

9 September 2022

KAZAKHSTAN: 75 Tabligh Jamaat adherents criminally convicted since 2015

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

Secret police raided the homes of Sarsen Netekov and Nurlan Atalykov, seizing 150 religious books and accusing them of membership of the banned Muslim missionary movement Tabligh Jamaat. In March, an Atyrau court handed them one-year restricted freedom terms, bringing to 75 the number of alleged Tabligh Jamaat members known to have been criminally convicted since 2015. It also ordered the books destroyed. Asked why officers raided the men's homes and seized religious literature, the secret police in Atyrau responded: "We don't give out such information."

Convictions and one-year restricted freedom terms handed down to two Muslims by a court in the western city of Atyrau in March brought to 75 the number of alleged members of the banned Muslim missionary movement Tabligh Jamaat known to have been criminally convicted and punished since 2015. Of these, 52 were given prison terms while 23 were given restricted freedom sentences.

Currently 10 men, all of them Sunni Muslims, are known to be serving jail terms for exercising freedom of religion or belief. None of them are connected with Tabligh Jamaat (see below).

The two men, 48-year-old Sarsen Netekov and 54-year-old Nurlan Atalykov, are now half way through their one-year restricted freedom sentences, which they are serving at home in Atyrau with restrictions on their movement and activity. It does not appear that they are banned from attending religious meetings. Their bank accounts have been blocked (see below).

The criminal cases began in October 2021 with National Security Committee (NSC) secret police raids on the men's homes in Atyrau. Officers seized more than 150 religious books (see below).

The verdict in the case ordered the religious books seized from Netekov and Atalykov to be destroyed, a court official told Forum 18. Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law earlier described court-ordered book destruction as "barbarism" (see below).

Atyrau City Prosecutor's Office would not put Forum 18 through to Nursultan Umbetalin, who had led the prosecution case against Netekov and Atalykov in court (see below).

The duty officer at the Atyrau Regional Department of the NSC secret police refused to answer any questions about why NSC officers raided Netekov and Atalykov's homes and seized religious literature. "We don't give out such information," the officer told Forum 18 (see below).

Many jailed for exercising freedom of religion or belief

Over many years the regime has imposed criminal punishments on individuals who have exercised their right to freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2753). Punishments include not only the jail terms or restricted freedom terms themselves, but often years-long post-prison bans on a wide range of activities (often including the exercise of freedom of religion or belief), and a block on any bank accounts imposed after conviction which lasts up to eight years after a sentence is completed. This account blocking can also block individuals from other activities such as finding work or driving.

Those currently known to be serving sentences or post-prison restrictions and punishments (https://www.forum18.org/archive.php?article_id=2744):

- 10 individuals (all of them Sunni Muslim men) serving prison sentences;
- 2 individuals (Netekov and Atalykov) serving restricted freedom sentences;

- 4 individuals (all of them Sunni Muslim men) freed early from prison and serving the rest of their sentences at home under restrictions;
- 8 former prisoners of conscience with bans on unspecified or specified activities – including exercising freedom of religion or belief – after completing their jail terms;
- 35 individuals who have completed prison terms or restricted freedom sentences still have access to any bank accounts blocked;
- 3 Pentecostal Christians – who now live in the United States - handed punishments in absentia.

In the most recent jailing, on 20 June a court in the town of Arys in the southern Turkestan Region jailed 27-year-old Muslim Anatoli Zernichenko for seven years (https://www.forum18.org/archive.php?article_id=2759) in a medium-security labour camp. He was punished for posting on his social media accounts Muslim texts which prosecutors without any evidence claimed promoted terrorism.

Zernichenko appealed against his sentence to Turkestan Regional Court. But on 10 August, a panel of Judges rejected his appeal, Adil Seitkaziyeu of the Kazakhstan International Bureau for Human Rights and the Rule of Law – who had observed the appeal hearing online - told Forum 18 from Shymkent the following day.

In mid-August, after he lost his appeal, the prison authorities transferred Zernichenko to a medium-security labour camp in Shymkent to serve his sentence. The labour camp is 70 kms (45 miles) east of his home town of Arys, where his wife and daughter live. His prison address:

160023 g. Shymkent

Abaisky raion

Tamerlanovskoe shosse 36

Zona No. 31

On 1 September, Zernichenko was added to the Financial Monitoring Agency List of individuals "connected with the financing of terrorism or extremism" (https://www.forum18.org/archive.php?article_id=2753). Any bank accounts an individual may have are blocked, their families often finding out about the blocking of accounts only when they go to the bank. Individuals remain on the Financial Monitoring Agency List for six or eight years after their sentence has expired as they are deemed still to have a criminal record.

Muslim missionary movement banned, adherents punished

The National Security Committee (NSC) secret police and the then Religious Affairs Committee under the Justice Ministry commissioned a study of the movement (https://www.forum18.org/archive.php?article_id=2753) in January 2010. The commission which undertook the study was led by the rector of the Ruhaniyat Islamic University, Murat Mynbayev. It spent months on extensive travel within Kazakhstan and to the movement's religious centres in Pakistan, India and Bangladesh. It completed its report in early 2012.

After the commission finished its research, Professor Mynbayev was summoned as a witness in a criminal case in Almaty in spring 2012 of a man accused of financing the Tabligh Jamaat movement. The man was acquitted, partly as a result of Professor Mynbayev's testimony, according to the decision and transcript of the trial hearings seen by Forum 18.

According to Professor Mynbayev's testimony, as summarised in the verdict (https://www.forum18.org/archive.php?article_id=2162), "as a result of this study, the commission concluded that the Tabligh Jamaat religious missionary movement is not an extremist or terrorist organisation. The Tabligh Jamaat international movement represents a purely peaceful preaching social and international movement, strongly adhering to the principle of a non-political social and educational movement, speaking out against all forms of violence against individuals, including spiritual violence."

Despite the clear conclusion of the government-initiated commission, in February 2013, without prior public announcement, Astana's Saryarka District Court granted Astana City Prosecutor's Office suit to have Tabligh Jamaat banned throughout Kazakhstan as "extremist" (https://www.forum18.org/archive.php?article_id=2753).

The prosecutor claimed – without making any evidence public – that the group's "real aim" was the seizure of territory and creation on it of a caliphate, "including in Kazakhstan", which "presumes a violent change to the constitutional order". The ban was backed in court by the NSC secret police and the Interior Ministry (https://www.forum18.org/archive.php?article_id=2023).

In March 2016, Forum 18 tried to find out from the NSC secret police why it had ignored the views of the commission it had sponsored and pushed for the ban on the movement. Forum 18 also wished to find out why 28 individuals had been convicted and given criminal sentences since December 2014, even though no one appears to have suffered from their religious activity. However, the press office telephone at the NSC headquarters in the capital went unanswered each time Forum 18 called in March 2016 (https://www.forum18.org/archive.php?article_id=2162).

The official who answered the phone of the Religious Affairs Committee in Astana in March 2016 – who would not give his name – stressed that if Tabligh Jamaat is banned by a court "that is already the law" (https://www.forum18.org/archive.php?article_id=2162). He declined to explain how a government-initiated commission which spent many months studying the movement could find it non-violent in 2012, but in 2013 official agencies pressed for a court ban of the movement.

Courts subsequently banned books by members of the Kandhlawi family (https://www.forum18.org/archive.php?article_id=2488) – leading figures in the Tabligh Jamaat movement - as "extremist". A 2016 Alakol court decision makes clear that the only reason for banning three books was that members of the Kandhlawi family were instrumental in founding and leading the movement.

The regime imposes a strict state censorship regime (https://www.forum18.org/archive.php?article_id=2753), with censorship of all religious literature (including in electronic form) and objects, strict restrictions on where such texts and objects may be sold or distributed, who may sell or distribute them, and court-ordered destruction - including book burning – of confiscated texts.

Courts often fine individuals for distributing, offering for sale or importing any religious literature into Kazakhstan without state permission (https://www.forum18.org/archive.php?article_id=2753).

When books are by members of the Kandhlawi family, courts often order that they be destroyed. On 6 February 2020, Zhambyl District Court fined Kyrgyz citizen Bakhtiyar Saitkomolov (https://www.forum18.org/archive.php?article_id=2558) for having one Kyrgyz-language book, "Selected Hadiths" by Muhammad Zakariya Kandhlawi and others, in his car when he crossed the border from Kyrgyzstan and ordered the destruction of the book.

On 9 January 2019, Abilai Bokbasarov from Balkhash became the 73rd Muslim known to have been criminally convicted and punished for alleged Tabligh Jamaat membership (https://www.forum18.org/archive.php?article_id=2452) since the beginning of 2015. Balkhash City Court jailed him for three years and, after his release, banned him from exercising freedom of religion or belief for five years. His bank accounts were subsequently blocked, as is usual for prisoners of conscience sentenced on "extremism"-related charges (https://www.forum18.org/archive.php?article_id=2753).

Atyrau: Raids, book seizures, criminal case

Two Muslims from Atyrau, Sarsen Zhumayevich Netekov (born 6 November 1973) and Nurlan Amangaliyevich Atalykov (born 20 January 1968), appear to have been under NSC secret police surveillance because of their exercise of freedom of religion or belief.

In October 2021, Atyrau Region NSC officers raided the two men's homes. They confiscated more than 150 religious books which they claimed were "extremist". The NSC concluded that the two men belonged to the banned Tabligh Jamaat movement.

The duty officer at the Atyrau Regional Department of the NSC secret police refused to answer any questions about why NSC officers raided Netekov and Atalykov's homes and seized religious literature. "We don't give out such information," the officer told Forum 18 on 9 September 2022. He then put the phone down.

Atyrau: Convictions, restricted freedom sentences

Prosecutors brought a criminal case against Netekov and Atalykov under Criminal Code Article 405 (https://www.forum18.org/archive.php?article_id=2409) ("Organising or participating 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").

Prosecutors handed the case to Atyrau Court No. 2 on 4 February 2022, where it was assigned to Judge Daurenbek Daumov. The full trial began on 21 February, with the prosecution case led by Nursultan Umbetalin of Atyrau City Prosecutor's Office, court officials told Forum 18. The defendants were represented by the lawyers Dzhabul Mukashev and Zhaidar Rushanov.

At the end of the trial on 2 March, Judge Daumov found both Netekov and Atalykov guilty under Criminal Code Article 405 and handed down a one-year restricted freedom sentence on each.

Atyrau City Prosecutor's Office would not put Forum 18 through to Prosecutor Umbetalin on 8 September.

During their sentences, Netekov and Atalykov live at home under restrictions. They must be at home every night from 10 pm and

they cannot visit places serving alcohol. They will also be assigned work, a court official told Forum 18 from Atyrau on 9 September. They are not banned from attending meetings for worship, the court official said. Nor are there specific restrictions on their activity after their one-year sentence.

The verdict in the case ordered the more than 150 religious books seized from Netekov and Atalykov to be destroyed, the court official added.

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law described court-ordered book destruction to Forum 18 (https://www.forum18.org/archive.php?article_id=2442) in 2015 as "barbarism".

The convictions of Netekov and Atalykov brought to 75 the number of Muslims known to have been convicted and punished for alleged Tabligh Jamaat membership since the beginning of 2015.

Neither Netekov nor Atalykov appealed against the convictions and the sentences came into force on 18 March.

On 31 March, Netekov and Atalykov were added to the Financial Monitoring Agency List of individuals "connected with the financing of terrorism or extremism" (https://www.forum18.org/archive.php?article_id=2753). Any bank accounts an individual may have are blocked, their families often finding out about the blocking of accounts only when they go to the bank. Individuals remain on the Financial Monitoring Agency List for six or eight years after their sentence has expired as they are deemed still to have a criminal record. (END)

More reports on freedom of thought, conscience and belief in Kazakhstan (<https://www.forum18.org/archive.php?country=29>)

For background information, see Forum 18's Kazakhstan freedom of religion or belief survey (https://www.forum18.org/archive.php?article_id=2753)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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