished for offering Christian books at a small table to passers-by on the streets of Aktobe in late November 2012. "Police confiscated the books from him and said they were going to conduct an 'expert analysis' of them," the church member told Forum 18. "He doesn't know if he'll get them back or not."

Members of Council of Churches Baptist congregations do not seek state registration in any of the post-Soviet republics where they operate. They also have a policy of not paying fines handed down to punish them for exercising their right to freedom of religion or belief.

Almaty cases

Prosecutors have told two members of Almaty's Council of Churches Baptist congregation that they will face trial under Administrative Code Article 375, Part 1. "Yuri Bronitsky and Fedor Karabeinikov were summoned to the Prosecutor's Office on 11 January and told this," local Baptists told Forum 18 on 22 January. "They were not told when the cases will be heard."

Police came to the Almaty church as well as to the congregation in Taldykurgan [Taldyqorghhan] in Almaty Region. "They came during worship and photographed us," local Baptists complained. "They said they had an order from above that now the new law has been adopted they will close us down."
