

12 January 2018

KAZAKHSTAN: Six await trial; cancer sufferer not freed

By Felix Corley, Forum 18

Three of six Muslims arrested in October 2017 have had pre-trial detention extended for two more months. All six face up to two years' imprisonment if convicted of involvement in missionary movement Tabligh Jamaat. A second United Nations body has called for Jehovah's Witness prisoner of conscience, cancer-sufferer Teymur Akhmedov to be freed.

In late December 2017, a judge in Karaganda [Qaraghandy] extended for a further two months the pre-trial detention of three of the six Sunni Muslims facing criminal charges of participation in the Muslim missionary movement Tabligh Jamaat. The other three have had their restrictions extended for two months while they await trial at home. They face up to two years' imprisonment if convicted. The investigator in the case and court officials refused to identify the six men.

One year after his January 2017 arrest, a second United Nations (UN) human rights body has called on Kazakhstan to provide urgent medical treatment and consider release for 61-year-old Jehovah's Witness prisoner of conscience and cancer-sufferer Teymur Akhmedov. The UN Human Rights Committee called for this on 9 January 2018, three months after its Working Group on Arbitrary Detention called for him to be "immediately" released. Officials of the labour camp in Pavlodar told Forum 18 they had not seen the UN interventions and would release Akhmedov only when they get an order from Astana to do so (see below).

In September 2017, half way through his four years eight months' prison sentence, Muslim prisoner of conscience Saken Tulbayev was transferred from a labour camp in the northern city of Pavlodar to the Investigation Prison in Taldykorgan [Taldyqorghan]. This is much closer to his home in the southern city of Almaty. Officials refuse to say if this means he is facing a new criminal case. Commentators say a new trial could have been held in Pavlodar, so regard the transfer closer to home as positive (see below).

Council of Churches Baptist Yuri Bekker has failed to overturn his criminal conviction and one-year sentence of living under restrictions. He was punished for refusing to pay a 2016 fine for exercising freedom of religion or belief. In December 2017, Akmola Regional Court rejected his appeal (see below).

Akhmedov and Bekker were among 23 individuals known to have been given criminal convictions in 2017 to punish the exercise of freedom of religion or belief. Of these, 20 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 23 (all of them men), 20 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>).

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 259 such administrative punishments in 2017 (see F18News 30 January 2018 <http://www.forum18.org/archive.php?article_id=2347>).

Parliament to consider further restrictive amendments

Parliament appears about to begin consideration of a draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws. The government sent the draft Law to the lower house of Parliament, the Majilis, on 29 December 2017.

If adopted in current form, the Law would impose new restrictions on and punishments for religious education, sharing beliefs, censorship of literature and (for state officials) participating in worship. It would also require almost all registered religious organisations to undergo re-registration (see F18News 29 November 2017 <http://www.forum18.org/archive.php?article_id=2335>).

Karaganda Six: Pre-trial detention extended

On about 27 December 2017, Judge Shyngys Ganiolla of October District Court in the central city of Karaganda extended for a further two months the pre-trial detention of three of the six Muslim men under investigation on criminal charges of involvement in the Tabligh Jamaat missionary movement. He also extended for the same term the restrictions on the three other men, who are awaiting trial at home, the judge's assistant told Forum 18 on 5 January. He said the men had not been brought to court for the

hearings.

The three detained men are being held at Karaganda's Investigation Prison, AK-159/1. However, officials of the prison's Special Department refused on 11 January to give Forum 18 any information about the men, including on whether they are allowed to pray visibly and have religious literature of their choice.

The six men - aged between 22 and 39 - were arrested in a "special operation" 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, police told the local media.

The six Muslims are being investigated under Criminal Code Article 405, Part 2. This 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.

"According to the expert analysis," the police declared, "the materials studied contained elements of recruitment and preparation of people to organise activity of the religious extremist organisation Tabligh Jamaat in the Region" (see F18News 17 November 2017 <http://www.forum18.org/archive.php?article_id=2333>).

Senior Lieutenant Yernar Kaltayev of the city Police Investigation Department is leading the criminal case against the six men. He admitted to Forum 18 on 9 January that the police and KNB secret police are conducting "joint work" on the case.

Asked if the six men had promoted violence, such as by planting bombs or calling for murder or the violation of others' human rights, Kaltayev responded: "No." However, he noted that texts seized from them have been sent to the Justice Ministry's Institute of Judicial Expertise in Astana for "expert analysis" to find out if they contain "elements of extremism".

The Institute of Judicial Expertise received texts in the case from Investigator Kaltayev on 13 December 2017, an Institute official told Forum 18 on 9 January from Astana. It had handed them to one religious studies and one philological "expert", but the official refused to identify them. She refused to say if one of them was Roza Akbarova, who similarly refused to say.

Akbarova provided "expert analysis" which helped jail three prisoners of conscience for speaking about their beliefs with KNB secret police informers: Seventh-day Adventist Yklas Kabduakasov (see F18News 29 December 2015 <http://www.forum18.org/archive.php?article_id=2136>); Jehovah's Witness Teymur Akhmedov (see F18News 3 May 2017 <http://www.forum18.org/archive.php?article_id=2277>); and Sunni Muslim Satymzhan Azatov (see F18News 13 July 2017 <http://www.forum18.org/archive.php?article_id=2296>).

Investigator Kaltayev refused to identify the six men or their lawyers. He said the state had allocated one lawyer to each. He refused to say when his investigation might be completed and the case handed to court, citing the "secrecy of the investigation".

Local lawyer Asemgul Batalova told Forum 18 on 10 January that she had been assigned to defend one of the men. However, she denied this to Forum 18 two days later.

Asked about the conditions of the three men in Karaganda Investigation Prison, Investigator Kaltayev claimed that they are "excellent", with reasonable food. "As far as I know they have been given permission to have the Koran."

The Investigation Prison address:

Karagandinskaya Oblast

g. Karaganda

ul. Asfaltnaya 16

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

Kazakhstan

Akhmedov: No release for cancer-sufferer despite UN calls

Jehovah's Witness prisoner of conscience, pensioner and cancer-sufferer Teymur Sultan ogly Akhmedov (born 7 May 1956) has failed to overturn his May 2017 criminal conviction and 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 4 December 2017, Judge Zhanna Volkova of the criminal division of the Supreme Court rejected Akhmedov's appeal to have the case heard by the Supreme Court.

Akhmedov's lawyers argued that he had been peacefully expressing his religious views and that the case had been a provocation by the KNB secret police. "Having studied the materials of the case and the arguments of the appeal," Judge Volkova's decision, seen by Forum 18, notes, "the judge concludes that there are no bases to hand it on for consideration in a judicial cassational hearing."

The KNB secret police arrested Akhmedov and another Jehovah's Witness in 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 KNB secret police using informers it recruited. These informers invited those prosecuted to meetings the KNB recorded in which they shared their beliefs (see F18News 2 February 2017 <http://www.forum18.org/archive.php?article_id=2252>).

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. "The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Akhmedov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law" (see <http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_62_EN.pdf>).

The authorities' failure to free Akhmedov as a result of the Working Group's intervention left Akhmedov's wife Mafiza and sons "severely disappointed", Jehovah's Witnesses noted. His wife pledged to continue to lodge appeals both within Kazakhstan and internationally for a "just outcome".

In the absence of any move to free Akhmedov, Jehovah's Witnesses filed a further appeal to the UN. "We filed an application in Akhmedov's case to the UN Human Rights Committee and also requested interim measures, which the Committee granted yesterday," Jehovah's Witnesses told Forum 18 on 10 January. "The interim measures specified that he was to be provided with needed medical care and also that Kazakhstan consider releasing him from prison. This is now the second international body that has called for an end to his imprisonment. We hope that it will now be implemented."

An official of the Special Department of Pavlodar labour camp 162/3 said "we haven't received any of these United Nations documents". "We have no basis to release Akhmedov - there must be a document from Astana ordering his release and we have not received one," the official, who did not give her name, told Forum 18 on 11 January. "If we get such a document we'll release him immediately."

The official said Akhmedov is serving his sentence under "normal conditions", but would not comment on his medical state. Asked about whether he can have religious literature of his choice, she told Forum 18: "Only what is in the prison, which has undergone checking."

Akhmedov's prison address:

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3

Kazakhstan

Tulbayev: Prison transfer - an improvement or preparation for new case?

In September 2017, half way through his prison term, Muslim prisoner of conscience Saken Peisenovich Tulbayev (born 16 June 1969) was transferred to the Investigation Prison LA-155/16 in Taldykorgan in the southern Almaty Region. This is near his home city of Almaty. He had been serving his sentence in labour camp 162/3 in the northern city of Pavlodar.

Officials at the Special Department of Pavlodar Labour Camp 162/3 and Taldykorgan Investigation Prison separately refused to tell Forum 18 on 11 January why Tulbayev had been transferred and whether this meant he was facing a new, additional criminal case. "He is serving his sentence," was all an official of Taldykorgan Investigation Prison would say.

Commentators told Forum 18 that a new trial could have been held in Pavlodar, so regard the transfer closer to Tulbayev's home as

positive. They say food is generally better in Investigation Prison than in labour camp, while winter weather in southern Kazakhstan is much milder than in the north. They point out that Taldykorgan Investigation Prison houses both suspects awaiting trial and individuals serving sentences.

Tulbayev's relatives - who were not initially informed of the transfer - believe it was ordered for his "violations of discipline". They also believe the authorities wanted to split up the 30 or so devout Muslims held in the Pavlodar labour camp.

Tulbayev is being housed in Taldykorgan in a cell for two. "He says that conditions are bearable," relatives told Forum 18 on 10 January. "We handed in a Koran for him, they took the parcel, but handed back the book. As before, praying is not allowed."

Such a ban violates Kazakhstan's obligations to guarantee prisoners' freedom of religion or belief under the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3).

Tulbayev's relatives noted that similarly, while he was in labour camp in Pavlodar, "praying was, of course, banned, to put it mildly".

Tulbayev was tortured with beatings after his transfer to the Pavlodar labour camp in September 2015. The torture stopped only after publicity was given to the maltreatment (see F18News 28 December 2015 <http://www.forum18.org/archive.php?article_id=2136>).

The official of the Special Department of Pavlodar labour camp 162/3 told Forum 18 on 11 January that she had "no information" about any beatings of Tulbayev in the camp.

Tulbayev was convicted and imprisoned by an Almaty Court in July 2015 under Criminal Code Article 405, Part 2 for alleged membership of the banned Muslim movement Tabligh Jamaat under He was also convicted under the broadly-framed Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious discord" with imprisonment or restricted freedom for between two and seven years.

He was sentenced to four years eight months' imprisonment. He was also banned from exercising freedom of religion or belief, including praying with others and reading the Koran, until the end of 2022 three years after his release (see F18News 8 July 2015 <http://www.forum18.org/archive.php?article_id=2078>).

Tulbayev's Investigation Prison address:

Almatinskaya Oblast

g. Taldykorgan

Spetsgorodok No. 20

Sledstvenny izolyator LA-155/16

Kazakhstan

Bekker: Appeal fails

Council of Churches Baptist Yuri Ivanovich Bekker (born 18 June 1964) has failed to overturn his criminal conviction and one-year sentence of living under restrictions. He was punished for refusing to pay a 2016 fine for exercising freedom of religion or belief by offering religious literature on the street.

On 31 October 2017, Zhakysy District Court in the northern Akmola Region imposed a one-year restricted freedom sentence on Bekker under Criminal Code Article 430, Part 1. This punishes failure to fulfil a court decision over a period of more than six months or interfering with such a decision, with a penalty of imprisonment or restricted rights for up to three years. The sentence was the first Criminal Code Article 430 punishment imposed on Council of Churches Baptists for exercising their freedom of religion and belief.

The decision noted that Bekker is under one year's restricted rights, under which he "is obliged not to change his place of permanent residence and work without notifying the appropriate state organ, not to attend public places of entertainment, cafes, bars, and restaurants". He is also "obliged to appear before the state probation organ to be registered within 10 days of the court decision entering into force."

If Bekker does not comply with the provisions of the verdict, the court decision states that "the remaining part of the term will be replaced with deprivation of liberty (imprisonment) for the same period".

Bekker told Forum 18 in November 2017 that he did not pay the fines or the fee for state "expert analysis" as "I did not violate the law and I did not ask the state to carry out an 'expert analysis' of my own Christian books" (see F18News 3 November 2017 <http://forum18.org/archive.php?article_id=2331>).

On 13 December 2017, a panel of judges at Akmola Regional Court, chaired by Radzhab Daminov, rejected Bekker's appeal. The judges amended the earlier decision, removing a finding that he had obstructed a bailiff from carrying out an official duty, according to the decision seen by Forum 18. However, the rest of the conviction and the sentence remained unchanged. It was due to come into force on 22 December 2017. (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>.

A printer-friendly map of Kazakhstan is available at <<http://nationalgeographic.org/education/mapping/outline-map/?map=Kazakhstan>>.

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