

15 August 2017

KAZAKHSTAN: Four years' jail for sharing faith

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

Tekeli Court in Almaty Region jailed 25-year-old Iliyan Raiymzhan for four years for alleged membership of Muslim missionary movement Tabligh Jamaat. The Prosecutor claimed "society suffered" because of Raiymzhan's exercise of freedom of religion, but refused to say how or identify any specific victims.

On 1 August, a court in the southern Almaty Region imprisoned another Sunni Muslim for alleged membership of the banned Muslim missionary movement Tabligh Jamaat. Tekeli City Court handed 25-year-old Iliyan Raiymzhan a four year prison term. The Judge also banned him from exercising freedom of religion or belief for two and a half years after his prison term. The case was initiated by the National Security Committee (NSC) secret police.

The Prosecutor in the case claimed to Forum 18 that "society suffered" because of Raiymzhan's exercise of the right to freedom of religion or belief. But he refused to say how or identify any specific victims (see below).

Iliyan Raiymzhan (born 8 February 1992) is an ethnic Kazakh born in China. He is married with young children.

Raiymzhan's conviction brings to 21 the number of individuals known to have been given criminal convictions so far in 2017 to punish the exercise of freedom of religion or belief. Of these, 19 were Sunni Muslims and 2 Jehovah's Witnesses. Of the 21 (all of them men), 19 received prison terms and 2 received restricted freedom sentences, where they live at home under restrictions (see F18News 25 July 2017 http://www.forum18.org/archive.php?article_id=2300).

Raiymzhan's conviction also brings to 62 the number of Sunni Muslims known to have been convicted on criminal charges since December 2014 accused of membership of the banned Tabligh Jamaat movement.

An Astana court banned the Tabligh Jamaat movement in Kazakhstan as "extremist" in February 2013, just a year after an extensive study commissioned by the NSC secret police and the government's then Religious Affairs Committee concluded that the Muslim movement is not "extremist" or "terrorist" and that there was no reason to ban it (see F18News 28 March 2016 http://www.forum18.org/archive.php?article_id=2162).

Raiymzhan is likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts they might have, without any additional due legal process. Three more prisoners of conscience sentenced this year have been added in July and August (see below).

As individuals are not told when they are added to the List, they normally only find out they have been added when they or relatives attempt to withdraw money from their bank (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

Meanwhile, the trial in Oral (Uralsk) of Sunni Imam Abdukhalil Abduzhabbarov is due to continue on 16 August (see below).

The appeal of Sunni Muslim Nariman Seytghanov against his five-year prison term is due to begin at Akmola Region Court on 16 August (see below).

Raiymzhan: April arrest

The Almaty Region NSC secret police arrested Raiymzhan in April, Darkhan Mukangaliyev of Tekeli Prosecutor's Office told Forum 18 from the town on 15 August. Investigators launched a case against him under Criminal Code Article 405, Parts 1 and 2.

Article 405, Part 1 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.

Article 405, Part 2 punishes "participation in the activity of a social or religious association or other organisation after a court

decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out" with a fine or up to two years' imprisonment.

Prosecutors claim Raiymzhan was a member of Tabligh Jamaat and had studied at its centres abroad, including in India, Bangladesh and elsewhere. They said that he preached his faith, met other members and recruited new members, knowing that the movement had been banned. His preaching "facilitated a rise in the number of adherents of the banned movement", they claimed.

Raiymzhan: Prison term, post-prison restrictions

The criminal case against Raiymzhan was prepared by Mukangaliyev of Tekeli Prosecutor's Office. He also led the prosecution case in court, he told Forum 18.

The case was handed to Tekeli City Court on 30 June, where it was assigned to Judge Auesbek Omarov, according to case documents. After hearings on 18 and 25 July, the trial concluded on 1 August. In his closing statement, Raiymzhan asked the court to hand down a "just decision", Nurli Bek, a journalist for BNews.kz noted from the courtroom. "Everything else is subject to the will of Allah," he quoted Raiymzhan as telling the court.

Raiymzhan was not in the defendants' box in the courtroom as he read his final statement but at a lectern in the centre of the room. He remained handcuffed to a police officer standing or sitting next to him during the hearing.

At the final 1 August hearing, Judge Omarov found Raiymzhan guilty under Criminal Code Article 405, Parts 1 and 2. He handed down a four year general regime labour camp sentence, Prosecutor Mukangaliyev told Forum 18. He also banned Raiymzhan from exercising freedom of religion or belief for two and a half years after his prison term, the prosecutor added.

"See we gave him the minimum term," Prosecutor Mukangaliyev told Forum 18. Asked who – if anyone – had suffered because of Raiymzhan's exercise of the right to freedom of religion or belief, he responded: "He didn't kill anyone – he conducted agitation, not terrorism." Asked what Raiymzhan had "agitated" for, he responded: "He recruited other people – to pray."

Asked who had suffered from this, given the prison term handed down, Mukangaliyev said: "Society suffered." However, he refused to give any evidence of any specific suffering caused to anyone or to identify any specific victims.

Raiymzhan: Freedom of religion or belief in Investigation Prison?

Raiymzhan has been held since his April arrest at the Investigation Prison at Taldykorgan, the regional capital. Prosecutor Mukangaliyev told Forum 18 that he will remain there until the verdict goes into force, which would be after any appeal is heard.

The duty officer at the Investigation Prison refused to give any information about Raiymzhan, including as to his state of health or whether he can pray openly and read religious literature of his choice in prison. "We don't give any information by telephone," he told Forum 18 on 15 August.

Many prisoners of conscience imprisoned for exercising the right to freedom of religion or belief have complained of being unable to pray visibly in prison or have religious literature. Other prisoners too have complained of these restrictions (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

The UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) require governments to respect the freedom of religion or belief and other human rights of prisoners – including those in pre-trial detention.

Raiymzhan's Investigation Prison address (until after any appeal is heard):

Almatinskaya Oblast

g. Taldykorgan

Spetsgorodok No. 20

Sledstvenny izolyator LA-155/16

Kazakhstan

Raiymzhan: Earlier court case

Raiymzhan had earlier been brought to court for exercising freedom of religion or belief. On 12 June 2015, Police in Karmakshi District of Kyzylorda Region wrote a record of an offence against him. After 23 religious books were seized from him, they accused

him on 2 March 2015 of violating Administrative Code Article 490, Part 1, Part 3.

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

On 3 March 2015 a judicial psychological and philological "expert analysis" was ordered, which was completed on 1 April 2015.

On 23 July 2015, Judge Klara Kaniyeva acquitted Raiymzhan because the time limit for bringing such administrative cases had expired, according to the decision seen by Forum 18. However, she ordered him to pay procedural costs of 26,906 Tenge. She also ordered that 23 religious books seized from him and held in the case files be destroyed.

Raiymzhan did not pay the costs. On 25 November 2015, court executors launched proceedings against him in Almaty Region to recover the money. Because of his failure to pay, he was for some years on the Justice Ministry's list of court debtors banned from leaving Kazakhstan. However, as of 15 August 2017 he is no longer on the list.

Raiymzhan: "Under special control"

Officials claimed Raiymzhan was a suspect in an alleged attack on a young girl on the streets of Tekeli, local television reported on 30 November 2015. Zhanar Tolegenkyzy of the Regional Police press service told the television station that Tekeli police were conducting a pre-trial investigation and that Raiymzhan was the suspect. He absolutely denied the allegation "as a model family man and father of three children". However, no criminal case against him reached court.

In the television coverage of the case, officials repeatedly claimed that Raiymzhan was an adherent of Tabligh Jamaat. An unnamed Specialist of Almaty Region Religious Affairs Department told the television station that he was "registered as a member of a religious movement banned in Kazakhstan. We have more than once conducted explanatory conversations with his parents. He is being kept under special control".

Forum 18 asked Tolegenkyzy of the Regional Police on 21 April 2016 why no criminal case against Raiymzhan had reached court some six months later if police considered him the suspect in the attack on the girl. Forum 18 also asked what it meant that he was "registered" as a member of Tabligh Jamaat and with which government agency. She asked Forum 18 to send the questions in writing. However, she did not respond to the written questions.

As Police did not answer, it remains unclear how an individual under "special control" could attack a girl on the street.

An official of Almaty Region Religious Affairs Department told Forum 18 on 22 April 2016 that "we only register missionaries, not extremists".

Abduzhabbarov: Trial continues

Eleven days of hearings have already been held in the criminal trial of Sunni Muslim Imam Abdukhalil Abduzhabbarov in the city of Oral (Uralsk) in West Kazakhstan Region. The latest hearing was on 15 August, with the next scheduled for 16 August. His trial began at Oral City Court on 25 July.

Abduzhabbarov, who lived for ten years in Saudi Arabia, was arrested on his enforced return to Kazakhstan in February 2017. He denies the charges of "inciting religious hatred" and "propaganda of terrorism" (see F18News 25 July 2017 http://www.forum18.org/archive.php?article_id=2300).

Seytzhonov: Appeal due

On 16 August, Akmol Regional Court is due to begin hearing the appeal of Sunni Muslim Nariman Seytzhonov against his imprisonment for exercising freedom of religion or belief.

A court in Kokshetau sentenced Seytzhonov on 9 June to five years' imprisonment for allegedly "inciting religious hatred" in talks he gave on Islam to pilgrims to Saudi Arabia (see F18News 15 June 2017 http://www.forum18.org/archive.php?article_id=2286).

Bank accounts blocked

Denis Korzhavin was added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism" on 1 July. Korzhavin – who had studied his faith at Medina Islamic University before returning to Kazakhstan – was given a five-year restricted freedom term in Almaty on 11 May (see F18News 15 June 2017 http://www.forum18.org/archive.php?article_id=2286).

Kuanysh Bashiypayev was added to the same list on 14 July. He was given a four-and-a-half year prison term in Pavlodar on 7 April for "inciting religious hatred" for speaking about Islam (see F18News 11 April 2017 http://www.forum18.org/archive.php?article_id=2272).

Dmitry Tsilenko was added to the same list on 1 August. He was given a three-year prison term in Kostanai on 12 May for alleged membership of Tablighi Jamaat (see F18News 25 July 2017 http://www.forum18.org/archive.php?article_id=2300). (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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