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KAZAKHSTAN: Nine Sunni Muslims on trial, another awaiting trial

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

In criminal prosecutions brought by the KNB secret police, nine Sunni Muslims are on trial in Astana, Karaganda and Akmola Region on charges of belonging to the Muslim missionary movement Tabligh Jamaat, which is banned as "extremist" in Kazakhstan. If convicted, they face possible imprisonment of up to seven years. Eight of the nine have already spent months in secret police Investigation Prison, Forum 18 News Service notes. A tenth is awaiting trial on the same charges, also in secret police Investigation Prison. KNB secret police investigator Nurlan Belesov – who brought the cases against seven of the men, as well as against Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, who has been transferred to labour camp in Pavlodar – refused to discuss anything with Forum 18 on 1 February. An individual close to the five Astana Sunni Muslim defendants insisted to Forum 18 that they met "simply to help people, visit the sick in hospital, help those in need and feed the hungry".

Eight Sunni Muslim prisoners of conscience are on trial on charges of membership of the Muslim missionary movement Tabligh Jamaat, which is banned as "extremist" in Kazakhstan. Five of them are on trial in the capital Astana and three in the northern city of Karaganda [Qaraghandy], Forum 18 News Service has learned. A ninth – who has not been arrested – is on trial in Akmola Region near the capital. A tenth had his pre-trial imprisonment extended until 18 February, but his friends expect his trial to begin in Astana in mid-February.

If all ten Sunni Muslims are convicted, this would bring to 29 the number of people known to have been convicted for alleged membership of Tabligh Jamaat since December 2014.

Of the 19 already convicted, eight were sentenced to prison terms, with the longest sentence being four years and eight months' imprisonment. A further 11 are known to have been given sentences of restricted freedom (see F18News 12 January 2016 http://www.forum18.org/archive.php?article_id=2139).

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov has been transferred to a labour camp in Pavlodar. He is serving a two-year prison sentence on charges of inciting religious discord, charges he denies. He is preparing to lodge a final appeal to the Supreme Court (see below).

The National Security Committee (KNB) secret police has been leading the criminal prosecutions of all nine Sunni Muslims and the Adventist Kabduakasov (see F18News 13 October 2015 http://www.forum18.org/archive.php?article_id=2110).

Astana KNB secret police investigator Nurlan Belesov prepared the criminal cases against the six alleged Tabligh Jamaat members in the capital and the alleged member in Akmola Region, as well as Kabduakasov. Belesov refused absolutely to discuss anything. "Don't ring me again," he told Forum 18 on 1 February before putting the phone down. All subsequent calls went unanswered.

Meanwhile, in Astana Azizbek Abdurakhimov was fined on 12 January after a state "expert" said one of 12 Turkish-language Muslim books seized from him while travelling by train incited religious discord. The court ordered the book destroyed (see below).

Many freedom of religion or belief violations

Kazakhstan imposes harsh controls on all exercise of the right to freedom of religion or belief. Only religious communities which want to and have been able to gain state registration are allowed to exist. Even registered religious communities face severe restrictions, including on where they may hold religious events. Religious literature and the sharing of beliefs is also under tight state restrictions, which include prior compulsory censorship of all published or imported materials and a licensing system for where approved religious literature can be sold or distributed (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

There has been a significant rise from 2105 in violations of freedom of religion or belief, including the jailing of prisoners of conscience (see

http://www.forum18.org/archive.php?year_start=2015&month_start=01&day_start=01&year_end=2015&month_end=12&day_end=31&country=29&results=50).

Astana trial

The criminal trial of five Sunni Muslim men from Astana and Karaganda - 38-year-old Bolatbek Kozhageldinov, 31-year-old Khalambakhi Khalym, 36-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev – began under Judge Umsyn Mukhangaliyeva at Astana's Saryarka District Court No. 2 on 22 January. The men were held in the cage in the courtroom during hearings (see F18News 12 January 2016 http://www.forum18.org/archive.php?article_id=2139).

Kozhageldinov, Nuradilov, Omarbekov and Tyulyubayev are on trial facing charges under Criminal Code Article 405, Part 1. Khalym is on trial facing charges under Criminal Code Article 405, Part 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. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

Khalym is also on trial under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious discord" with imprisonment of two to seven years or restricted freedom for the same period.

The men were arrested in September 2015 and ordered held in pre-trial imprisonment at the KNB secret police Investigation Prison in Astana.

"They met simply to help people"

Prosecutor Serik Ishchanov, who is leading the case in court, told the 22 January hearing that the indictment has two components, Radio Free Europe's Kazakh Service – which observed the hearing - noted the same day. These were "calls to Islam" made at meetings of fellow Muslims, and telephone conversations, where individuals phoned Tyulyubayev and asked how they should act. The Prosecutor claimed that Tyulyubayev had told them to continue their activity.

Tyulyubayev had earlier gone to the mosque and explained points of Islam to those with questions about it, he told the court. However, he insisted that when Tabligh Jamaat was banned in court in 2013 he and his friends had ceased their activity with the group.

Two of the defendants, Kozhageldinov and Nuradilov, had insisted to the Judge that they "had done nothing wrong and are normal Muslims who try to observe all the rules prescribed in Islam", Radio Free Europe noted.

So many relatives and supporters attended the trial that they could hardly fit into the courtroom, Radio Free Europe added.

"All of the men recognised their guilt," an individual close to the defendants who was present in court on 22 January told Forum 18 after the hearing. "For a long time the Judge couldn't understand what they were guilty of. They met simply to help people, visit the sick in hospital, help those in need and feed the hungry."

Did Investigator pressure, threaten witnesses?

Three or four of the witnesses in the case renounced their earlier statements. "They said Investigator Belesov had forced them to write them," the individual added. "They said he had intimidated them, threatening to arrest and imprison them."

While three witnesses had testified in court that the five defendants were "good and orderly people", only a KNB secret police officer had given hostile testimony, the individual noted. "He had attended meetings of Muslims only twice for about 15 minutes each time. His testimony was such that you could hardly understand what he was getting at."

The trial continued on 1 and 2 February. On 1 February, Serik Seitzhaporov (currently on trial in Tselinograd – see below) was summoned to the trial of the five men in Astana to testify as a witness.

At the 2 February hearing, KNB secret police Investigator Belesov was questioned about whether he had pressured witnesses to give incriminating testimony, one of those present told Forum 18. "He denied it, claiming he had applied no pressure on them." The individual added that Belesov had been in the corridor outside the courtroom at each of the hearings, listening in to how the trial was proceeding.

The next hearing is scheduled for 10 am on 3 February. "A secret witness is scheduled to be questioned," the person present at the hearings told Forum 18. "We don't know who this is – they won't say."

Tselinograd trial

Also on trial in a criminal case initiated by KNB Investigator Belesov is Sunni Muslim Seitzhapparov, accused of Tabligh Jamaat membership. A case was prepared against him under Criminal Code Article 405, Part 2. It was handed on 8 December 2015 to Tselinograd District Court of Akmola Region (the Region surrounding the capital Astana).

The trial began under Judge Tolegen Turgambayev on 23 December 2015, with further hearings on 8, 21 and 22 January 2016, according to court materials. It is due to resume on 4 February, those familiar with the case told Forum 18. The man who answered Judge Turgambayev's phone told Forum 18 "we don't give any information" and put the phone down.

However, unlike the Sunni Muslim prisoners of conscience in Astana and Karaganda, Seitzhapparov has not been arrested and is awaiting trial at home, his friends told Forum 18 on 28 January. He had to sign a declaration that he would not leave his home town while the investigation and trial proceeded.

On 1 February, Seitzhapparov was summoned to the trial of the five men in Astana to testify as a witness (see above).

Karaganda trial

The trial of three Sunni Muslim prisoners of conscience – 38-year-old Bauyrzhan Serikov, 33-year-old Aidin Shakentayev and 33-year-old Murat Shopenov – began under Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court on the morning of 1 February. All three men are being prosecuted under Criminal Code Article 405, Part 1.

The three men were arrested on 7 October 2015 and ordered held in pre-trial imprisonment at the KNB secret police Investigation Prison in Karaganda (see F18News 12 January 2016 http://www.forum18.org/archive.php?article_id=2139).

"The defendants were brought to court in a convoy, accompanied by several police officers in special clothes and black masks," Radio Free Europe's Kazakh Service noted on 1 February 2016. Many relatives of the defendants and others were present in the courtroom, it added.

"The hearing was very short and was adjourned until 10 am on 5 February," Yuri Gusakov of the Karaganda branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the city the same day. "The defendants' lawyers could not reach the court from Astana as snow drifts had closed the road." The Bureau's Karaganda-based lawyer attended the hearing as an observer.

Judge Egemberdiyeva warned the participants not to "disrupt" the trial proceedings and to ensure that all those who should be present at the next hearing are there, Radio Free Europe added. It said defence lawyers asked for more time to study the indictment, but this was refused.

Further Astana trial expected

The trial of Sunni Muslim prisoner of conscience Murat Takaumov is expected to begin at Astana's Saryarka District Court No. 2 in mid-February, his friends told Forum 18 from Astana. He is also facing trial under Criminal Code Article 405, Part 2.

The 31-year-old Takaumov was arrested on 18 November 2015 and, like the other Astana Sunni Muslim prisoners, has been held at Astana's KNB secret police Investigation Prison. At the request of KNB secret police Investigator Belesov, Takaumov was ordered held in two months' pre-trial imprisonment on 20 November 2015 (see F18News 12 January 2016 http://www.forum18.org/archive.php?article_id=2139).

On 14 January 2016, at the request of Investigator Belesov, Judge Malik Kaudinov of Saryarka District Court No. 2 ordered that the period of pre-trial detention be extended for a further month, until 18 February, the Judge's assistant told Forum 18 from the Court on 2 February. The assistant added that the completed criminal case for trial has not yet reached the Court.

Investigator Belesov handed over the case 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 1 and 2 February.

Transferred to labour camp

Adventist prisoner of conscience Kabduakasov was transferred on 27 January from the KNB secret police Investigation Prison in Astana to a general regime labour camp in Pavlodar, Pastor Andrei Teteryuk told Forum 18 from Astana on 29 January.

The 54-year-old Kabduakasov has not yet lodged a final appeal to the Supreme Court. "We are preparing this now," Pastor Teteryuk added.

Kabduakasov denied the accusations against him of inciting religious discord on which he was convicted under Criminal Code Article 174, Part 1.

Members of other Christian churches in Astana told Forum 18 that they were "shocked" by the decision to increase Kabduakasov's punishment to a term of two years' imprisonment. "Yklas was punished for what he said about his faith and the state's 'experts' distorted what he said," one told Forum 18 in late January.

Astana's Saryarka Court No. 2 initially gave Kabduakasov a seven year sentence of restricted freedom at home. However, both he and the Prosecutor appealed against the sentence. On 28 December 2015 Astana City Court increased the punishment to two years' imprisonment in a general regime labour camp. The 12 weeks he spent in KNB secret police pre-trial detention will count towards his prison term (see F18News 28 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Fined for religious book which is ordered destroyed

Azizbek Abdurakhimov has been fined in Astana for travelling by train with a Muslim book in his luggage which a state "expert" claims incited hatred of other religions. On 1 October 2015 police searched him at the station at Ereymentau on the line between Astana and Pavlodar, Astana City Court website declared on 1 February 2016. They found he was carrying 12 Turkish-language Muslim books he had bought in Turkey for his own use. Police confiscated the books.

A state-appointed "expert" found nothing wrong with 11 of the books, but claimed that one book incited hatred of other religions and had been "banned".

An administrative case was prepared against Abdurakhimov under Administrative Code Article 453, Part 4. This punishes production, storage, import, transfer and distribution of literature containing, among other things, "incitement of social, racial, ethnic, religious, class and clan discord" with a fine for individuals of 100 Monthly Financial Indicators (MFIs) and confiscation of the offending publications.

Since the beginning of 2016, 100 MFIs is 212,100 Tenge (5,150 Norwegian Kroner, 540 Euros or 590 US Dollars). This represents more than nine months' official minimum wage.

On 12 January 2016, Judge Aygul Kaidarova of Astana's Specialised Inter-District Administrative Court found Abdurakhimov guilty and fined him the prescribed 100 MFIs, the Judge's assistant – who did not give his name - told Forum 18 on 2 February. She ruled that the 11 Muslim books which did not contain any incitement should be returned to him. However, she ordered that the one which a state "expert" said did contain incitement should be confiscated and destroyed.

The City Court website announcement claimed that Abdurakhimov had "fully recognised his guilt". It added that the decision has come into legal force, indicating that he did not appeal against the decision to the City Court.

The Judge's assistant said that the court accepted the finding of the "expert" that one of the books incited hatred of other faiths. "The book was Muslim but distorted the faith," he told Forum 18. However, he refused to identify the book or the "expert" who had reached this decision.

The official who answered the phone of the Religious Affairs Department at Astana City Administration – who did not give his name - told Forum 18 on 2 February that he was unaware of the case against Abdurakhimov. He added that the "expert" had not been provided by his Department. (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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