FORUM 18 NEWS SERVICE, Oslo, Norway
https://www.forum18.org/
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

22 September 2017

KAZAKHSTAN: Criminal cases, and no alternative service

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

Four Jehovah's Witness young men could face up to one year's imprisonment for refusing compulsory military service on grounds of conscience if criminal investigations against them reach court. Military Conscription Offices rejected their certificates as religious ministers despite the law granting exemption to "clergy of registered religious associations".

At least three Jehovah's Witness young men in East Kazakhstan Region are being investigated on criminal charges of refusing compulsory military service. A fourth is under investigation in Almaty Region, though no criminal case appears to have been initiated against him, Jehovah's Witnesses told Forum 18. If brought to trial and convicted, the conscientious objectors face up to one year's imprisonment.

Kazakhstan provides no alternative to those who cannot perform compulsory military service on grounds of conscience. However, until recently Military Conscription Offices have accepted the certificates issued to the young men by the Jehovah's Witness Administrative Centre in Almaty designating them as "religious ministers". All four of these young men presented such certificates. The Law exempts "clergy of registered religious associations" from call-up (see below).

Birlik Tashimov, the First Deputy Chief Military Prosecutor, told Forum 18 from the capital Astana he is not aware of any change in the way Military Conscription Offices treat clergy (see below).

The government has ignored repeated recommendations from the United Nations (UN) Human Rights Committee that Kazakhstan "review its legislation" to recognise individuals' right to conscientious objection. An official of the government's Human Rights Commissioner's Office in Astana refused to explain why Kazakhstan has failed to introduce an alternative civilian service (see below).

Meanwhile, two more of the 22 men known to have been given criminal convictions in 2017 for exercising the right to freedom of religion or belief have failed to overturn their convictions on appeal. Both prisoners of conscience are Sunni Muslims. On 19 September, Iliyan Raiymzhan lost his appeal in Almaty Region and Satymzhan Azatov (in absentia) in Astana (see below).

The appeal by another Sunni Muslim prisoner of conscience, Abdukhalil Abduzhabbarov, is due to resume at West Kazakhstan Regional Court on 25 September (see below).

Six more of the prisoners of conscience – all Sunni Muslims who lost their appeals in Atyrau in August – had their bank accounts frozen on 21 September (see below).

Criminal cases against two lawyers to punish them for appealing to President Nursultan Nazarbayev on behalf of their client, Jehovah's Witness prisoner of conscience Teymur Akhmedov, were dropped in the summer (see below).

No alternative civilian service

Military service is compulsory for almost all young men in Kazakhstan. Despite some discussion in the 1990s of introducing an alternative civilian service, none was ever introduced. Several Jehovah's Witnesses served prison terms in the 1990s for refusing to perform compulsory military service.

Article 387 of the Criminal Code punishes "refusing military service" with – for a first offence - a fine of up to 1,000 Monthly Financial Indicators, or corrective labour to the same value, or up to one year of restricted freedom or imprisonment.

Article 36, Part 1, Point 6 of the 2012 Military Service and Status of Military Personnel Law exempts from call-up in peacetime "clergy of registered religious associations". Article 35 of the same Law allows deferment of call-up to students, including resident students in religious educational establishments.

"In recent years, Jehovah's Witnesses have been exempted from military service when the Administrative Centre issues a certificate

Copyright Forum18 News Service 2017

that acknowledges a young man as a religious minister," Jehovah's Witnesses told Forum 18. "Generally, this continues to be effective." However, they express concern about the four cases in 2017.

Birlik Tashimov, the First Deputy Chief Military Prosecutor, told Forum 18 from Astana on 22 September that he is not aware of any change in the way Military Conscription Offices treat clergy.

UN Human Rights Committee recommendations ignored

The United Nations (UN) Human Rights Committee has repeatedly recommended that Kazakhstan "review its legislation" to recognise individuals' right to conscientious objection and provide an alternative to compulsory military service.

"The State party should ensure the legal recognition of conscientious objection to military service, and provide for alternative service of a civilian nature for conscientious objectors," it declared in its Concluding Observations adopted on 11 July 2016 after its review of Kazakhstan's record under the International Covenant on Civil and Political Rights (CCPR/C/KAZ/CO/2).

First Deputy Chief Military Prosecutor Tashimov said that the absence of any alternative civilian service is not something within the competence of the Military Prosecutor's Office. "We're not a law-making body," he told Forum 18. "We work on the basis of the laws that have been adopted. This is a question for the leaders of the country."

No answer on why no alternative service

Rishat Rakhimov, head of the Petitions Office at the government's Human Rights Commissioner's Office in Astana, said that it received complaints from conscientious objectors "very rarely".

In 2016 one young man, a clergyman from a religious community he could not remember, appealed over the Military Conscription Office's refusal to exempt him. "This arose from the Military Conscription Office's lack of knowledge," Rakhimov told Forum 18 on 20 September. "We appealed to the Chief Military Prosecutor and the Defence Ministry and the case was quickly resolved."

Rakhimov said none of the four Jehovah's Witness conscientious objectors now facing criminal investigations has appealed to the Human Rights Commissioner's Office. "If they appeal we will respond."

Asked why Kazakhstan has failed to introduce an alternative to compulsory military service, despite repeated recommendations from the UN Human Rights Committee, Rakhimov said he was familiar with the recommendations. However, he refused to discuss why they have not been implemented and asked Forum 18 to send an "official request". He then put the phone down.

Criminal cases

Criminal cases or investigations were launched against six Jehovah's Witness young men under Criminal Code Article 387, Part 1, Jehovah's Witnesses told Forum 18. Two of the cases - against Stanislav Stompel and Abylai Kopzhasarov - were later closed down "for absence of a crime".

A criminal case was initiated in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region against young Jehovah's Witness Dmitry Vedyakin for his refusal of military service as a conscientious objector, Jehovah's Witnesses told Forum 18. On 10 April, Vedyakin went to the Military Conscription Office and submitted to a medical examination. He also provided a certificate from the Jehovah's Witness Administrative Centre dated 17 March stating that he is a religious minister. An investigator twice interrogated him. The pre-trial investigation continues.

Another criminal case was initiated in Oskemen against young Jehovah's Witness Tlek Zhumagazinov for his refusal of military service as a conscientious objector. The pre-trial investigation continues.

Elsewhere in East Kazakhstan Region, a criminal case was initiated in Semei against young Jehovah's Witness Adilzhan Iskakov for his refusal of military service as a conscientious objector. On 15 February he went to the Military Conscription Office and was sent for an additional medical examination. That same day, he provided a certificate from the Jehovah's Witness Administrative Centre dated 13 March stating that he is a religious minister. An investigator then interrogated him. On 28 June the investigator went to the Centre and asked for an original copy of the certificate. The pre-trial investigation continues.

On 5 June 2017, the Military Conscription Office in Tekeli, Almaty Region, summoned young Jehovah's Witness Kaken Dostayev. The captain told him that the certificate he presented from the Jehovah's Witness Administrative Centre stating that he was a religious minister was not valid. The captain threatened to send him to the army. The case continues.

First Deputy Chief Military Prosecutor Tashimov declined to comment on the four investigations. He said he did not have the information on them.

Copyright Forum18 News Service 2017

Appeals fail

Appeals by two Sunni Muslim prisoners of conscience failed in mid-September. The two were among the latest of the 22 individuals (20 Sunni Muslims and 2 Jehovah's Witnesses) known to have been given criminal convictions so far in 2017 to punish them for exercising freedom of religion or belief. Of these, 20 were imprisoned and the other two were given restricted freedom sentences, where they live at home under restrictions (for a full list see F18News 29 August 2017 http://www.forum18.org/archive.php?article_id=2311).

On 19 September, a panel of judges at Almaty Regional Court chaired by Judge Sovetkhan Sakenov rejected the appeal by Muslim prisoner of conscience Iliyan Raiymzhan, the court chancellery told Forum 18 on 20 September.

Raiymzhan was arrested in April accused of membership of the Muslim missionary movement Tabligh Jamaat, which is banned in Kazakhstan as "extremist". Tekeli City Court sentenced him on 1 August to a four year prison term, plus two and a half years' post-prison ban on exercise of religious freedom under Criminal Code Article 405, Parts 1 and 2 (see F18News 15 August 2017 http://www.forum18.org/archive.php?article_id=2307).

Also on 19 September, a panel of judges at Astana City Court rejected in absentia the appeal by Muslim prisoner of conscience Satymzhan Azatov, his lawyer Bauyrzhan Azanov lamented in an online video the same day. "He never expected a verdict like this against him," he said. The lawyer added that his client would appeal further against his conviction.

Azatov "was not even transported to the courtroom of Astana City Court for him to participate and to present his own views, his arguments, his facts", Azanov complained.

Azatov - who had studied his faith at a Saudi Arabian university - was arrested in January accused of inciting religious hatred and promoting terrorism, which he denied. Astana's Saryarka Court No. 2 sentenced him on 10 July to a four year and eight month prison term under Criminal Code Article 174, Part 1 and Article 256, Part 1 (see F18News 13 July 2017 http://www.forum18.org/archive.php?article_id=2296).

The lawyer Azanov pledged that "of course we will continue to appeal about all unjustly sentenced people", also including Sunni Muslim prisoner of conscience Kuanysh Bashpayev. "We believe they are innocent and committed no crime," Azanov insisted.

Appeal continues

The appeal by Imam Abdukhalil Abduzhabbarov began at West Kazakhstan Regional Court on 20 September. It is due to resume in the afternoon of 25 September, according to court records.

On 16 August, at the end of a long trial, Oral City Court found Imam Abduzhabbarov guilty of inciting religious hatred "with serious consequences" in recordings of his sermons and talks given in 2004 to 2006. The Judge handed down an eight year general regime prison term. The Imam rejected the accusations against him (see F18News 29 August 2017 http://www.forum18.org/archive.php?article_id=2311).

Bank accounts of more prisoners of conscience blocked

On 21 September, six Sunni Muslim prisoners of conscience from Atyrau were added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". This blocks any bank accounts they might have, without any additional due legal process and is routinely applied to those imprisoned for exercising freedom of religion or belief.

The group of six men had been sentenced for alleged membership of the Tabligh Jamaat Muslim missionary movement. On 28 June, Atyrau City Court No. 2 handed the longest sentence to the man the prosecution regarded as the organiser, Rollan Arystanbekov. He was given a three-year general regime prison term. The Judge handed two-year general regime prison terms to each of the other five: Zhumabai Nurpeyis; Nurlan Ibrayev; Kanat Shaigozhanov; Nuralim Tyupeyev; and Ermek Akhmetov. All six were also banned from exercising freedom of religion or belief for up to three years after the completion of their prison terms (see F18News 30 June 2017 http://www.forum18.org/archive.php?article_id=2292).

Atyrau Regional Court rejected the six men's appeals on 29 August (see F18News 29 August 2017 http://www.forum18.org/archive.php?article_id=2311).

Officials of Investigation Prison UG-157/1 in the village of Taskala on the southern edge of Atyrau – where the six men were held before and during their trial – refused to tell Forum 18 on 19 September whether the men have now been transferred to a labour camp to serve their sentences. The officials also refused to say if the men could pray openly and read religious literature of their choice while they were in the Investigation Prison.

Copyright Forum18 News Service 2017 - Page 3/4

Criminal cases against lawyers dropped

During the summer, investigators dropped the criminal cases against two lawyers defending a Jehovah's Witness on trial in Astana for exercising freedom of religion and belief, one of the two Vitaly Kuznetsov told Forum 18 on 2 September.

On 16 March the National Security Committee (NSC) secret police opened the criminal cases against Kuznetsov and another lawyer Natalya Kononenko for allegedly "Revealing information from a pre-trial investigation". The NSC was seeking to punish them for appealing to President Nursultan Nazarbayev for the charges against their client, Jehovah's Witness Teymur Akhmedov, to be dropped. Charges were brought against the lawyers even before the trial they were working on began (see F18News 3 April 2017 http://www.forum18.org/archive.php?article_id=2269).

Jehovah's Witness Akhmedov was sentenced in Astana in May to a five-year prison term, plus a three-year post-prison ban on exercise of religious freedom. Astana City Court rejected his appeal on 20 June. Akhmedov was imprisoned despite having two large tumours of the gastro-intestinal tract. A report from the National Scientific Centre for Oncology and Transplantation (the national cancer centre) "recommends an operation and requests that Akhmedov undergo an examination before being hospitalised" (see F18News 2 February 2017 http://www.forum18.org/archive.php?article_id=2252). (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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (http://www.facebook.com/Forum18NewsService)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY