

24 November 2015

KAZAKHSTAN: Sixth Muslim in KNB secret police pre-trial imprisonment

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Murat Takaumov became the sixth Muslim to be arrested by the secret police in Kazakhstan's capital Astana and held at the city's KNB secret police Investigation Prison. On 20 November a Judge ordered his pre-trial imprisonment for two months while he is investigated on charges of participating in the activity of a banned religious organisation, the Judge's assistant told Forum 18 News Service. The same Judge ordered the five others – arrested in September – to be held at the same Investigation Prison for a further month. They face up to six years' imprisonment if convicted of organising the activity of a banned religious organisation. During the September arrest of one, the man's wife went into premature labour "out of fear", Vitaly Ponomarev of Memorial human rights organisation told Forum 18. No officer of Astana KNB was prepared to discuss with Forum 18 why it had brought criminal charges against the Muslims and against a recently convicted Seventh-day Adventist. All six Muslims are allegedly connected to the banned Muslim missionary movement Tablighi Jamaat. Fifteen other alleged members have already been convicted since late 2014, with the harshest sentence a prison term of nearly five years.

The National Security Committee (KNB) secret police has arrested a sixth Muslim, Murat Takaumov, in the capital Astana. He was on Friday (20 November) given two months' pre-trial imprisonment, a court official told Forum 18 News Service. Like the other five – whose pre-trial imprisonment was extended by the same judge for a further month – Takaumov is being investigated on criminal charges for his alleged connections to the Muslim missionary movement Tablighi Jamaat, which has been banned as "extremist" in Kazakhstan. The KNB secret police – which is holding the six men – have questioned about 30 of their relatives and friends.

A total of 15 Muslims are known to have been convicted since late 2014 on criminal charges of Tablighi Jamaat membership. Eight are serving prison sentences of up to 4 years 8 months. The other seven are serving sentences of restricted freedom, where they can live at home but under tight controls (see F18News 13 October 2015 http://www.forum18.org/archive.php?article_id=2110).

Tablighi Jamaat was banned as "extremist" in Kazakhstan by an Astana court in February 2013. Sharing some of its teachings or habits, possessing religious books often used in the movement or meeting with others close to the movement is enough for a criminal prosecution (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

In Central Asia Tablighi Jamaat members conduct house to house encouragement of Muslims to attend mosques and religious talks. Until the movement was banned in Kazakhstan, it used to send members on short-term missions to other towns and villages, where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of Tablighi Jamaat in the region told Forum 18. Male adherents are often identifiable by their beards and South Asian clothing (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

Court-ordered religious book destruction

Meanwhile, the written verdict in the case of Seventh-day Adventist Yklas Kabduakasov reveals that the Judge ordered that nine religious books seized from him and others are to be destroyed. A court bailiff in Astana, who is not involved in this case, told Forum 18 that bailiffs from the local department of the Justice Ministry's Branch for fulfilling court decisions carry out such destructions of religious literature ordered in court decisions (see F18News 8 December 2015 http://www.forum18.org/archive.php?article_id=2130).

Kabduakasov was sentenced in Astana on 9 November to seven years' restricted freedom to punish him for discussing his faith with others in a prosecution that was similarly led by the KNB secret police (see F18News 9 November 2015 http://www.forum18.org/archive.php?article_id=2119).

No KNB secret police comment

No-one at the Astana KNB secret police was prepared on 24 November to discuss why it has brought criminal prosecutions against the Muslims and the Adventist for exercising the right to freedom of religion or belief. The woman who answered the phone of the

head, Kurman Elyubayev, refused to put Forum 18 through to him or anyone else. The man who answered the phone of the first deputy head told Forum 18 he was a "technical worker here to check the phones" and that no-one else was there. The man who answered the phone of a deputy head told Forum 18 it was a psychiatric hospital, not the KNB secret police.

The man who answered the phone at the main Astana KNB secret police number told Forum 18 on 24 November that he is not authorised to identify the KNB investigator in any specific case.

No one at the KNB secret police Investigation Prison in Astana was prepared to comment on 24 November about conditions for the six Muslim prisoners. Forum 18 asked the duty officer to put Forum 18 through to the prison head, but the man who came on the line refused to answer any questions and put the phone down.

The address of the KNB Investigation Prison where the six Muslims are being held (and where Kabduakasov was held for 12 weeks):

SIZO KNB g. Astana

010003 Astana

Ul. Shyntas 2

Kazakhstan

Sixth secret police pre-trial prisoner

The KNB secret police in Astana arrested Takaumov, the latest Muslim to be imprisoned in the capital for alleged association with Tabligh Jamaat, on 18 November. Takaumov works as a legal consultant and has often taken up the rights of Muslims to freedom of religion or belief, including the rights of schoolgirls to wear the hijab (headscarf).

On 20 November Judge Nabi Pazylov of Astana's Saryarka District Court No. 2 ordered that Takaumov be held in two months' pre-trial detention, the Judge's assistant told Forum 18 from the court on 24 November. The KNB secret police are investigating Takaumov under Criminal Code Article 405, Part 2, he added.

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

Takaumov was among local Muslims summoned by the KNB secret police for interrogation as part of the criminal cases against the five Muslims imprisoned since late September, Vitaly Ponomarev, head of the Central Asian programme at the Moscow-based Memorial human rights group, told Forum 18 from Moscow on 23 November. Ponomarev spoke to people connected to the cases in Astana in early November.

September arrests

Arrests in the Astana case began on 23 September, when the KNB secret police arrested three men in Astana, 38-year-old Bolatbek Kozhageldinov, 31-year-old Khalambakhi Khalym (a Kazakh from Mongolia who migrated to Kazakhstan in about 2006 and became a Kazakh citizen in 2011) and 35-year-old Nurzhan Nuradilov.

During Khalym's arrest, his wife tried to film the KNB secret police officers as they searched the family home. Officers seized her phone and deleted the recording, Ponomarev told Forum 18. "Out of fear" Khalym's wife then started to go into premature labour. Only after relatives intervened did the KNB secret police officers allow an ambulance to be called. Officers took Khalym's computer, a Koran and a book of hadiths (statements attributed to the Muslim Prophet Muhammad).

Kozhageldinov was asleep at home when the KNB secret police arrived to detain him. As he had no books or computer, officers had nothing to seize. Nuradilov – who works in a warehouse – was arrested at work. During a house search, KNB secret police officers seized religious literature, including a Koran and a copy of Said bin Ali bin Waqf al-Qahtani's "Fortress of a Muslim".

Following the arrests, the KNB secret police summoned several relatives. Officers demanded that they sign a statement, but when one tried to photograph the document officers quickly removed it, Ponomarev told Forum 18.

A fourth, 44-year-old Erbolat Omarbekov, was arrested on 23 September in Oskemen (Ust-Kamenogorsk), Ponomarev of Memorial human rights group told Forum 18. He was then brought to the capital. Omarbekov had moved back to his mother's in Oskemen in the spring.

On 28 September the KNB secret police arrested the fifth man, 53-year-old Kubaidolla Tyulyubayev, while he was visiting Taldykurgan [Taldyqorghan] in Almaty Region, Ponomarev added. Tyulyubayev, who is from the northern city of Karaganda [Qaraghandy], was brought to the capital to be held with the others in Astana's KNB Investigation Prison.

In all about 30 relatives and friends of the accused have been interrogated, some for up to seven hours at a time. At least one was threatened with arrest if they failed to give testimony incriminating the prisoners, local Muslims told Ponomarev.

Criminal charges

The KNB secret police investigator is investigating the five arrested Muslims under Criminal Code Article 405, Part 1. Article 405, Part 1 punishes organising the activity of a banned social or religious organisation with a fine or up to six years' imprisonment.

One individual close to the case told Ponomarev that Khalym is also being investigated for alleged "incitement of religious hatred". Criminal Code Article 174, Part 1 punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years. The court official refused to confirm or deny to Forum 18 that Khalym is also being investigated under this Article.

This charge was apparently lodged on the basis of comments Khalym made at meetings with his friends between 2013 and 2015 which the KNB secret police appears to have secretly recorded on audio and video. The meetings reportedly discussed who should be sent where and when to conduct dawa (mission), apparently according to the Tabligh Jamaat practice of sending Muslims to preach in other locations. KNB secret police played recordings of these meetings to several people under interrogation as witnesses, Ponomarev told Forum 18.

Pre-trial imprisonment

On 25 September Judge Pazylov of Saryarka District Court No. 2 ordered that Kozhageldinov, Khalym, Nuradilov and Omarbekov be held in two months' pre-trial imprisonment while the investigation proceeded. The same Judge Pazylov ordered that Tyulyubayev similarly be held for two months on 29 September (see F18News 7 October 2015 http://www.forum18.org/archive.php?article_id=2108).

On 23 November, as the two months' initial pre-trial detention expired, the same Judge Pazylov extended the pre-trial imprisonment of Kozhageldinov, Khalym, Nuradilov, Omarbekov and Tyulyubayev for a further month, his assistant told Forum 18.

April KNB secret police warnings

On 29 April, the KNB secret police had warned at least four of the five Muslims arrested in September, Kozhageldinov, Khalym, Nuradilov and Omarbekov, not to conduct illegal activity related to the Tabligh Jamaat movement, pointing out that it has been declared "extremist". It said such activity violated Criminal Code Article 405. One of these written warnings was issued at home, the others at their places of work, Ponomarev told Forum 18. KNB secret police officers filmed the issuing of the warnings.

Following these warnings, Omarbekov moved from Astana back to his mother's in Oskemen, Ponomarev said.

At least two of those given a KNB secret police written warning challenged them in appeals to the General Prosecutor's Office, the KNB secret police, the Presidential Administration and the Nur Otan ruling party. They insisted they were members of no such organisations and held to the Hanafi school of Sunni Islam as propounded by the state-backed Muslim Board. They pointed to the number of children they have and presented character statements from neighbours, Ponomarev noted. They asked for the warnings to be withdrawn.

Astana KNB secret police responded on 22 May, claiming that the warnings had been a preventative measure and had not violated the individuals' human rights. Verbally Astana KNB secret police officers told the Muslims that they knew the men were not dangerous and that was why they had not been detained, Ponomarev added, citing individuals in Astana close to the case.

Earlier punishments

At least two of the six KNB-held prisoners have previously been fined for exercising the right to freedom of religion or belief.

Astana Specialised Administrative Court had fined Omarbekov 50 times the minimum monthly wage in June 2012 for his religious activity under Administrative Code Article 375, Part 1 (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

Article 375, Part 1 of the then Administrative Code punished "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and other materials of religious content (designation) and objects of religious significance; and building of

places of worship and changing the designation of buildings into places of worship". The Article has been transferred unchanged into the new Administrative Code as Article 490, Part 1. (The new Code came into force in January 2015.)

Khalym has twice been fined to punish him for exercising the right to freedom of religion or belief. On 18 July 2014, Judge Saule Samanbetova of Astana's Inter-District Specialised Administrative Court similarly fined him 50 times the minimum monthly wage under Article 375, Part 1 of the then Administrative Code, according to the decision seen by Forum 18.

Because Khalym had not paid the fine, the Court handed the case on 20 February 2015 to Court Bailiffs to ensure payment, and they began proceedings on 4 March, according to official records.

On 11 March, Judge Kanat Imanaliyev of the same court fined Khalym 200 times the minimum monthly wage, 396,400 Tenge (11,200 Norwegian Kroner, 1,200 Euros or 1,300 US Dollars), under Article 490, Part 8 of the new Administrative Code. This punishes repeat offences of violating the Religion Law following a conviction within the previous year.

The Judge fined Khalym for selling religious literature outside an Astana shopping centre on 14 August 2014 and fined him the increased amount because of the July 2014 conviction. Anti-Extremism Police who detained Khalym also seized 26 religious books, according to the decision seen by Forum 18. The decision did not say what would happen to the confiscated religious books.

On 21 April, Khalym tried to delay payment of the fine, arguing that he was unable to pay such a large sum at once as he had a wife and two young children to support. He asked to be able to pay off 10,000 Tenge per month. However, in a decision seen by Forum 18, Judge Imanaliyev rejected his suit.

On 16 July court bailiffs began proceedings to recover the money from him, according to official records. However, Nurzhan Abirov, the bailiff assigned to the case, refused to tell Forum 18 on 24 November what action he had taken to recover both fines.

Tried to challenge Tabligh Jamaat ban

Omarbekov had also tried to challenge the February 2013 court-ordered ban on Tabligh Jamaat, regarding it as "illegal". However, in April 2013, Saryarka District Court refused to add him as a party to the case to allow him to challenge the ban. Astana City Court upheld this decision the following month, arguing that Omarbekov had no standing to challenge the decision as he had not been a party to the February 2013 case (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023). (END)

Reports on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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