

5 March 2018

KAZAKHSTAN: 24 criminal convictions in 2017, more imminent?

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

Zholbarys Zhumanazarov – jailed for one year in Almaty Region for alleged membership of the Tabligh Jamaat Muslim missionary movement – became the 24th known individual given a criminal conviction in 2017 for exercising freedom of religion and belief. The criminal trial of three more begins in Karaganda on 12 March.

A court in Kazakhstan's southern Almaty Region has jailed for one year yet another Muslim accused of membership of the banned Islamic missionary movement Tabligh Jamaat. The case had been launched by the National Security Committee (NSC) secret police. He was the 24th individual known to have been given a criminal conviction in 2017 for exercising freedom of religion or belief.

The trial of three more Muslims accused of Tabligh Jamaat membership is due to begin in the central city of Karaganda [Qaraghandy] on 12 March 2018. They face up to six years' imprisonment if convicted. The Prosecutor refused to tell Forum 18 what harm (if any) the men had done to anyone. The three – who are in their late thirties - were among six Muslim men arrested in the city in October 2017 (see below).

The 61-year-old Jehovah's Witness and cancer sufferer Teymur Akhmedov underwent surgery on 8 February. Doctors removed two tumours, one of which was malignant.

On 12 February, doctors diagnosed sigmoid colon cancer. "The initial diagnosis by doctors in Pavlodar indicates that his cancer is transitioning from stage II to stage III, requiring urgent investigation and long-term treatment," Jehovah's Witnesses told Forum 18.

Prisoner of conscience Akhmedov is serving a five-year prison term in the northern city of Pavlodar on "extremism"-related charges he rejects. Two United Nations bodies have called for his release but Kazakhstan's authorities have ignored these calls (see below).

24th known criminal conviction in 2017

The prison term handed down on the Muslim in Almaty Region in late December 2017 brought to 24 the number of individuals known to have been given criminal convictions in 2017 to punish the exercise of freedom of religion or belief (see full list below).

Of these, 21 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 24 (all of them men), 21 received prison terms and 3 received restricted freedom sentences, where they live at home under restrictions (see F18News 17 November 2017 http://www.forum18.org/archive.php?article_id=2333).

Of the 21 Sunni Muslims, 16 were punished for alleged membership of the Tabligh Jamaat Muslim missionary group, which was banned by an Astana court in February 2013. The movement's adherents often travel around the country encouraging other Muslims to greater piety (see F18News 28 March 2016 http://www.forum18.org/archive.php?article_id=2162).

As of 5 March 2018, the bank accounts of 22 of the 24 men convicted in 2017 had been frozen after they were added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism" (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

The December 2017 conviction in Almaty Region brought to 63 the number of alleged Tabligh Jamaat adherents (all of them Kazakh citizens) known to have been given criminal convictions since December 2014. Of these, 49 were given prison terms while 14 were given restricted freedom sentences.

As well as criminal convictions, courts routinely hand down administrative punishments for exercising freedom of religion or belief, including fines, confiscation (and more rarely destruction) of religious literature, and bans on activity. Forum 18 found 263 such administrative punishments in 2017 (see F18News 30 January 2018 http://www.forum18.org/archive.php?article_id=2347).

Karasai District: One year jail term

Sunni Muslim Zholbarys Kaipbayevich Zhumanazarov (born 3 August 1959) became the 24th individual known to have been given a criminal conviction in 2017 to punish him for exercising freedom of religion or belief.

The NSC secret police launched the criminal case against Zhumanazarov before handing it over to prosecutors. On completing their investigation, they handed the criminal case to Karasai District Court in Almaty Region on 12 December 2017. On 28 December 2017, Judge Amangeldi Makhanbetov found Zhumanazarov guilty of violating Criminal Code Article 405, Part 2.

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.

The Judge handed Zhumanazarov a one-year prison term, according to an 8 February statement on Almaty Regional Court website (which did not name him).

The statement said Zhumanazarov, a resident of Karasai District, had "conducted active work to agitate for and instil the ideology of the extremist organisation [Tabligh Jamaat] among the local population of Almaty Region". The Investigative Department of the Almaty Region NSC secret police had proved this during "operational/investigative measures", it added.

Zhumanazarov did not appeal against his conviction to Almaty Regional Court and the sentence came into force on 5 February, Regional Court spokesperson Aida Sadykova told Forum 18 from the regional capital Taldykorgan on 5 March.

Sadykova said that Zhumanazarov was the only individual to be sentenced at the time on accusations of Tabligh Jamaat membership.

Judge Makhanbetov's assistant refused to put Forum 18 through to him or to give any information about whether the trial had been open or closed, who the Prosecutor was or whether Zhumanazarov had been defended by a lawyer of his choice.

Judge Makhanbetov also ordered in his verdict that Zhumanazarov pay the state 56,174 Tenge (1,370 Norwegian Kroner, 140 Euros or 175 US Dollars) to cover the cost of "expert analyses".

On 9 February, four days after the verdict came into force, Karasai District Court ordered court bailiffs to recover this money from Zhumanazarov, according to case documents. The telephone of the bailiff assigned to the case, Ikhtiyar Zaurbekov, was switched off each time Forum 18 called between 2 and 5 March and he did not respond to written questions as to how he will recover the money from Zhumanazarov now he has been jailed.

On 5 March, Zhumanazarov was added to the List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts he might have.

Forum 18 was unable to find out which Prosecutor's Office had led the investigation once the NSC secret police had handed over the case. The chancelleries of both Karasai District Prosecutor's Office and Almaty Regional Prosecutor's Office told Forum 18 on 5 March they did not have the case listed. Almaty Regional NSC secret police's Investigation Department told Forum 18 the same day that it could only answer official enquiries sent by post.

Forum 18 was also unable to find out where Zhumanazarov had been held before his trial and whether he has already been sent to a labour camp to serve his sentence. The Special Departments of Taldykorgan Investigation Prison LA-155/16 and Almaty City Investigation Prison LA-155/1 told Forum 18 separately on 5 March he had never been held in either. The Special Department of the other Almaty City Investigation Prison LA-155/18 refused to give Forum 18 any information the same day. Almaty City NSC secret police refused to give Forum 18 a contact number for its Investigation Prison in the city.

Karaganda: Criminal trial imminent

After nearly six months' pre-trial detention, the criminal trial is imminent of three Muslims in the central city of Karaganda accused of Tabligh Jamaat membership: Kazbek Asylkhanovich Laubayev (born 30 October 1978); Marat Amantayevich Konyrbayev (born 16 March 1981); and Taskali Nasipkaliyevich Naurzgaliev (born 3 May 1981).

The criminal case was handed to Karaganda's October District Court on 23 February. The men's trial is due to begin under Judge Maulet Zhumagulov on the morning of 12 March, according to case materials and officials of the court. The men are due to be tried under Criminal Code Article 405, Part 1.

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.

"The trial will be open," Judge Zhumagulov's assistant told Forum 18 from the court on 2 March. The three men share two court-appointed lawyers to defend them.

The assistant added that on the first day, 12 March, the hearing is expected to begin with Yergen Yezhanov of October District Prosecutor's Office outlining the accusations against the three men, any defence appeals being lodged and the questioning of the first witnesses.

Prosecutor Yezhanov confirmed that Laubayev, Konyrbayev and Naurzgaliyev are still being held in Karaganda's Investigation Prison (AK-159/1). However, he refused to discuss any other aspect of the case with Forum 18 on 5 March. "I can't give out any official information." Asked what harm (if any) the three men had done to anyone, Prosecutor Yezhanov replied: "The court will come to its decision." He claimed not to know the names of the lawyers assigned to defend the three men.

Laubayev, Konyrbayev and Naurzgaliyev were among six Muslim men arrested in Karaganda on 30 October 2017. As part of its "special operation", police found and confiscated religious literature, "technical equipment", mobile phones and flashcards at their homes. The NSC secret police and the ordinary police worked together on the cases, Senior Lieutenant Yernar Kaltayev of the city Police Investigation Department told Forum 18 in January. He admitted that the six arrested men had not committed or called for violence.

Karaganda's October District Court ordered that Laubayev, Konyrbayev and Naurzgaliyev be held in pre-trial detention. The other three men – whom Forum 18 has been unable to identify – were ordered to live at home under restrictions.

In December 2017, Investigator Kaltayev sent texts seized from the men to the Justice Ministry's Institute of Judicial Expertise in Astana for "expert analysis" to find out if they contain "elements of extremism" (see F18News 12 January 2018 http://www.forum18.org/archive.php?article_id=2345).

No trial for the other three men appears to be scheduled. Prosecutor Yezhanov refused to say if they remain under criminal investigation or if any trial for them is imminent.

On 7 March 2012, Zhiloi District Court in Atyrau Region fined Konyrbayev 161,800 Tenge under the then Administrative Code Article 375, Part 3 ("carrying out missionary activity without local registration"). The Court punished him for sharing his faith with other Muslims in the town of Kulsary, according to the decision seen by Forum 18. As he failed to pay the fine, he was subjected to further fines.

The Investigation Prison address where Laubayev, Konyrbayev and Naurzgaliyev are being held:

Karagandinskaya Oblast

g. Karaganda

ul. Asfaltnaya 16

Uchr. AK-159/1 (SI-16)

Kazakhstan

Pavlodar: Malignant tumour removed from prisoner of conscience

Jehovah's Witness prisoner of conscience Teymur Sultan ogly Akhmedov (born 7 May 1956) underwent surgery at Pavlodar's city hospital to remove two tumours on 8 February, Jehovah's Witnesses told Forum 18 on 22 February. One of the tumours was malignant and doctors subsequently diagnosed sigmoid colon cancer.

"Teymur's family and his attorneys have pleaded with the authorities to release him from detention, concerned about conditions in the correctional facility in Pavlodar and about his need for further medical attention," Jehovah's Witnesses added. "Their pleas have thus far been ignored."

The NSC secret police arrested Akhmedov and another Jehovah's Witness in their home city of Astana in January 2017 for discussing their faith with others. Akhmedov was, as in other cases involving Muslim and Protestant prisoners of conscience, set up for prosecution by the NSC secret police using informers it recruited. These informers invited those prosecuted to meetings the NSC recorded in which they shared their beliefs (see F18News 2 February 2017 http://www.forum18.org/archive.php?article_id=2252).

An Astana court convicted Akhmedov in May 2017 and handed down a five-year sentence (plus a further three year ban on conducting "ideological/preaching activity") on charges under Criminal Code Article 174, Part 2 ("Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of

exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord") (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

On 2 October 2017, the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Kazakhstan should release prisoner of conscience Akhmedov "immediately". The Working Group's Opinion (A/HRC/WGAD/2017/62) finds that Kazakhstan has contravened both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (see http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_62_EN.pdf).

Jehovah's Witnesses lodged a separate 3 January 2018 appeal to the UN Human Rights Committee. In a response on 9 January seen by Forum 18, it called on Kazakhstan to ensure "adequate medical treatment" and to consider releasing Akhmedov "due to his health condition" pending a final ruling by the Committee (see F18News 12 January 2018 http://www.forum18.org/archive.php?article_id=2345).

Kazakhstan's authorities have refused to free Akhmedov. The telephones of the Special Department at the prison in the northern city of Pavlodar where Akhmedov is being held went unanswered each time Forum 18 called on 5 March.

Akhmedov's prison address:

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3

Kazakhstan

2017: 24 known criminal convictions for exercising freedom of religion or belief

Twenty four individuals (listed below) are known to have been convicted for exercising freedom of religion or belief in 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 Guliyev; 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) Bakhytzhhan 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, plus bank accounts blocked.

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, plus bank accounts blocked.

11) Denis Valeryevich Korzhavin; Sunni Muslim; born 21 May 1983; arrested 18 February 2017; sentenced 11 May 2017 Almaty's Almalay District Court; Criminal Code Article 174, Part 1; no appeal; 5 years' restricted freedom, plus bank accounts blocked.

12) Dmitry Valeryevich Tsilenko; Sunni Muslim; born 7 February 1991; arrested 5 October 2016; sentenced 12 May 2017 Kostanai City Court No. 2; Criminal Code Article 405, Part 1; appeal rejected 4 July 2017 Kostanai Regional Court; 3 year prison term, plus 278,038 Tenge fee, plus bank accounts blocked.

13) Nariman Kabdyrakhmanovich Seytzhanov; 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; appeal rejected 16 August 2017 Akmola Regional Court; 5 year prison term, plus 91,693.58 Tenge fee, plus bank accounts blocked.

14) 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; appeal rejected 29 August 2017 Atyrau Regional Court; 3 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

15) Zhumabai Shaikhlyuly 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; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.

16) Nurlan Amangeldyevich Ibrayev; Sunni Muslim; born 24 March 1977; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

17) Kanat Serikovich Shaigozhanov; Sunni Muslim; born 30 November 1984; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

18) 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; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

19) Ernek Tursynbayevich Akhmetov; Sunni Muslim; born 18 March 1964; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

20) Satymzhan Bagytzhanuli Azatov; Sunni Muslim; born 17 September 1989; arrested 4 January 2017; sentenced 10 July 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 1 and Article 256, Part 1; appeal Astana City Court; 4 year and 8 month prison term, plus bank accounts blocked.

21) Iliyan Raiymzhan; Sunni Muslim; born 8 February 1992; arrested April 2017; sentenced 1 August 2017 Tekeli City Court; Criminal Code Article 405, Parts 1 and 2; 4 year prison term, plus 2 and a half years' post-prison ban on exercise of religious freedom, plus bank accounts blocked.

22) Abdukhalil Abdukhamidovich Abduzhabbarov; Sunni Muslim; born 6 April 1975; arrested 18 February 2017; sentenced 16 August 2017 Oral City Court; Old Criminal Code Article 164, Part 3 (equivalent to Article 174, Part 3 of new Code); 8 year prison term, plus bank accounts blocked.

23) Yuri Ivanovich Bekker; Council of Churches Baptist; born 18 June 1964; sentenced 31 October 2017, Zhaksy District Court; Criminal Code Article 430, Part 1; 1 year restricted rights.

24) Zholbarys Kaipbayevich Zhumanazarov; Sunni Muslim; born 3 August 1959; arrested unknown; sentenced 28 December 2017, Karasai District Court; Criminal Code Article 405, Part 2; 1 year prison term, plus 56,174 Tenge fee, plus bank accounts blocked.

(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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