

9 January 2017

KAZAKHSTAN: Five more Sunni Muslim "missionaries" imprisoned

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

Five Sunni Muslims in Almaty Region - arrested by the NSC secret police in July 2016 – were imprisoned in late December for up to 3 years for alleged membership of the banned Tabligh Jamaat missionary movement. 47 Muslims have been sentenced since December 2014.

After nearly six months in pre-trial imprisonment, five Sunni Muslims in Almaty Region were sentenced in late December 2016 to between 18 months' and three years' imprisonment for alleged membership of the Tabligh Jamaat Muslim missionary movement. A sixth man was sentenced in Mangistau Region. The movement has been banned in Kazakhstan since 2013.

The five men sentenced in Almaty Region are:

- 1/Serik Kudaibergenovich Erimbetov; born 12 September 1975; 3 years' prison.
- 2/Abdumazhit Kopurovich Abdullayev; born 21 January 1968; 2 and a half years' prison.
- 3/Parkhat Abdilgafurovich Gafurov; born 15 November 1977; 2 years' prison.
- 4/Oralgazhi Omarkhanovich Koshtybayev; born 2 October 1966; 1 and a half years' prison.
- 5/Asimtulla Rakhimtullayevich Baiturnov; born 1 September 1971; 1 and a half years' prison.

Erimbetov, identified by the prosecution as the leader of the group, had been fined earlier for speaking to others about his faith (see below).

In Zhanaozen in the western Mangistau Region, Serik Elubayevich Kanaliyev (born 25 April 1971) was sentenced to four years' imprisonment (see below).

All six prisoners of conscience are likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts they might have (see below).

47 Tabligh Jamaat convictions since December 2014

A court in the capital Astana banned Tabligh Jamaat in Kazakhstan as "extremist" 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).

The new sentences bring to 47 the number of alleged Tabligh Jamaat adherents (all of them Kazakh citizens) known to have been given criminal convictions since December 2014. Of these, 33 were given prison terms while 14 were given restricted freedom sentences. In the most recent known previous sentences, nine Sunni Muslim men were sentenced on 10 October 2016 in Oskemen (Ust-Kamenogorsk) in East Kazakhstan Region, seven of whom were jailed (see F18News 10 October 2016 http://www.forum18.org/archive.php?article_id=2223).

Secret police-initiated prosecutions

The National Security Committee (NSC) secret police initiated the arrest and prosecution of the five latest Sunni Muslim prisoners of conscience sentenced in Zhambyl District of Almaty Region for alleged membership of the Tabligh Jamaat movement.

The NSC secret police similarly initiated all the previous 41 prosecutions for alleged Tabligh Jamaat members since December 2014. It was also heavily involved in the prosecution of Seventh-day Adventist prisoner of conscience Ylka Kabduakasov. He was given a two-year prison term in the capital Astana in December 2015 to punish him for talking to others of his faith (see F18News 29 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Like the previous 41 convicted Sunni Muslims, all six new defendants were convicted under Criminal Code Article 405 (or its equivalent in the old 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.

Article 405, Part 2 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.

Two of the 47 Sunni Muslims - Saken Tulbayev and Khalambakhi Khalym - were also convicted and imprisoned under the broadly-framed Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

As well as Tulbayev and Khalym, Adventist prisoner of conscience Kabduakasov is also serving a prison sentence under Article 174, Part 1. All rejected the accusations (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Arrested July 2016, sentenced December 2016

The NSC secret police arrested the five men – Erimbetov, Abdullayev, Gafurov, Koshtybayev and Baituryanov - on 8 July 2016 on suspicion of membership of Tabligh Jamaat, Sagadat Ospanov of Almaty Region's Zhambyl District Prosecutor's Office told Forum 18 on 5 January 2017. Zhambyl District Court ordered them held in pre-trial imprisonment. The five men were held in Investigation Prison LA-155/18 in Turksib District in northern Almaty while the NSC investigated the case against them, Ospanov added.

The NSC secret police accused the five men of conducting "illegal" missionary activity for the banned Tabligh Jamaat movement in Almaty Region. It said they spread the teachings of the movement and attracted new adherents.

Once the NSC had completed its investigation, it handed over the criminal case to Zhambyl District Prosecutor's Office for it to bring to court. The case was handed to Zhambyl District Court on 6 December 2016, where it was assigned to Judge Esen Ustelbayev. The trial itself took place on 21, 22 and 28 December 2016.

On the afternoon of 28 December 2016, Judge Ustelbayev found all five men guilty under both Parts 1 and 2 of Criminal Code Article 405. He sentenced them to prison terms of between 18 months and three years each in general regime labour camps. Ospanov led the prosecution case in court, he told Forum 18.

Erimbetov, Abdullayev, Gafurov and Koshtybayev were represented only by local state-appointed lawyers, Kurmangali Gumarov and Kulsagyl Tokmoldayeva. Baituryanov was represented by a lawyer from Almaty, Kairbolat Yegeubayev, chosen by his relatives.

In addition to the prison terms, the five men were each ordered to pay a share of the fees for the "expert analyses" commissioned by investigators in the course of the case, Judge Ustelbayev's assistant told Forum 18 from the court on 9 January. The fees came to about 106,000 Tenge (2,750 Norwegian Kroner, 300 Euros or 320 US Dollars). "Relatives of those sentenced have already asked how they can pay these fees, but have not yet done so."

None of the five sentenced men has lodged an appeal yet. "Asimtulla Baituryanov was definitely intending to appeal against the verdict as he was dissatisfied with it," Judge Ustelbayev's assistant added.

Ospanov of the Prosecutor's Office refused to explain in what way the activities of the five Sunni Muslims might or might not have harmed anyone. "I can't comment on this," he told Forum 18. He refused to comment on the NSC secret police investigation into the activity of the five men.

An official of Almaty Region NSC – who would not give his name – refused to discuss with Forum 18 on 9 January 2017 why it had initiated the case against the five men and what harm to anyone the men might have committed.

Five still in Almaty Investigation Prison

Erimbetov, Abdullayev, Gafurov, Koshtybayev and Baiturynov remain in Investigation Prison LA-155/18 in Turksib District in Almaty. "The five men have only just been sentenced and are still here," an official of the Investigation Prison's Special Department told Forum 18 on 5 January. She said they are likely to be transferred to labour camps to serve their sentences once the verdicts enter into force.

The official – who would not give her name – refused absolutely to say whether the five men had access to religious literature of their choice, or whether they were able to pray freely.

The men's current prison address:

050054, g. Almaty

Turksibsky raion

Ul. Krasnogorskaya d. 73

Uchr. LA-155/18

Zhanaozen: Four year prison term

On 28 November 2016, prosecutors handed to Zhanaozen City Court in Mangistau Region a criminal case against 45-year-old local Sunni Muslim Serik Kanaliyev, accusing him of membership of Tabligh Jamaat.

After court hearings over several days, on 22 December 2016, Judge Zhumabai Zhanadilov found Kanaliyev guilty under Criminal Code Article 405, Part 1 and Part 2. The Judge sentenced him to four years' imprisonment, according to court records.

Bank accounts to be blocked?

The five Sunni Muslims sentenced in Almaty Region and one in Mangistau Region are likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts they might have.

Almost all the convicted Sunni Muslims punished on charges of Tabligh Jamaat membership have been added to the list. So too was Adventist prisoner of conscience Kabduakasov, as well as Sunni Muslim Rustam Musayev, imprisoned for two years in East Kazakhstan Region in June 2016 for talking to others about his Islamic faith during meetings (see F18News 10 November 2016 http://www.forum18.org/archive.php?article_id=2229).

Convicted individuals can be added to the list without being informed of it and without separate legal process. "The only way they would know is when they go to the bank and find their account is blocked and the bank then tells them," a Ministry Financial Monitoring Committee official told Forum 18 in June 2016. All financial transactions by an individual on the List are under tight restrictions. Family members who live in the same household without any separate source of income are allowed to apply for access to funds for subsistence (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

The names of two of the Sunni Muslims convicted earlier of Tabligh Jamaat membership were removed from the Financial Monitoring Committee list in September 2016 (see F18News 10 October 2016 http://www.forum18.org/archive.php?article_id=2223). The latest - Serik Otyنشyn and Bakytzhan Nuskabayev - were removed from the list on 20 December 2016, presumably because their restricted freedom terms had come to an end.

Earlier punishment

Erimbetov – who received the longest prison term at the Zhambyl District Court on 28 December 2016 – had earlier been fined for exercising the right to freedom of religion or belief.

Religious affairs officials brought a case against him for sharing his faith on 12 June 2014 while visiting the village of Karabulak in Zaisan District of East Kazakhstan Region. He was accused of violating the then Administrative Code Article 375, Part 3. This punished "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis". (Article 375, Part 3 was replaced by Article 490, Part 3 of the current Administrative Code.)

On 2 September 2014, Judge Kanat Okuskhanov found Erimbetov guilty and handed him the prescribed fine of 100 Monthly Financial Indicators (MFIs), then 185,200 Tenge. The court decision – seen by Forum 18 – notes that the case took place in Erimbetov's absence.

Erimbetov did not appeal and the court decision came into force on 3 October 2014, according to court records. It remains unclear if he learnt of the decision, but Almaty Region court bailiffs later began proceedings to recover the fine as he had not paid it. Erimbetov also remains on the Justice Ministry list of court debtors banned from travelling abroad. (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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