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KAZAKHSTAN: Muslim freedom of religion or belief prisoners of consciences' trials due

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

The trial of 5 Sunni Muslims for exercising freedom of religion or belief is due to begin in Kazakhstan's capital Astana on the morning of 22 January, officials have told Forum 18 News Service. The 5 prisoners of conscience, for one of whom there are health concerns, have been detained since September 2015 and face up to 6 years' jail. Another alleged member awaits criminal trial in Astana, but his trial date is unknown. Criminal cases against 3 more are expected to be heard in Karaganda later in January. 4 more alleged Tabligh Jamaat members were fined and sentenced to 1 year's restricted freedom for talking about their faith among themselves in December 2015. That same month Christian prisoner of conscience Yklas Kabduakasov was jailed for 2 years in a labour camp for talking about his faith with others. Since December 2014, 28 Sunni Muslims are known to have faced criminal charges for alleged membership of the Tabligh Jamaat missionary movement, Forum 18 notes. 8 Muslims have been jailed as prisoners of conscience, 11 Muslims have been sentenced to restricted freedom, and 9 more Muslims are known to be in pre-trial detention. Full lists of these cases are given in this article.

The criminal trial of five Sunni Muslims to punish them for exercising the right to freedom of religion or belief is due to begin in Kazakhstan's capital Astana on the morning of 22 January, court officials told Forum 18 News Service. The five prisoners of conscience, for one of whom there are health concerns, have been detained since September 2015 and are facing punishment of up to six years' imprisonment for alleged membership of Islamic missionary movement Tabligh Jamaat. This movement has been banned in Kazakhstan as "extremist".

Another alleged member is awaiting criminal trial in Astana, but his trial date is not known. Criminal cases against three more have been handed to court in Karaganda [Qaraghandy] and are expected to be heard later in January (see below).

Four more alleged Tabligh Jamaat members were fined and sentenced to one year's restricted freedom each in the southern Zhambyl Region in December 2015. Their "crime" was talking about their faith at home among themselves (see below).

28 Tabligh Jamaat criminal cases since December 2014

The Zhambyl Region sentences brought to 19 the number of Sunni Muslims known to have been convicted since December 2014 on criminal charges of alleged Tabligh Jamaat membership. Eight of these were given prison terms as prisoners of conscience, the other 11 Muslims being given sentences of restricted freedom. A further nine Muslims are known to be in pre-trial detention. Full lists of these cases are given at the end of this article.

All 28 Muslim men faced or are facing prosecution under Criminal Code 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. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

KNB secret police involvement, Christian prisoner of conscience

In all these prosecutions – and in that of Astana Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, now serving a two-year prison term for talking about his faith with others – the National Security Committee (KNB) secret police played a key role (see F18News 13 October 2015 http://www.forum18.org/archive.php?article_id=2110).

Prisoner of conscience Kabduakasov is considering whether to challenge his two-year prison term at the Supreme Court. Astana City Court increased his sentence to two years' imprisonment in an ordinary regime labour camp on 28 December 2015 (see F18News 28 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Suspicion enough to trigger questionable criminal prosecution

Tabligh Jamaat was banned as "extremist" in Kazakhstan by an Astana court 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).

As was the case with prisoner of conscience Saken Tulbayev, there can be violations of legal procedure and credible claims of planted evidence during these criminal trials. Tulbayev was sentenced on 2 July 2015 to four years eight months' imprisonment for alleged Tabligh Jamaat membership. He was also banned from exercising freedom of religion or belief, including praying with others and reading the Koran, until the end of 2022 (see F18News 8 July 2015 http://www.forum18.org/archive.php?article_id=2078).

Astana trial due to begin 22 January

The KNB secret police arrested 38-year-old Bolatbek Kozhageldinov, 31-year-old Khalambakhi Khalym, 35-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev in late September 2015. Astana's Saryarka District Court No. 2 ordered their pre-trial detention. All five prisoners of conscience are being held in Astana's KNB secret police Investigation Prison.

A criminal case was launched against the five prisoners of conscience under Criminal Code Article 405, Part 1. The case was prepared by KNB secret police Investigator Nurlan Belesov before being handed to prosecutors to bring to court (see F18News 28 December 2015 http://www.forum18.org/archive.php?article_id=2136).

The cases were handed to Astana's Saryarka District Court No. 2, where they were assigned to Judge Umsyn Mukhangaliyeva, her assistant told Forum 18 from the court on 11 January. The trial is due to begin at 10 am on 22 January.

"Confess and be freed"

KNB secret police Investigator Belesov told at least one of the defendants, prisoner of conscience Tyulyubayev, that if he confessed he would be freed, those close to the case told Forum 18.

The telephones of KNB secret police Investigator Belesov went unanswered each time Forum 18 called on 11 and 12 January.

Search, poetry confiscated, wife had to be hospitalised

At the time of the prisoners of consciences' arrests in September 2015, police searched their homes looking for incriminating material. Among the homes searched was that of Tyulyubayev in Karaganda, relatives told Forum 18. He was not at home but his wife and adult daughter were. "Officers took books, a dictaphone and cassettes from the dictaphone," one relative told Forum 18. "His books were ordinary religious books – there was nothing evil there. They also took copies of his religious poetry."

Following the police raid, Tyulyubayev's wife suffered from stress and had to be taken several times to hospital, relatives added.

Concern for prisoner of conscience's health

Prisoner of conscience Tyulyubayev – a retired police officer - was arrested on 28 September 2015 while he was visiting the southern city of Taldykorgan. Astana's Saryarka District Court No. 2 ordered his pre-trial imprisonment the following day. Tyulyubayev's son applied to be his defender, but the application was rejected.

Tyulyubayev's family is concerned about his health. In December 2014 he underwent a serious operation in hospital and nearly died, relatives told Forum 18. Ever since, he has been required to live on a special diet.

Sixth Astana pre-trial prisoner of conscience

A sixth Sunni Muslim prisoner of conscience, Murat Takaumov, was arrested on 18 November 2015, just days after his 31st birthday. He too is awaiting trial in Astana under Criminal Code Article 405, Part 2. Like the other five Muslim prisoners of conscience, he is currently in detention at Astana's KNB secret police Investigation Prison.

In December 2015, Takaumov failed to overturn the court order to hold him in pre-trial detention (see F18News 28 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Prisoner of conscience Takaumov's two-month pre-trial detention – handed down by Judge Nabi Pazylov (who has since retired) of

Astana's Saryarka District Court No. 2 on 20 November 2015 – expires on 18 January 2016. Prosecutors have not yet lodged any application to extend this period, court officials told Forum 18 on 12 January.

The pre-trial detention order had been lodged by KNB secret police investigator Belesov, who had brought the criminal cases against the other five Sunni Muslim prisoners of conscience, as well as against Christian prisoner of conscience Kabduakasov. Takaumov's case was then handed over by Belesov to Kanatzhan Kamalbek of Astana City Prosecutor's Office, to take to court.

The telephone of Prosecutor Kamalbek went unanswered each time Forum 18 called on 11 January.

The lawyer who represented prisoner of conscience Takaumov in the court challenge, Daulet Erzhumanov, told Forum 18 from Astana on 12 January that he is no longer representing him.

Karaganda prisoners of conscience's criminal cases handed to court

Three more Sunni Muslim prisoners of conscience – who have already spent more than three months in pre-trial imprisonment - are facing imminent criminal trial in the northern city of Karaganda for alleged Tabligh Jamaat membership. The three prisoners of conscience - Bauyrzhan Serikov, Aidin Shakentayev and Murat Shopenov - were arrested on 7 October 2015 and ordered held in pre-trial imprisonment at Karaganda's Kazybek Bi District Court two days later.

All three prisoners of conscience tried to challenge the pre-trial detention orders, but in separate hearings on 16 October 2015 Judge Kairken Tuleuov of Karaganda Regional Court rejected these suits, according to the decisions seen by Forum 18. He agreed with the Investigator that, given the "socially dangerous nature of the actions", the men could go into hiding if they were transferred to house arrest.

At the Regional Court hearing, Shopenov's mother Chumadayeva insisted that her son had done nothing wrong and had worked hard to support his family.

Kazybek Bi District Court most recently extended the three men's pre-trial detention in late December 2015, taking the period of possible detention up to 7 February 2016.

The cases against all three prisoners of conscience under Criminal Code Article 405, Part 1 were launched by Investigator Alisher Sattar of the KNB secret police's Karaganda Region 9th Department (which oversees investigations), according to case documents. The cases were then handed to Sarzhan Sabyr of Karaganda Region Prosecutor's Office to bring to court.

The cases reached Karaganda's Kazybek Bi District Court on 11 January, a court official told Forum 18 the same day. They are yet to be allocated to a Judge and only then will a trial start date be set. Several people close to the cases told Forum 18 that they expect the trial to begin later in January.

Prisoner of conscience Serikov's lawyer, Mukhamed Akhmetov, told Forum 18 from Karaganda on 8 January that his client would be denying the accusations against him.

Pressure, no answers

Since the three men's arrests, their relatives and friends have been subjected to pressure from the authorities, friends of the accused complained to Forum 18.

Despite repeated calls to Prosecutor Sabyr on 11 and 12 January, his telephone went unanswered. On 11 January, the duty officer at the KNB secret police for Karaganda Region refused to put Forum 18 through to Investigator Sattar. After consulting with the 9th Department, the duty officer said the Department Head had passed on the response that any questions should be submitted in writing. Asked why Forum 18 could not put its questions directly to the Investigator who had initiated the criminal case against the three Muslims, the duty officer responded: "We are a closed organisation."

All three male prisoners of conscience are married. Serikov has five children, Shakentayev two and Shopenov three.

The three men have been held since their arrests in the KNB secret police Investigation Prison in Karaganda. Serikov's lawyer Akhmetov told Forum 18 that "all conditions have been provided" for the men to read the Koran and pray while in the Investigation Prison.

Zhambyl Muslims sentenced for talking about faith

Four Sunni Muslims have been convicted of alleged Tabligh Jamaat membership in the southern Zhambyl Region. Cases were prepared against Rashid Erimbetov, Ruslan Abirov, Toktasyn Artykbayev and Erbol Sharipov under Criminal Code Article 405, Part 2 after their detention at a meeting to discuss their faith in a home in Shu.

Their trial began on 11 November 2015 under Judge Chokan Kenzhekhanov of Shu District Court. At the tenth hearing in the case on 10 December 2015, Judge Kenzhekhanov found all four guilty and punished each with a sentence of one year's restricted freedom, according to the decision seen by Forum 18. Each was also required to pay a court fee of 90,527.15 Tenge (2,300 Norwegian Kroner, 240 Euros or 260 US Dollars).

None of the four Muslims appears to have appealed against the sentences to Zhambyl Regional Court.

Surveillance

All four Muslims had earlier been warned that if they continued exercising their freedom of religion or belief they would face criminal prosecution. The prosecution made use of recordings of religious meetings secretly made by the KNB secret police.

All religious or belief communities are thought to be under surveillance by the ordinary police and KNB secret police (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939). For example, several prominent leaders of registered Protestant churches have been placed on an official "signal register" (signalny uchety in Russian) which prevents them from changing their officially-registered place of residence, selling a legally-owned car, or gaining state child benefit for newly-born children (see eg. F18News 6 May 2011 http://www.forum18.org/archive.php?article_id=1568). Individuals under state surveillance are also subject to close scrutiny and questioning when leaving Kazakhstan.

"No right to answer your questions"

Mukhtar Uderbayev of Shu Inter-District Prosecutor's Office, who led the prosecution in court, told Forum 18 on 12 January that he had "no right to answer your questions". He said an instruction from the General Prosecutor's Office banned prosecutors from answering questions.

One of those sentenced, Abirov, had been fined 50 Monthly Financial Indicators - 92,600 Tenge – under the Code of Administrative Offences in 2014. Forum 18 was unable to find out if this fine was to punish him for exercising the right to freedom of religion or belief.

- Eight known Tabligh Jamaat prisoners of conscience

Eight known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhon Rashidovich Turashov; born 24 April 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.
2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).
4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).
7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release (see above).

8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.

- Eleven known Tabligh Jamaat restricted freedom sentences

Eleven known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.
4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.
5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
7. Serik Baimanovich Oтынshyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.
8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).
9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).
10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).
11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom (see above).

- Nine alleged Tabligh Jamaat members known to be jailed awaiting trial

Nine alleged members of Tabligh Jamaat (all men) are detained as prisoners of conscience awaiting criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category since December 2014 gives their: name; date of birth; first pre-trial detention order date and court; Criminal Code Article they are being investigated under; initial pre-trial detention period; and place of pre-trial detention.

1. Erbolat Kabzakievich Omarbekov; born 10 July 1971; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).
2. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).
3. Khalambakhi Khalym; born 12 August 1984; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).
4. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; first ordered detained 25 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' initial detention; Astana KNB Investigation Prison (see above).
5. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; first ordered detained 29 September 2015 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 months' detention; Astana KNB Investigation Prison (see above).

6. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).
7. Aidin Zulfukarovich Shakentayev; born 15 August 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).
8. Murat Askarovich Shopenov; born 15 November 1982; first ordered detained 9 October 2015 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 months' initial detention; Karaganda KNB Investigation Prison (see above).
9. Murat Kazbekovich Takaumov; born 14 November 1984; first ordered detained 20 November 2015 Astana's Saryarka District Court No. 2; Article 405, Part 2; 2 months' initial detention; Astana KNB Investigation Prison (see above). (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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