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KAZAKHSTAN: Six jailed for sharing faith

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

Six months after arrest, six Sunni Muslims were jailed in Atyrau for between two and three years for sharing their faith, with post-prison bans on religious activity. Their bank accounts are likely to be frozen. They are among 18 known criminal convictions in 2017.

After more than six months in pre-trial detention, six Sunni Muslim men were sentenced on 28 June at the end of a closed trial in the Caspian port city of Atyrau to punish them for talking to others of their faith. The man the prosecution regarded as the organiser, 35-year-old Rollan Arystanbekov from Almaty, was given a three-year prison term. The other five were each given two-year prison terms.

All were convicted on criminal charges – initiated by the National Security Committee (NSC) secret police - of organising and participating in a "banned religious association", the Muslim missionary movement Tabligh Jamaat.

The Judge also banned the six men from conducting religious activity for up to three years after their prison terms. They are also likely to have their bank accounts frozen (see below).

The six Atyrau convictions bring to 18 the number of individuals known to have been given criminal convictions in Kazakhstan in the first half of 2017 to punish them for exercising the right to freedom of religion or belief. Of these, 16 were Sunni Muslims and 2 Jehovah's Witnesses. Of the 18 (all of them men), 16 received prison terms and 2 received restricted freedom sentences, where they live at home under restrictions (see full listing at the base of this article).

The Atyrau convictions also bring to 60 the number of Sunni Muslims known to have been convicted on criminal charges since December 2014 accused of membership of the banned Tabligh Jamaat movement (see below).

Many trials

In violation of its international human rights commitments, Kazakhstan imposes tight restrictions on all aspects of the exercise of freedom of religion or belief. Criminal and administrative trials to punish individuals who exercise their freedom despite these restrictions are common (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Sunni Muslim Kuanysh Bashpayev was among four Sunni Muslims who had studied their faith together at Medina Islamic University before returning to Kazakhstan. He was sentenced in Pavlodar in April to four and a half years' imprisonment (see F18News 11 April 2017 http://www.forum18.org/archive.php?article_id=2272).

Bashpayev has failed to overturn his conviction on appeal. However, in its 15 June judgment the Regional Court changed the location of where he will serve his prison term, Bashpayev's lawyer Bauyrzhan Azanov told Forum 18 on 28 June.

The trial of the last of four Sunni Muslims who had studied their faith together at Medina Islamic University, Satymzhan Azatov, on charges of "inciting religious hatred" is due to continue in the capital Astana on the morning of 5 July (see F18News 15 June 2017 http://www.forum18.org/archive.php?article_id=2286).

Former Saudi-based Imam Abdukhalil Abduzhabbarov is in detention in Oral (Uralsk) awaiting trial on charges of "inciting religious hatred" (see F18News 15 June 2017 http://www.forum18.org/archive.php?article_id=2286).

Atyrau: Sentenced for sharing faith

The trial of six Sunni Muslim men began at Atyrau City Court No. 2 on 6 June. Judge Zhumagali Tashimov declared the trial closed. At the final hearing on 28 June, the Judge read out the verdict. He convicted all six under Criminal Code Article 405, Parts 1 and 2, according to a statement the same day on the Regional Court website.

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.

Judge Tashimov handed the longest sentence to the man the prosecution regarded as the organiser, 35-year-old Rollan Arystanbekov. He was given a three-year general regime prison term, according to video of the Judge reading the verdict broadcast on Atyrau television the following day.

Judge Tashimov handed two-year general regime prison terms to each of the other five: 55-year-old Zhumabai Nurpeyis; Nurlan Ibrayev; Kanat Shaigozhanov; 54-year-old Nuralim Tyupeyev; and Ermek Akhmetov, according to the video from the courtroom on Atyrau television.

"They were also deprived of the right to engage in activity to instruct in religion in religious organisations and associations permitted in Kazakhstan for a period of between two and three years," the 28 June court statement declared.

At least some of the six are planning to appeal against their convictions. They can do so only when the verdict has been issued in writing, court officials told Forum 18 on 29 June.

The 28 June court statement says the men were educated in their faith in Tabligh Jamaat educational establishments abroad. "Having completed their education they began to spread the ideas of the banned extremist organisation, first in Almaty then at the end of 2016 they travelled to Mangistau and Atyrau Regions," it added. "When they were arrested, banned religious books in Russian and Kyrgyz were confiscated from them." The statement did not identify the books.

The defendants "partially admitted their guilt," the court statement claimed. However, as the court hearings were closed and court officials refused to discuss the trial Forum 18 has been unable to verify the claim.

Nurpeyis lives in Atyrau, but the other five – who are all from Almaty – had arrived in the city to "call local people to Allah", a friend of one of the defendants told Forum 18 earlier in June. "They did nothing against the law. They are simply Muslims who pray the namaz five times a day" (see F18News 21 June 2017 http://www.forum18.org/archive.php?article_id=2289).

Atyrau Regional Court claimed on its website on 6 June that the men "had conducted actions aimed at developing cells in Atyrau Region and increasing the number of adherents, that is they carried out activity aimed at the participation in and organisation of the activity of an extremist organisation".

The six were arrested in Atyrau in November 2016. They have been held since their arrest at the Investigation Prison UG-157/1 in the village of Taskala on the southern edge of Atyrau.

The woman who answered the phone at the Investigation Prison's Special Department on 30 June refused to discuss the six men's conditions, or whether they were allowed to pray or have religious materials in the prison. "We can't discuss anything by phone," she told Forum 18.

Atyrau: Secret trial

The Judge declared the case closed, his assistant told Forum 18 on 21 June, as the case had been initiated by the NSC secret police. He identified the lawyers as Karlygash Tleubayeva, who is defending several of the men, as well as Aktolkyn Baltabayeva, who is defending one or two of them. He identified Zhanar Moldasheva as the lawyer for the Atyrau resident Nurpeyis.

All three of the lawyers have had to sign statements not to reveal anything about the cases, the Judge's assistant added (see F18News 21 June 2017 http://www.forum18.org/archive.php?article_id=2289).

The two lawyers who defended Jehovah's Witness prisoner of conscience Teymur Akhmedov in Astana faced criminal cases to punish them for addressing an appeal on behalf of their client to President Nursultan Nazarbayev. The criminal case appears to have been dropped (see F18News 3 April 2017 http://www.forum18.org/archive.php?article_id=2269).

Defendant's earlier punishment

The man prosecutors identified as the organiser of the group, Arystanbekov, was fined on 17 April 2009 for sharing his faith at the central mosque in Ekibastuz in Pavlodar Region.

Officials from the Regional Religious Affairs Department arrived at the mosque and discovered him and two other Muslims discussing their faith with local people "without documents granting permission from the Muslim Board" or permission from the local administration, the Justice Ministry noted at the time.

The three men "did not deny their adherence to the Tabligh Jamaat movement", the Justice Ministry added. They also had literature belonging to the movement.

Ekibastuz Specialised Administrative Court fined Arystanbekov and the two other Muslims five Monthly Financial Indicators under the then Administrative Code Article 375, Part 3 ("carrying out missionary activity without local registration").

Bank accounts likely to be blocked

The six men convicted in Atyrau 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, without any additional due legal process.

As individuals are not told when they are added to the List, they normally only find out they have been added when they or relatives attempt to withdraw money from their bank (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

59 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).

A total of 59 alleged Tabligh Jamaat adherents (all of them Kazakh citizens) are known to have been given criminal convictions since December 2014. Of these, 45 were given prison terms while 14 were given restricted freedom sentences. In the most recent known previous sentences, seven Sunni Muslim men were sentenced in Sairam in South Kazakhstan Region on 4 April to between one and four years' imprisonment, plus subsequent bans on activity for between two and four years (see F18News 11 April 2017 http://www.forum18.org/archive.php?article_id=2272).

Organising, participating in a "banned religious association"

Like the six Atyrau defendants, all the previous 53 convicted Sunni Muslims have been tried under Criminal Code Article 405 (or its equivalent in the old Criminal Code).

Two of the 53 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" with imprisonment or restricted freedom for between two and seven years.

The number of such Criminal Code Article 174 prosecutions – all initiated by the NSC secret police or with its close involvement – appears to be growing. Kazakh and international human rights defenders – including the United Nations Human Rights Committee and a UN Special Rapporteur – have strongly criticised both the formulation and the use of Article 174 (see F18News 7 March 2017 http://www.forum18.org/archive.php?article_id=2262).

2017: 18 known criminal convictions for exercising freedom of religion or belief

Eighteen individuals (listed below) are known to have been convicted for exercising freedom of religion or belief in the first six months of 2017. The list does not include individuals known to have been punished under Criminal Code Article 174, but for whom it is unclear what the content of the material they distributed was.

1) Asaf Gadzhiaga ogly Guliyeu; Jehovah's Witness; born 4 October 1973; arrested 18 January 2017; sentenced 24 February 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 2; no appeal; 5 years' restricted freedom, plus bank accounts blocked.

2) Bakhytzhau Esimkhanovich Baimusayev; Sunni Muslim; born 15 November 1963; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus four-year post-prison ban on activities, plus bank accounts blocked.

- 3) Abduvakhab Salibekovich Shakirov; Sunni Muslim; born 21 December 1962; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus four-year post-prison ban on activities, plus bank accounts blocked.
- 4) Furkhat Farkhadovich Abatayev; Sunni Muslim; born 27 January 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.
- 5) Abdivasit Abdikakharovich Abdirazakov; Sunni Muslim; born 28 August 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.
- 6) Murodzhon Abdivakhabovich Abdullayev; Sunni Muslim; born 21 January 1969; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.
- 7) Zhenisbek Erakhmetovich Manbetov; Sunni Muslim; born 16 July 1983; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.
- 8) Meirambek Amalbekuli Sarymsak; Sunni Muslim; born 8 March 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.
- 9) Kuanysh Ablayevich Bashpayev; Sunni Muslim; born 3 February 1987 ; arrested 12 October 2016; sentenced 7 April 2017 Pavlodar City Court No. 2; appeal 15 June 2017 Pavlodar Regional Court modified labour camp provision; Old Criminal Code Article 164, Part 1 (equivalent to Article 174, Part 1 of new Code); 4 and a half years' imprisonment.
- 10) Teymur Sultan ogly Akhmedov; Jehovah's Witness; born 7 May 1956; arrested 18 January 2017; sentenced 2 May 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 2; appeal rejected 20 June 2017 Astana City Court; 5 year prison term, plus 3 year post-prison ban on exercise of religious freedom.
- 11) Denis Valeryevich Korzhavin; Sunni Muslim; born 21 May 1983; arrested 18 February 2017; sentenced 11 May 2017 Almaty's Almaly District Court; Criminal Code Article 174, Part 1; no appeal; 5 years' restricted freedom.
- 12) Nariman Kabdyrakhmanovich Seytzhonov; Sunni Muslim; born 2 May 1989; arrested 15 January 2017 (after earlier arrest in Kyrgyzstan); sentenced 9 June 2017 Kokshetau City Court; Criminal Code Article 174, Part 1; 5 year prison term, plus 91,693.58 Tenge fee.
- 13) Rollan Talgatovich Arystanbekov; Sunni Muslim; born 5 December 1981; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 3 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.
- 14) Zhumabai Shaikhyuly Nurpeyis; Sunni Muslim; born 23 July 1961; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.
- 15) Nurlan Amangeldyevich Ibrayev; Sunni Muslim; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.
- 16) Kanat Serikovich Shaigozhanov; Sunni Muslim; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.
- 17) Nuralim Archiyevich Tyupeyev; Sunni Muslim; born 13 November 1962; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.
- 18) Ernek Tursynbayevich Akhmetov; Sunni Muslim; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.

2017: Three on trial or under criminal investigation

1) Satymzhan Bagytzhanuli Azatov; Sunni Muslim; born 17 September 1989; arrested 4 January 2017; trial began 29 May 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 1.

2) Abdukhali Abdukhamidovich Abduzhabbarov; Sunni Muslim; born 6 April 1975; arrested 18 February 2017; under investigation; Criminal Code Article 174, Part 1 and Article 256, Part 2.

3) Aleksandr Milentievich Kharlamov; atheist; born 2 July 1950; under travel restrictions in Ridder; under investigation; Criminal Code Article 174, Part 1.

(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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