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KAZAKHSTAN: Trial if imam's Istanbul asylum bid fails?

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

Imam Abdukhalil Abduzhabbarov – in Istanbul Airport with his family since October after deportation from Saudi Arabia - faces criminal trial in his native Kazakhstan if asylum appeal in Turkey fails. The NSC secret police officer who launched the case refused to reveal the accusations.

Kazakhstan's government is trying to extradite from Turkey Abdukhalil Abduzhabbarov, a Sunni imam and preacher who left his Kazakh homeland more than ten years ago. The National Security Service (NSC) secret police opened a criminal case against him some time after 2013, even though the Imam has not been back in Kazakhstan since May 2006. However, the NSC refuses to make public any accusations against him.

Imam Abduzhabbarov, his wife and their ten children (six daughters and four sons) have been stuck in Istanbul airport since their enforced departure from Saudi Arabia on 12 October. They have applied for asylum in Turkey.

"I don't know what they are accusing me of," 41-year-old Imam Abduzhabbarov told Forum 18 from Istanbul Airport on 22 November. He stressed that he has not been back in Kazakhstan since his departure in May 2006.

Refusal to reveal charges

The NSC secret police investigator in the case refused to tell Forum 18 when he launched the case against Imam Abduzhabbarov and what the accusations against him are.

Didar Tulepov, a NSC investigator based in Oral (Uralsk) in West Kazakhstan Region, admitted to Forum 18 on 21 November that he had opened the criminal case and is the investigator, but refused to give any other information. "Send an official written request to our official postal address in Oral," he repeatedly told Forum 18.

Similarly, the Criminal Investigation Department of Oral Police – which posted the wanted announcement for Imam Abduzhabbarov on the General Prosecutor's Office website – refused absolutely to give Forum 18 any information. "We don't give any information by telephone," Department Deputy Head Ayan Khairashev told Forum 18 from Oral on 21 November. He referred Forum 18 to Investigator Tulepov.

Ayzhan Aydashev, head of the Foreign Ministry's Consular Service Department – which has earlier been involved in Abduzhabbarov's case – said he knew of the case only from the media. Asked what charges have been levelled against Abduzhabbarov, Aydashev told Forum 18 on 24 November: "We too are facing this question. I have requested this information in writing from the NSC, the General Prosecutor's Office and our Consulate in Istanbul."

Kazakhstan's Consulate in Istanbul initially referred Forum 18 on 24 November to the Foreign Ministry in Astana and the NSC secret police. However, an official then said it would respond to a written enquiry, which Forum 18 sent on the afternoon of 24 November in Istanbul. Forum 18 had received no response by the end of the working day on 24 November.

Tight state control

Although all faiths in Kazakhstan are under tight government control, Islam is subject to extra government controls not applied to other faiths.

Only one Muslim organisation – the state-backed Muslim Board, which espouses Hanafi Sunni Islam – has been allowed to gain the compulsory registration required before individuals are allowed to exercise their freedom of religion or belief. Only mosques under its control are allowed to gain registration as its branches. This means that non-Hanafi Sunni Islam, as well as Islam independent of the Muslim Board, is banned (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Many Muslims have been imprisoned in recent years. Rustam Musayev was jailed in Almaty Region in June for two years for talking about his Islamic faith to NSC secret police informers (see F18News 10 November 2016 http://www.forum18.org/archive.php?article_id=2229).

At least 41 Sunni Muslims have been sentenced in Kazakhstan on charges of involvement in the Muslim missionary movement Tabligh Jamaat since December 2014. Of these, 27 received prison terms, while the remaining 14 received restricted freedom sentences. All these cases – as well as that of the Seventh-day Adventist prisoner of conscience Yklas Kabduakasov – were initiated by the NSC secret police (see F18News 10 October 2016 http://www.forum18.org/archive.php?article_id=2223).

Because of the state secrecy surrounding many other terrorism-related prosecutions, it remains unclear if other Muslims have been sentenced for exercising freedom of religion or belief or for involvement in terrorism.

December 2015 detention, October 2016 deportation

On 20 December 2015, the Saudi authorities detained Imam Abduzhabbarov in Medina, where he and his family had been living. The arrest came at the request of the Kazakh authorities. Imam Abduzhabbarov was held in detention in various locations until his October 2016 deportation. The Saudi authorities put him and his family on a Turkish Airlines flight to Kazakhstan via Istanbul, Vitaly Ponomarev of Russian human rights group Memorial noted on 16 November. Several of the family members did not have valid passports as the Kazakh consular authorities in Saudi Arabia had refused to issue them.

Deported with him were four of the five other Kazakh citizens detained with Imam Abduzhabbarov in December 2015 at the request of the Kazakh authorities. The Saudi authorities decided in October 2016 that only one of the five could remain. The other four were deported to Kazakhstan, where at least one has been arrested, Ponomarev reported.

During the change of aeroplane at Istanbul Airport, Imam Abduzhabbarov and his family refused to board an onward flight to Kazakhstan and asked for asylum in Turkey. He, his wife Dinara and their six daughters and four sons have mostly been living in two windowless rooms in the airport, Ponomarev noted. Food has been provided by Turkish Airlines, on whose flight from Saudi Arabia they had arrived.

A lawyer from the Turkish humanitarian organisation the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) has been helping the family.

The NSC secret police brought Abduzhabbarov's mother-in-law to Istanbul in early November, he told Ponomarev of Memorial. Together with Kazakh officials she met the lawyer, and also tried to persuade her daughter over the phone to return to Kazakhstan. Dinara Abduzhabbarova refused, after which the Kazakh authorities returned her mother to Kazakhstan without allowing the two to meet.

One of the Kazakh officials who brought the mother-in-law to Istanbul had studied with Abduzhabbarov in the Pakistani capital Islamabad in the late 1990s, he told Ponomarev. After the man's return to Kazakhstan he began working for the NSC secret police.

Wanted announcement

The General Prosecutor's Office wanted announcement notes that Abdukhalil Abdukhamidovich Abduzhabbarov, born on 6 April 1975, is a Kazakh citizen of Uzbek ethnicity. It notes that his Kazakh passport was issued on 20 June 2013, an indication that no criminal case had been launched against him then.

"The Kazakh Consulate in Jeddah would not have issued him with a passport had a criminal case already been launched against him," Aydashev of the Foreign Ministry told Forum 18.

The wanted announcement gives as the reason for seeking Imam Abduzhabbarov: "The person being sought had hidden from the investigation before being detained." It gives no information about the nature of any accusations against him. It lists the Criminal Investigation Department of Oral Police as the source of the wanted announcement.

Official denials

Kazakh government agencies have repeatedly denied that they have opened any case against Imam Abduzhabbarov or have been seeking his extradition.

A 28 September 2011 letter from the Foreign Ministry's Consular Service Department then head Yrskali Daurenbek to the then Kazakh Consul in Jeddah Omar Mustafin (seen by Forum 18) declares categorically that neither the NSC secret police, the General Prosecutor's Office nor the Interior Ministry (Police) were seeking Abduzhabbarov.

Following a 20 May 2016 article on the Central Asian news website Fergananeews.com about Abduzhabbarov's detention in Saudi

Arabia, the Kazakh news agency Newtimes.kz asked the General Prosecutor's Office in Astana about any extradition case. "The General Prosecutor's Office is not conducting any work on the question of the extradition of the citizen Abdukhalil Abduzhabbarov from Saudi Arabia," the news agency cited its response on 24 May.

Despite these denials over some years, during questioning in 2012 at the Kazakh Consulate in Jeddah, visiting NSC secret police officers threatened Imam Abduzhabbarov with serious consequences if he failed to return to Kazakhstan.

Abduzhabbarov told Ponomarev that Saudi interrogators told him following his December 2015 arrest that he had been detained solely on the basis of a request from Kazakhstan to "check" their citizens. Interrogators briefly showed him a list of eight Kazakh citizens, including him and the five other Kazakhs who had been detained. Abduzhabbarov claimed that the document contained false information about their alleged links with Islamic radicals in the Middle East.

On 31 March 2016, journalist Uldai Sariyeva alleged in the local newspaper "Oral Oniri" (Oral Region) – without citing any sources – that Imam Abduzhabbarov had promoted an "incorrect trend of Islam" and had "close links" with those recruiting fighters for Syria. Sariyeva claimed he had also had links with two local Islamists, at least one of whom has already been imprisoned in Kazakhstan. However, Ponomarev insists that Imam Abduzhabbarov had no links with the pair.

The following month, the NSC secret police interrogated some of Imam Abduzhabbarov's relatives in South Kazakhstan Region.

Imam, Islamic teacher

Imam Abduzhabbarov – who also used the name Sheikh Khalil – studied Islam in a mosque in his native South Kazakhstan Region, according to Ponomarev of Memorial, who has been following his case. In 1999 he graduated from the International Islamic University in the Pakistani capital Islamabad. On his return he taught in the then Kazakhstan-Kuwaiti University in Shymkent, which lost its state registration and had to close in 2004.

In 2003 Abduzhabbarov moved to Atyrau on the northern shores of the Caspian Sea in western Kazakhstan to teach in a madrassah (Islamic school) attached to the city's Imangali Mosque. On the recommendation of the Mosque's imam he advised on Arabic calligraphy in the new Attakua Mosque built in Rembaza on the southern edge of the city.

In November 2003, the Regional Prosecutor's Office accused Abduzhabbarov of rejecting state registration and violating the Religion Law under the then Administrative Code Article 375, Part 1. Prosecutors accused him of leading evening prayers illegally during Ramadan in October 2003 in the illegally-built Attakua Mosque in Rembaza, attended by up to 20 Muslims.

However, witnesses testified in court that the authorities had assigned the land for the Mosque, that it had not been completed and only the building workers had used the uncompleted building for worship, Ponomarev noted. In December 2003 an Atyrau court acquitted Abduzhabbarov of the charges. The following month Atyrau Regional Court rejected the Prosecutor's Office appeal against the acquittal.

In June 2004, the authorities finally registered the Darus-Salam Muslim community, under which the Attakua Mosque was able to begin functioning. Up to 70 Muslims would regularly attend Friday prayers there. Darus-Salam later organised courses in Islam and Arabic, with up to 40 attendees, most of them young people.

However, in summer 2004 Abduzhabbarov had to leave Atyrau and moved to Oral, capital of the neighbouring West Kazakhstan Region. Local Muslims told Ponomarev of Memorial that officials had given "unofficial warnings" that the Mosque would not get registration if Abduzhabbarov remained in Atyrau. He maintained contact with Mosque members after his move to Oral, Ponomarev added.

Local media later noted differences between Imam Abduzhabbarov and other local clergy, who appeared less knowledgeable about Islam and were said to mix folk elements into their religious practice. The media accused Abduzhabbarov of being a Wahhabi or Salafi.

In Oral the NSC secret police conducted open surveillance of Imam Abduzhabbarov and his family, Ponomarev noted. In May 2006 – four months after he and his wife had participated in the haj pilgrimage to Mecca - he and his family (they then had five children) went on the umra pilgrimage to Mecca. Even on the train to Almaty to catch the flight to Saudi Arabia police checked their papers several times.

Although the family did not intend to remain abroad for long, they decided to remain in Medina in Saudi Arabia. "It soon became clear that returning to their homeland was not safe," Ponomarev added.

From exile in Saudi Arabia, Imam Abduzhabbarov remained in contact with Muslims back in Kazakhstan. Some visited him while they were on the haj pilgrimage.

When some of his Kazakh followers adopted radical views and sought his support in meetings in Medina in 2011, Imam Abduzhabbarov "categorically condemned" proposals to launch a holy war (jihad) against the Kazakh authorities, Ponomarev stressed. He went further, trying to prevent them from going ahead, warning that they "would be punished by Allah for their thoughts and actions" if they did so.

Website banned

In October 2007, 21 lectures on Islam Imam Abduzhabbarov had given in Kazakh in Atyrau some years earlier were posted on the Musulmanin.com website. "All this aroused the Kazakh authorities' concern," Ponomarev declared.

In summer 2015, the Communications, Informatisation and Information Committee of the Investment and Development Ministry brought two civil suits to Astana's Esil District Court to ban a range of webpages and websites, including Musulmanin.com. In decisions on 30 June and 25 August 2015, different Judges at the Court upheld the suit to ban at least parts of the Musulmanin.com website, according to court records. No-one appealed against the bans to Astana City Court.

The Musulmanin.com website – where Imam Abduzhabbarov's 21 sermons remain available - was inaccessible on each occasion Forum 18 tried it in different cities of Kazakhstan in November 2016. (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY