

28 March 2016

KAZAKHSTAN: Three new prison terms, legal advisor next?

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

Three Sunni Muslim prisoners of conscience - Aidin Shakentayev, Bauyrzhan Serikov and Murat Shopenov – were today (28 March) in Karaganda handed prison terms of up to 30 months each for alleged membership of the "extremist" Muslim missionary movement Tabligh Jamaat. They have been held by Kazakhstan's KNB secret police in detention for nearly six months from October 2015. Asked by Forum 18 News Service if the three men had committed violence or incited others to commit violence, Prosecutor Olga Kiryanova – who led the prosecution case in court - put the phone down. The trial in the capital Astana of a legal expert who gave professional advice to the wives of two other imprisoned alleged Tabligh Jamaat members is due to begin on 8 April. "My husband runs a law firm and gave advice in that capacity," Murat Takaumov's wife Aynur insisted to Forum 18. Tabligh Jamaat was abruptly banned in 2013, a year after a commission concluded – after months of work requested by the KNB secret police and the government's Religious Affairs Committee – that it was not "extremist" or "terrorist" and no reason existed for it to be banned.

Nearly six months after their October 2015 arrest by Kazakhstan's National Security Committee (KNB) secret police, a court in the city of Karaganda [Qaraghandy] has today (28 March 2016) handed down prison terms of up to 30 months on three further Sunni Muslim prisoners of conscience for exercising their right to freedom of religion or belief, Forum 18 News Service has learned. The criminal trial of a legal specialist - who gave professional advice to the wives of two of Sunni Muslim prisoners of conscience convicted in February – is due to begin in the capital Astana on 8 April.

The three new prison terms bring to 28 the number of individuals known to have been given criminal convictions since December 2014 for alleged association with the Muslim missionary movement Tabligh Jamaat. Sixteen of them received prison terms, while 12 were given restricted freedom sentences. The KNB secret police was involved in all 28 cases (see full list below).

Tabligh Jamaat was banned by an Astana court in 2013, just a year after an extensive study commissioned by the KNB secret police and the government's then Religious Affairs Committee concluded that the Muslim movement is not "extremist" or "terrorist" and that no reason to ban it existed (see below).

The latest criminal convictions in Karaganda came three days after police in Kazakhstan's commercial capital Almaty launched coordinated raids on New Life Church, a rehabilitation centre it runs and the homes of five of the church's pastors. The raids are part of a criminal investigation of the Church on charges of fraud, which church leaders vigorously refute (see F18News 31 March 2016 http://www.forum18.org/archive.php?article_id=2163).

Prison terms

On 28 March 2016, Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court handed down a 30-month ordinary regime prison term to 33-year-old Aidin Shakentayev – described by the prosecution as the ringleader of the Tabligh Jamaat "cell", local media reported. She handed down two year ordinary regime prison terms to 38-year-old Bauyrzhan Serikov and 33-year-old Murat Shopenov. The sentences are deemed to run from the date of their arrest, 7 October 2015.

The three men have been held since their arrest at Karaganda KNB secret police Investigation Prison. Their trial began on 1 February 2016 (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Shakentayev, Serikov and Shopenov are also required to pay the fees the state incurred for conducting "expert" analyses as part of the case.

The three were convicted under Criminal Code Article 405, Part 1. This 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. All three denied the accusations against them.

Olga Kiryanova of Kazybek Bi District Prosecutor's Office – who led the prosecution case in court and who was present when the verdict was delivered – refused to explain to Forum 18 what harm the three convicted men had done to anyone. "I don't give interviews by telephone," she told Forum 18 from Karaganda on 28 March. She insisted that the court had handed down its

punishment on the three men because of the 2013 court ban on Tabligh Jamaat.

Asked if Shakentayev, Serikov and Shopenov had committed violence or incited others to commit violence, Prosecutor Kiryanova put the phone down.

"We'll appeal as far as the Supreme Court and abroad"

About 30 people, mostly relatives of the three men, were in the small courtroom on 28 March to hear the verdict, Yelena Weber of Radio Free Europe's Kazakh Service noted after the hearing. "The men on trial were brought into the courtroom in handcuffs, accompanied by special security personnel in black masks, and placed in the secure box behind the glass," she reported.

The verdict was listened to in silence, Weber added. However, when Judge Egemberdiyeva was leaving the courtroom after the end of the hearing, some cried out: "What has happened to our humane and just court?" She said some of the female relatives wept. Each of the three men is married with several children.

Serikov's wife, Samal Mirzatayeva, rejected accusations in court that her husband had neglected the family because of his association with Tabligh Jamaat. "Where did they get this from?" Weber quoted her as asking. "Our children study in school. We don't live like hermits."

Mirzatayeva insisted no proof had been presented of the men's guilt. "We'll take this further. We'll appeal as far as the Supreme Court and abroad, if it gets that far."

8 April start for Astana full trial

The full trial of legal expert Marat Takaumov on charges of membership of Tabligh Jamaat is due to begin at 10 am on 8 April at Astana's Saryarka District Court No. 2, according to court records. Hearing the case is Judge Umsyn Mukhangaliyeva. The preliminary hearing in the case was held on 24 March.

The same Judge Mukhangaliyeva on 18 February convicted five other Sunni Muslims accused of Tabligh Jamaat membership - Bolatbek Kozhageldinov, Nurzhan Nuradilov, Erbolat Omarbekov, Kubaidolla Tyulyubayev and Khalambakhi Khalym - at the end of a long-running trial. She handed down prison terms of two years each on four of the men and a two and a half year prison term on the fifth (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

Takaumov is on trial accused under Criminal Code Article 405, Part 2. This 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.

Forum 18 was unable to reach Serik Ishchanov of Astana Prosecutor's Office, believed to be the prosecutor who will lead the case in court. His colleagues told Forum 18 he was out of the office each time it called on 28 March. Another Prosecutor's Office official Kanatzhan Kamalbek told Forum 18 the same day that he does not know who will be leading the prosecution case.

Asked why an individual who simply gave professional legal advice to the wives of two of the defendants in a criminal case should himself be prosecuted, Kamalbek responded: "I don't know – I haven't studied the case materials." But he insisted it will be the court's decision whether Takaumov is guilty of any crime or not.

"My husband runs a law firm and gave advice in that capacity"

The 31-year-old Takaumov – who is married with four young children – runs his own law firm in Astana. The KNB secret police arrested him on 18 November 2015 and, at the request of KNB Investigator Nurlan Belesov, Saryarka Court No. 2 repeatedly ordered his detention in the KNB Investigation Prison in Astana, where he remains (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Takaumov simply gave legal advice to the wives of Nuradilov and Khalym, two of the five sentenced to prison terms on 18 February. "My husband runs a law firm and gave advice in that capacity," Takaumov's wife Aynur insisted to Forum 18 from Astana on 24 March.

She denies that she or her husband are Tabligh Jamaat members. "We pray the namaz and maintain relations with everyone," she told Forum 18. "We don't divide people into Muslims or non-Muslims. We try not to make divisions even among Muslims."

No appeal date set

Astana City Court has not yet set a date for hearing the appeals of the five Sunni Muslim prisoners of conscience convicted in Astana on 18 February, relatives and the court told Forum 18.

The five men lodged appeals against their convictions on 4 March. The men have been prevented from praying the namaz or having access to religious literature and other items at Astana's Interior Ministry Investigation Prison (see F18News 9 March 2016 http://www.forum18.org/archive.php?article_id=2156).

Tabligh Jamaat: peaceful in 2012, "extremist" in 2013

Following bans on Tabligh Jamaat in other nearby countries, the KNB secret police and the then Religious Affairs Committee under the Justice Ministry commissioned a study of the movement in January 2010. The commission which undertook the study was led by the rector of the Ruhaniyat Islamic University, Murat Mynbayev. It spent months on extensive travel within Kazakhstan and to the movement's religious centres in Pakistan, India and Bangladesh, from March to June 2010 and from October 2011 to March 2012.

By the time the commission reported back, the Religious Affairs Committee had been turned into the Agency of Religious Affairs, established in May 2011 (see F18News 28 July 2011 http://www.forum18.org/archive.php?article_id=1599). It was turned back into the Religious Affairs Committee in August 2014 and subordinated to the Culture and Sport Ministry (see F18News 10 October 2014 http://www.forum18.org/archive.php?article_id=2005).

After the commission finished its research, Professor Mynbayev was summoned as a witness in a criminal case in Almaty in spring 2012 of a man accused of financing the Tabligh Jamaat movement. The man was acquitted, partly as a result of Professor Mynbayev's testimony, according to the decision and transcript of the trial hearings seen by Forum 18.

According to Professor Mynbayev's testimony, as summarised in the verdict, "as a result of this study, the commission concluded that the Tabligh Jamaat religious missionary movement is not an extremist or terrorist organisation. The Tabligh Jamaat international movement represents a purely peaceful preaching social and international movement, strongly adhering to the principle of a non-political social and educational movement, speaking out against all forms of violence against individuals, including spiritual violence."

Despite the clear conclusion of the government-initiated commission, in February 2013, without prior public announcement, Astana's Saryarka District Court granted Astana City Prosecutor's Office suit to have Tabligh Jamaat banned throughout Kazakhstan as "extremist". The prosecutor claimed – without making any evidence public – that the group's "real aim" was the seizure of territory and creation on it of a caliphate, "including in Kazakhstan", which "presumes a violent change to the constitutional order". The ban was backed in court by the KNB secret police and the Interior Ministry (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

Forum 18 tried to find out from the KNB secret police why it had ignored the views of the commission it had sponsored and pushed for the ban on the movement. Forum 18 also wished to find out why the 28 individuals have been convicted and given criminal sentences since December 2014, even though no one appears to have suffered from their religious activity. However, the press office telephone at the headquarters in Astana went unanswered each time Forum 18 called on 28 March.

The official who answered the phone of the Religious Affairs Committee in Astana the same day – who would not give his name – stressed that if Tabligh Jamaat is banned by a court "that is already the law". He declined to explain how a government-initiated commission which spent many months studying the movement could find it non-violent in 2012, but in 2013 official agencies pressed for a court ban of the movement.

Asked who had suffered from the activity of the 28 convicted Sunni Muslims, the Religious Affairs Committee official insisted: "Their activity was harmful." Asked to explain how and to whom, he put the phone down.

- Sixteen known Tabligh Jamaat prisoners of conscience

Sixteen 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.
14. Aidin Zulfukarovich Shakentayev; born 15 August 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court ; Article 405, Part 1; 2 and a half years' imprisonment.
15. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.
16. Murat Askarovich Shopenov; born 15 November 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; 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.

- One alleged Tabligh Jamaat member known to be on trial

One alleged member of Tabligh Jamaat is on 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; initial trial hearing; 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; initial trial hearing 24 March; 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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