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KAZAKHSTAN: Now 13 Sunni Muslim prisoners of conscience, 12 restricted freedom sentences over 15 months

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

Six more Sunni Muslims accused of membership of the Tabligh Jamaat Muslim missionary movement were convicted in two separate trials in Kazakhstan in February. Five men – who have been in secret police detention for five months – were given prison terms of up to two and a half years in the capital Astana on 18 February. The judge still has not issued the written verdicts, relatives complained to Forum 18 News Service. Two of the men have never seen their youngest children, born since their arrests. Another alleged Tabligh Jamaat member was given a term of two years' restricted freedom in nearby Akmola Region. The convictions bring to 25 the number of alleged members known to have been convicted since December 2015. Three more are on trial in Karaganda and one more in pre-trial detention in Astana.

Nearly five months after their arrests, five Sunni Muslims were handed prison terms of up to two and a half years in Kazakhstan's capital Astana on 18 February for alleged membership of the Tabligh Jamaat Muslim missionary movement, Forum 18 News Service has learned. The movement has been banned as "extremist" in Kazakhstan. The punishments came less than a week after another alleged Tabligh Jamaat member was given a term of two years' restricted freedom in nearby Akmola Region. All the cases were initiated by the National Security Committee (KNB) secret police.

These six February convictions bring to 25 the number of men known to have been given criminal convictions since December 2014 for alleged membership of Tabligh Jamaat. Thirteen of these were given prison terms as prisoners of conscience, the other 12 Muslims being given sentences of restricted freedom (see full list below).

Another criminal trial of three alleged Tabligh Jamaat members is due to resume in Karaganda on 2 March. And a legal expert, who helped those sentenced in Astana, has had his pre-trial detention at the city's KNB secret police Investigation Prison extended for a further month. His wife denies that the couple had any links with Tabligh Jamaat and insists that her husband had merely given legal assistance to those accused of membership (see below).

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).

Criminal charges, financial monitoring

Alleged Tabligh Jamaat members are prosecuted under Criminal Code Article 405. 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.

Several alleged Tabligh Jamaat members have also been prosecuted under Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years or restricted freedom for the same period.

In addition to criminal prosecution, several of the prisoners of conscience are known to be among nearly 500 individuals across Kazakhstan known to be under financial monitoring by the Financial Monitoring Committee of the Finance Ministry, according to Committee documents seen by Forum 18.

Secret police Investigator refuses comment - again

The criminal cases in the capital Astana and Akmola Region (the Region surrounding Astana) were initiated by KNB secret police Investigator Nurlan Belesov. He also initiated the criminal case against Seventh-day Adventist Yklas Kabduakasov. He is serving a two-year prison term for alleged incitement of religious hatred while talking to others of his faith, charges he and his fellow Church members reject. He was transferred in late January to a general regime labour camp in Pavlodar (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

Reached on 19 February and again on 25 February, KNB secret police Investigator Belesov put the phone down as soon as Forum 18 introduced itself and began to ask about the prosecution of prisoners of conscience who had been exercising their right to freedom of religion or belief. Belesov had earlier refused to discuss the cases with Forum 18.

Five Astana prison terms

On 18 February, at the end of their long-running criminal trial in Astana's Saryarka District Court No. 2, five alleged Tabligh Jamaat members were convicted and given prison terms. As is normal in many courts in the country, during the trial the five men were locked in a cage in the courtroom. During later hearings, the men were guarded by armed men wearing masks and bulletproof jackets. "Maybe they wanted to frighten those present," relatives of the defendants complained to Forum 18.

Judge Umsyn Mukhangaliyeva sentenced 38-year-old Bolatbek Kozhageldinov, 36-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev to two years' imprisonment each in an ordinary regime labour camp. All were convicted under Criminal Code Article 405, Part 1.

Judge Mukhangaliyeva convicted the fifth defendant, 31-year-old Khalambakhi Khalym, under both Article 405, Part 2 and Article 164, Part 1 (the equivalent of Article 174, Part 1 in the current Criminal Code). She handed him a two and a half year prison term in an ordinary regime labour camp.

The Prosecutor had called on the Judge to punish Khalym with a five-year prison sentence and the other four defendants with a four-year prison term each.

"When the sentences were read out, one of those convicted thanked God with the words 'Alhamdulillah' ["Praise be to God" in Arabic]," Ruslan Botayuli of Radio Free Europe's Kazakh Service noted the same day. "About a dozen women in the courtroom wept."

As of the end of the working day in Astana on 25 February, Judge Mukhangaliyeva had still not issued the written verdicts, several relatives of the convicted prisoners of conscience complained to Forum 18.

The trial had begun on 22 January and the verdicts were handed down at the eighth hearing in the case (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

The five prisoners of conscience remain in Astana's KNB secret police Investigation Prison, where they have been held since September 2015.

Tyulyubayev "didn't do any of this"

A relative of Tyulyubayev – who attended court hearings – rejected accusations that he had opposed the state, called for the establishment of an Islamic-ruled state or incited hostility to people of other faiths, as the prosecutor alleged of Tabligh Jamaat members in court. "He didn't do any of this, and nor did any of the others," the relative told Forum 18 on 13 February, before the Judge had reached her verdict. "The case materials contain no proof that any of them were involved in this."

The relative pointed out that Tyulyubayev "had given his own daughter in marriage to an ethnic Russian man from a Christian family".

"My husband has never seen his youngest son"

Zeynep Mukhatayeva, Nuradilov's wife, told Forum 18 that the couple have six children, ranging in age from seven to two months. "My husband has never seen his youngest son," she complained to Forum 18 on 23 February. "I have been able to visit my husband once in the KNB prison, but they refused to allow me to bring any of my children. The second time I got permission for a visit I wasn't allowed in."

Mukhatayeva lamented that the state-appointed lawyer for Nuradilov was "not very helpful" and did not defend him properly. She added that as soon as a written verdict is issued her husband will appeal against the conviction.

Similarly, Khalym has not yet seen his youngest daughter, born prematurely at 35 weeks the day after the police and secret police

raided his home and arrested him on 22 September 2015 (see F18News 24 November 2015 http://www.forum18.org/archive.php?article_id=2124).

"His wife was able to take the two eldest children when she was allowed a visit to her husband in the KNB prison on 22 January," a relative told Forum 18. "The family were allowed only to see Khalambakhi through the glass window, even though the children pleaded to be allowed to hold their father. The children were crying, Khalambakhi was crying. This had a strong impact on all of them. The children are waiting for their father to come home."

Tselinograd restricted freedom sentence

in a criminal case also initiated by Astana KNB secret police Investigator Belesov, Sunni Muslim Serik Seitzhaparov has been convicted of Tabligh Jamaat membership under Criminal Code Article 405, Part 2.

At the end of his long-running trial on 12 February at Tselinograd District Court of Akmola Region, Judge Tolegen Turgambayev sentenced Seitzhaparov to two years' restricted freedom, his friends told Forum 18 on 22 February.

Judge Turgambayev's assistant confirmed that Seitzhaparov had been sentenced but declined to discuss the sentence itself. She declined to put Forum 18 through on 24 February to Judge Turgambayev.

Typically, during sentences of restricted freedom individuals live at home, but are not able to leave their town or city without seeking permission. They are often also banned from visiting restaurants, cafes or places of public entertainment. Forum 218 has been unable to find out what specific restrictions Judge Turgambayev imposed on Seitzhaparov.

Seitzhaparov's trial began on 23 December 2015, with six hearings in all, according to court materials (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

Unlike the Sunni Muslim prisoners of conscience in Astana and Karaganda, who spent months in pre-trial detention, Seitzhaparov was not arrested. Instead he had to sign a declaration that he would not leave his home town while the investigation and trial proceeded.

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

Karaganda trial continues

The eighth hearing in the criminal trial of three alleged Tabligh Jamaat members in Karaganda was held on 25 February. The trial is set to continue at 11 am on 2 March, according to court materials. The Judge's secretary refused to give Forum 18 any information on the trial after the 25 February hearing.

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 1 February. All three men are being prosecuted under Criminal Code Article 405, Part 1 (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

The three prisoners of conscience remain in Karaganda's KNB secret police Investigation Prison while the trial continues.

Pre-trial detention extended

A legal advisor to the five Sunni Muslims sentenced in Astana, Murat Takaumov, is himself still imprisoned under investigation on accusations of Tabligh Jamaat membership. He too is facing trial under Criminal Code Article 405, Part 2.

The 31-year-old Takaumov, who is married with four young children, was arrested on 18 November 2015. Like the other Astana Sunni Muslim prisoners, he has been held at Astana's KNB secret police Investigation Prison. At the request of KNB secret police Investigator Belesov, Astana's Saryarka District Court No. 2 ruled two days later that he should be held in two months' pre-trial detention. The same court extended the pre-trial detention for a further month on 14 January 2016 (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

On 16 February, Judge Malik Kaudinov of Saryarka District Court No. 2 ordered that Takaumov's period of pre-trial detention be extended for a further month, until 18 March, the Judge's assistant told Forum 18 from the Court on 22 February. The request came once again from KNB secret police Investigator Belesov, she added.

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 between 20 and 24 February.

Takaumov's wife Aynur insisted to Madi Bekmaganbetov of Radio Free Europe's Kazakh Service on 23 February that neither she nor her husband had any connection to Tabligh Jamaat. She said they had prayed at the mosque together with the five men convicted in Astana and knew them from that. "My husband runs a company and they received legal advice from him," she added. "After their arrest they sought his help once or twice on how to complete a statement."

Aynur said her husband had gone to the KNB secret police prison with relatives of those arrested. "One day they released the relatives of those arrested, but arrested my husband."

"I represent several individuals similarly accused of Tabligh Jamaat membership," Takaumov's lawyer, Serik Nurlybayev, told Bekmaganbetov of Radio Free Europe on 23 February. "You get the feeling that all these cases are copied one to the next." On 18 February, the Investigator told Nurlybayev that the case was being completed. "Since then he has not responded to phone calls," the lawyer lamented.

The chancellery of Saryarka District Court No. 2 told Forum 18 on 25 February that the criminal case against Takaumov has not yet reached the court for trial.

As he awaits trial, Takaumov remains in Astana's KNB secret police Investigation Prison, the same prison where the five convicted prisoners of conscience convicted on 18 February are still being held.

- Thirteen known Tabligh Jamaat prisoners of conscience

Thirteen 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. Mamurzhan 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 .
8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.
9. Erbolat Kabzakievich Omarbekov; born 10 July 1971; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
10. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.
11. Khalambakhi Khalym; born 12 August 1984; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment.

12. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

13. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

- Twelve known Tabligh Jamaat restricted freedom sentences

Twelve 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.

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.

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.

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.

12. Serik Amangeldinovich Seitzhaparov; born 7 March 1984; sentenced 12 February 2016 Tselinograd District Court, Akmola Region; Article 405, Part 2; 2 years' restricted freedom.

- Three alleged Tabligh Jamaat members known to be on trial

Three alleged members of Tabligh Jamaat are on criminal trial for exercising the right to freedom of religion or belief. The list of known prisoners of conscience in this category 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. 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.

2. 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.

3. 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.

- One alleged Tabligh Jamaat member known to be jailed awaiting trial

One alleged member of Tabligh Jamaat is detained as a prisoner 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 gives his: name; date of birth; first pre-trial detention order date and court; Criminal Code Article he is being investigated under; initial pre-trial detention period; and place of pre-trial detention.

1. 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. (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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