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KAZAKHSTAN: Mass trial of Muslims in Oskemen

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

In a secret police initiated case, nine Sunni Muslims are due on trial in Oskemen on 14 September accused of membership of the banned Tabligh Jamaat Muslim missionary movement. Arrested in early August, Baurzhan Beisembai faces up to six years' imprisonment if convicted.

The criminal trial of nine more alleged members of the Muslim missionary movement Tabligh Jamaat is due to begin in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region on the morning of 14 September, officials have told Forum 18. One of the nine, Baurzhan Beisembai, was arrested on 1 August and is in pre-trial imprisonment. The other eight are awaiting trial at home after pledging not to leave the city. If convicted of organising the activity of a banned organisation, Beisembai faces a fine or up to six years' imprisonment. The other eight each face a fine or up to two years' imprisonment.

The latest cases in Oskemen bring to 40 the number of individuals known to have faced criminal charges of Tabligh Jamaat membership since December 2014, of whom 19 received prison terms. All the cases – as well as that of Seventh-day Adventist prisoner of conscience Yklas Kabduakasov – were initiated by the National Security Committee (NSC) secret police (see F18News 8 June 2016 http://www.forum18.org/archive.php?article_id=2186).

Yet another of the Sunni Muslim men convicted as Tabligh Jamaat adherents – Murat Takaumov – was added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking all his bank accounts. The move came a week after he was freed at the end of his nine-month prison term (see below).

The addition of Takaumov to the Financial Monitoring List brought to 30 the number of individuals convicted for exercising freedom of religion or belief on the List. Of these, 29 are Sunni Muslims accused of Tabligh Jamaat membership, while the other is the Adventist prisoner of conscience Kabduakasov (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

And another of the imprisoned Tabligh Jamaat adherents – Saken Tulbayev – has failed to overturn his conviction in the Supreme Court. The Court overturned only a ban on exercising the right to freedom of religion or belief for three years after Tulbayev completes his prison term. However, the court instead imposed a ban on any sharing of faith after his release (see below).

An Astana court banned Tabligh Jamaat in Kazakhstan as "extremist" in February 2013. Until the movement was banned, 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 the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

UN criticism of anti-"extremist" offences, but harsher amendments coming?

In its Concluding Observations on Kazakhstan on 11 July, the United Nations (UN) Human Rights Committee criticised Kazakhstan for, among other things, its "broad formulation" of "extremist" offences and called for laws to be brought "into full compliance" with its international human rights obligations. It also expressed concern that "counter-terrorism activities continue to target in particular members or presumed members of banned or unregistered Islamic groups, such as the Tabligh Jamaat" (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Despite the UN Human Rights Committee's concerns, a new anti-"extremism" Amending Law reached the Mazhilis, the lower house of parliament, on 1 September. The Amending Law was prepared by the NSC secret police, according to Majilis records. The draft Law on Amendments and Additions to Various Laws on Questions of Countering Extremism and Terrorism is due to be considered by the Majilis International Relations, Defence and Security Committee in the afternoon of 8 September.

Among the wide-ranging proposed amendments are yet further increases in state-imposed pre-publication censorship of all literature about religion, further restrictions on the import or distribution of literature about religion, and new requirements for state permission for "religious tourism" abroad (see F18News 31 August 2016 http://www.forum18.org/archive.php?article_id=2212).

Oskemen raids

East Kazakhstan Regional NSC secret police officers raided homes in Oskemen on 16 May as part of an investigation in a criminal case initially against five local residents, all of them Sunni Muslims. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to Tabligh Jamaat. The five men had to sign statements that they would not leave Oskemen without the investigator's permission (see F18News 8 June 2016 http://www.forum18.org/archive.php?article_id=2186).

East Kazakhstan Regional NSC repeatedly refused to give Forum 18 any information about the case (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Four other men were added to the NSC secret police investigation. The nine accused men are: 34-year-old Baurzhan Beisembai, 40-year-old Duman Toleukhanov, Ulan Smagulov, Serik Tastanbekov, 30-year-old Rauan Karagyzov, Darkhan Amrenov, Darkhan Kunapyanov, 30-year-old Eldos Otarbayev and 34-year-old Serzhan Akhmetov.

The nine men are facing trial under Criminal Code Article 405, Part 2. This punishes "participation in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Beisembai also faces the more serious accusation under Criminal Code Article 405, Part 1. This punishes "organising the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to six years' imprisonment.

Oskemen arrest

Kairat Azilbek of East Kazakhstan Regional Prosecutor's Office – who has been leading the investigation there and will lead the prosecution case in court – confirmed that the criminal case had been launched and initially investigated by the NSC secret police.

At the beginning of August, the nine men's status was changed from being under investigation to criminal suspects, Azilbek told Forum 18 from Oskemen on 7 September.

On 1 August, NSC secret police officers arrested Beisembai. On 3 August Oskemen Court No. 2 ordered he be held in two months' pre-trial imprisonment, court officials told Forum 18. "This was because he is accused of a serious crime," Prosecutor's Assistant Azilbek told Forum 18. The other eight had to sign statements that they would not leave the city. Azilbek appeared at the detention hearing to support Beisembai's two-month pre-trial imprisonment.

East Kazakhstan Region has no NSC secret police Investigation Prison. Beisembai was therefore taken to the Interior Ministry Investigation Prison in Oskemen, an official there told Forum 18 on 7 September. "He's one of the religious ones," she added, without explanation.

The prison official refused to give any further details of when Beisembai arrived at the Investigation Prison, his conditions or whether he is able to pray and have access to religious literature. Prison director Rustam Dzhusunov refused to even confirm to Forum 18 the same day that his prison holds Beisembai.

Beisembai's prison address is:

070004 Vostochno-Kazakhstanskaya Oblast

g. Oskemen

ul. Likhareva 10a.

uchr. OV 156/1

Beisembai, Baurzhan

Oskemen trial

The case against all nine men was handed to Oskemen Court No. 2 on 25 August, where it was assigned to Judge Umisakhan

Dautova, court officials told Forum 18. The trial is due to begin at 10 am on 14 September. Judge Dautova's assistant said that only when the trial starts will the Judge decide whether it will be open to the public or closed.

"Extremists", but "no murder accusations"

Prosecutor's Assistant Azilbek refused to discuss the case against the nine men in detail, but insisted they deserve to be prosecuted. "The case against them is proved," he insisted to Forum 18, but would not say what crimes he believes the men have committed.

While insisting that the nine men are "extremists" (even though they have not been convicted of any crime), Azilbek confirmed that there are "no murder accusations" against any of them.

"The Tabligh Jamaat movement has been declared extremist in Kazakhstan and banned by a court," Azilbek added. Asked who has suffered from the activity of the movement if, as the authorities claim, Tabligh Jamaat is dangerous and "extremist", he responded: "It's not necessary for there to be victims – it can be an extremist organisation if it doesn't murder people. If there aren't any victims it doesn't change anything."

Ban on post-imprisonment praying lifted, but ban on sharing faith imposed

Meanwhile, on the morning of 6 September, a panel of Judges at the Supreme Court in the capital Astana lifted the three-year ban on Sunni Muslim prisoner of conscience Saken Tulbayev from praying and other exercise of the right to freedom of religion or belief after his release from prison. However, the Supreme Court imposed two new conditions after he is eventually freed. He will be banned from sharing his faith with others and banned from membership of "extremist" organisations, his lawyer Aiman Umarova told the Kazakhstan International Bureau for Human Rights and Rule of Law after the hearing.

Being a member of an "extremist" organisation is already banned and punishable under the Criminal Code (as the repeated conviction of alleged adherents attests), Forum 18 notes. Sharing a faith publicly by anyone not personally registered as a "missionary" representing a registered religious organisation is already illegal and punishable under the Administrative Code (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Tulbayev – who is now 47 - was convicted of Tabligh Jamaat membership in Almaty in July 2015. The Judge not only sentenced him to 4 years and 8 months' imprisonment in a general regime labour camp. She also banned him from exercising freedom of religion or belief for three years after his scheduled December 2019 release until December 2022.

Following Tulbayev's conviction, Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned the three-year ban on Tulbayev's freedom of religion or belief as "another total stupidity and total absurdity". He noted to Forum 18 that although Kazakh law allows such a ban – in defiance of the country's international human rights obligations - "it will be interesting how they will prohibit him from going to mosque and so on" (see F18News 8 July 2015 http://www.forum18.org/archive.php?article_id=2078).

"Secret" case materials

At the 6 September 2016 hearing, the Supreme Court left the rest of the terms of Tulbayev's conviction and imprisonment unchanged, his lawyer Umarova added.

Umarova complained that the Supreme Court ignored other significant evidence in defence of her client. She said Tulbayev's entitlement to a proper defence was obstructed because she was not able to gain access to all the case materials as many had been classified as "secret".

Umarova also questioned the accusations against Tulbayev about alleged distribution of religious literature. She pointed out that the works he had distributed were not banned. A leaflet allegedly found in his home at the time of his arrest – which his supporters insist had been planted – was a Wahhabi Muslim text which Tabligh Jamaat adherents would not have been in accord with.

Umarova also pointed to Tulbayev's insistence that he could not have wilfully continued to be a member of a banned organisation as he had only learnt that Tabligh Jamaat had been banned after his arrest.

Tulbayev is serving his sentence in a labour camp in Pavlodar, nearly 1,500 kilometres (930 miles) north of his home city of Almaty by road on a journey that takes more than 15 hours. Prison guards tortured him after his transfer to the camp in September 2015 (see F18News 28 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Tulbayev's prison address:

Kazakhstan

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3

Tulbayevu Sakenu Peisenovichu

Released from prison, but bank accounts blocked

On 24 August, the Finance Ministry Financial Monitoring Committee added Murat Takaumov to the List of individuals "connected with the financing of terrorism or extremism", thus blocking all his bank accounts. The move came just a week after he completed his prison sentence.

Takaumov is another of the 19 Sunni Muslims imprisoned since December 2014 for alleged adherence to Tabligh Jamaat. The NSC secret police arrested Takaumov on 18 November 2015 and, on 2 June 2016, an Astana court convicted him of Tabligh Jamaat membership and handed down a nine-month prison term. It also ordered him to pay court costs. On 20 July, Astana City Court rejected his appeal in his absence (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Pre-trial imprisonment counts towards an individual's prison term. So Takaumov's prison term expired on 18 August 2016.

Takaumov was being held in the Interior Ministry Investigation Prison in Astana. On 13 August the prison authorities handed him the written version of the 20 July appeal court decision. They then transferred him to Petropavl in North Kazakhstan Region. He was released from prison there on 17 August, relatives told Forum 18 after his release.

"Murat still hasn't been given an identity card," one relative lamented to Forum 18 on 7 September. "They promised to send it from Petropavl but it hasn't arrived." Takaumov also is under restrictions for six months. He must report regularly to the local police officer where he lives and must be at home each night from 11 pm. "They told him this was because he had been sentenced on 'extremist' charges," the relative added.

On 8 August Akmola Region court bailiffs began proceedings to recover from Takaumov the fees he owes related to the trial, according to Justice Ministry records. (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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