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KAZAKHSTAN: 19 years' jail to follow forcible return?

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

Forcibly returned from Saudi Arabia in December 2018, Dilmurat Makhamatov is in pre-trial detention in Shymkent as the NSC secret police investigate him for allegedly "inciting religious hatred" and "propaganda of terrorism" for remarks on Islam. The NSC investigator repeatedly refused to discuss Makhamatov's case with Forum 18.

A court in Kazakhstan's southern city of Shymkent in mid-February extended for another month the pre-trial detention of Dilmurat Makhamatov. The 41-year-old ethnic Uzbek Sunni Muslim has been in detention since mid-December 2018, when the Kazakh authorities succeeded in forcibly returning him from Saudi Arabia, where he and his family had lived for about 20 years. If eventually tried and convicted, he faces imprisonment for up to 19 years.

The National Security Committee (NSC) secret police is investigating Makhamatov on charges of "inciting religious hatred" (with a maximum seven year jail term) and "propaganda of terrorism" (with a maximum 12 year jail term) in remarks he made in Saudi Arabia about Islam. His friends told Forum 18 the charges are baseless (see below).

The NSC has been seeking to extradite and prosecute Makhamatov since 2016, and has commissioned at least three "expert analyses" of his comments on Islam (see below).

NSC investigator Lieutenant-Colonel Abzal Sarsebayev has repeatedly refused to discuss with Forum 18 why the Kazakh authorities wanted Makhamatov's return and why he thinks he is guilty (see below).

If eventually brought to trial and convicted, Makhamatov is also likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Being added to the List means that any bank accounts an individual may have are blocked with no further legal process. Their families are allowed to withdraw only small amounts for daily living if they do not have other sources of income. (http://www.forum18.org/archive.php?article_id=2409)

Jailings follow return

Kazakhstan has sought the extradition and return to the country of Muslims living and working abroad in order to jail them.

Kazakhstan gained Imam Abdulkhalil Abduzhabbarov's extradition from Saudi Arabia and he was arrested as he landed back in the country in 2017. He was jailed for eight years in August 2017 for sermons he gave before he left Kazakhstan in 2006. The Supreme Court refused to hear his last-ditch appeal in November 2018. (http://www.forum18.org/archive.php?article_id=2435)

In addition, four Sunni Muslims who had studied their faith at a Saudi Arabian university and had themselves returned to Kazakhstan were jailed in separate cases in 2017. (http://www.forum18.org/archive.php?article_id=2296)

One Muslim however, Murat Bakrayev, was saved from extradition back to Kazakhstan. The Kazakh authorities were seeking his extradition to punish him for talks on Islam others had recorded and posted online. A German court rejected Kazakhstan's extradition request and freed him from detention on 21 February 2019. (http://www.forum18.org/archive.php?article_id=2457)

Arrested on return

Dilmurat Sultanmuratovich Makhamatov (born 19 February 1978) has lived with his family in Saudi Arabia for some 20 years, his friends told Forum 18. "People came to him from Kazakhstan and other former Soviet republics to ask him about Islam and the Koran," one person told Forum 18. "They often recorded his remarks and put them on the internet. The Kazakh authorities claim these were lectures, but they weren't."

Makhamatov had rarely visited Kazakhstan since his move to Saudi Arabia. He returned in 2014 to get a new passport. "During that visit, the NSC secret police warned him to stop making public remarks," the individual told Forum 18.

Forum 18 has been unable to establish when the NSC secret police began moves to extradite Makhmatov from Saudi Arabia. However, it appears such moves began in 2016, the first year the NSC commissioned an "expert analysis" of some of Makhmatov's remarks on Islam. The NSC commissioned further such analyses in 2017 and 2018.

The NSC Investigator in the case, Lieutenant-Colonel Abzal Sarsebayev, repeatedly refused to discuss the prosecution of Makhmatov. "I give no interviews. Don't ring me again," he told Forum 18 from Shymkent on 14 February. "I told you before not to call me," he told Forum 18 on 27 February.

"A representative of the Salafi movement, Dilmurat Makhmatov, born in the city of Saryagash, engaged in illegal missionary activity, was detained by the law-enforcement agencies of the Kingdom of Saudi Arabia," an unidentified District Police told local news agencies on 15 October 2018. "Being in that country, he engaged in illegal preaching among Kazakhstanis via the internet."

Soon after detaining him, the Saudi authorities apologised to Makhmatov and released him. However, Kazakh NSC officers seized him in Saudi Arabia in December 2018 and forced him onto a flight at Jeddah airport back to the country via Abu Dhabi. They told him they had issues they needed to discuss with him back in Kazakhstan.

Once in the Kazakh capital Astana, officers put him on a flight to the southern city of Shymkent. Officers arrested him as soon as he landed there on 19 December. He was transferred to the NSC Investigation Prison in Shymkent. On 21 December, Judge Kamshybek Anarbayev of Shymkent Investigation Court ordered him held in pre-trial detention for two months.

The NSC went back to Shymkent Investigation Court to extend the pre-trial detention. On 19 February the court authorised a further month in pre-trial detention.

Makhmatov has two wives and a total of nine children. His family, who returned from Saudi Arabia soon after his return, is now living in a village near his birthplace of Saryagash in Turkistan Region, the region surrounding Shymkent.

"Incitement" and "terrorism" charges

The NSC secret police is investigating Makhmatov under two Criminal Code Articles, Article 174, Part 1 and Article 256, Part 2.

Article 174, Part 1 punishes "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" with a maximum punishment of a seven-year jail term.

Article 256, Part 2 punishes: "Propaganda of terrorism or public calls to commit terrorism" - which includes the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or other communication networks, or with foreign support, or in a group". The punishment is seven to 12 years' imprisonment with confiscation of property.

NSC Investigator Sarsebayev ordered a further "expert analysis" of recordings of some of Makhmatov's remarks on Islam. As the Investigator refuses to discuss the case with Forum 18, it has been unable to find out what claims the "experts" made about Makhmatov's remarks in this and the earlier analyses.

Makhmatov's friends insisted to Forum 18 that he made no remarks calling for the violation of others' human rights.

The lawyer Bauyrzhan Azanov is defending Makhmatov. "He lodged a suit to Shymkent Investigation Court to complain that his client was being interrogated in his absence," a friend of Makhmatov told Forum 18.

Prison conditions "satisfactory"

Makhmatov's conditions in the NSC Investigation Prison in Shymkent are "satisfactory", a friend told Forum 18. "He can pray the namaz there and has access to the Koran." He is allowed two short visits from relatives each month.

The telephone at the Investigation Prison went unanswered each time Forum 18 called on 27 February.

Many Muslim prisoners of conscience jailed for exercising their freedom of religion or belief have stated that they are banned from reading the Koran and other religious books, and prevented from saying the namaz (obligatory Muslim daily prayers). This and the forcible shaving off of beards appears to be a standard punishment imposed on such prisoners. (http://www.forum18.org/archive.php?article_id=2409)

Makhmatov's address in pre-trial detention:

g. Shymkent

Al-Farabyisky raion

Ul. Kazybek bi 36

Sledstvenny izolyator KNB

Kazakhstan

(END)

Full reports on freedom of thought, conscience and belief in Kazakhstan
(<http://www.forum18.org/archive.php?query=&religion=all&country=29>)

For more background, see Forum 18's Kazakhstan religious freedom survey (http://www.forum18.org/archive.php?article_id=2409)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(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