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KAZAKHSTAN: Four 20-month prison terms, one 18-month term

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

Four alleged members of the Muslim missionary movement Tabligh Jamaat – Bakyt Nurmanbetov, Aykhan Kurmangaliyev, Sagyndyk Tatubayev and Kairat Esmukhambetov – were sentenced today (14 January) to 20-months' imprisonment each, human rights defender Aliya Akhmediyeva of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 News Service. Judge Sara Zhanbyrbayeva of Taldykorgan City Court sentenced the fifth - Ruslan Kairanov – to 18-months' imprisonment. Like a December 2014 Tabligh Jamaat–related criminal trial, this too was largely held in secret. Akhmediyeva saw transcripts of talks at religious meetings held in Nurmanbetov's home – apparently recorded by the KNB secret police. "I could find nothing inflammatory or inciting crime in these transcripts," she told Forum 18.

In the second such case in as many months, five men have been convicted today (14 January) at a criminal trial in Taldykorgan [Taldyqorgha] in Almaty Region of south eastern Kazakhstan for participation in the Muslim missionary movement Tabligh Jamaat, which is banned as "extremist". Four of the five – Bakyt Nurmanbetov, Aykhan Kurmangaliyev, Sagyndyk Tatubayev and Kairat Esmukhambetov – were sentenced to 20 months' imprisonment each in an ordinary regime labour camp. The fifth - Ruslan Kairanov – received an 18-month ordinary regime labour camp sentence, human rights defender Aliya Akhmediyeva of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 News Service on 14 January.

Neither court officials nor the individuals' lawyers were prepared to discuss the sentences with Forum 18. Despite repeated calls since December 2014, Forum 18 has been unable to reach Talgat Umakhanov of Taldykorgan Prosecutor's Office, who led the prosecution case. Forum 18 was not immediately able to reach any of the men's relatives. Written verdicts are expected within several days.

Nurmanbetov, Tatubayev and Esmukhambetov have been under arrest since August 2014. Kurmangaliyev and Kairanov were arrested in the courtroom after the verdicts were announced, Akhmediyeva added.

As with the criminal trial in South Kazakhstan Region which ended in December 2014 in a three-year prison sentence, the Taldykorgan trial was surrounded by secrecy (see below).

Tabligh Jamaat was banned as "extremist" at an unadvertised court hearing in the capital Astana in February 2013, despite no evidence being produced that any of its members in Kazakhstan had harmed or plotted to harm anyone (see below).

All five of the Taldykorgan defendants were prosecuted under the old Criminal Code Article 337-1, Part 2. This punished "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". Punishment is a fine or imprisonment of up to six years. From 1 January 2015, Article 337-1 was replaced by an almost identical Article 405 in the new Criminal Code (see F18News 9 July 2014 http://www.forum18.org/archive.php?article_id=1976).

Tabligh Jamaat members have also been among the frequent victims of the administrative fines handed down to those who conduct religious activity without prior state approval, such as talking to others of their faith, selling or distributing religious books or gathering for religious meetings. Others similarly punished include Protestant Christians, Hare Krishna devotees, Jehovah's Witnesses and commercial booksellers (see F18News 21 May 2014 http://www.forum18.org/archive.php?article_id=1960).

August 2014 arrests

Following their arrest in Taldykorgan on 13 August 2014, Nurmanbetov, Tatubayev and Esmukhambetov were held in court-ordered pre-trial detention in Taldykorgan Investigation Prison LA-155/16. The two others not arrested, Kurmangaliyev and Kairanov, had to sign declarations that they would not leave the town, state-appointed lawyer Urukhiya Mukasheva told Forum 18 on 6 January 2015.

The criminal case was led by Umakhanov of Taldykorgan Prosecutor's Office. Only Nurmanbetov was defended by a lawyer of the family's choice, Serikzhan Dyusembekov. In addition to Mukasheva, Aidar Zhanadilov was also among the state-appointed lawyers

representing the others.

Trial

The case against the five reached Taldykorgan City Court on 25 November 2014, and was assigned to Judge Sara Zhanbyrbayeva (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

The first hearing was held on 9 December, with subsequent hearings on 18, 24 and 29 December and 6 January 2015, according to court records. The verdict was due to have been announced at a hearing on the morning of 8 January, but was deferred until the afternoon of 14 January.

The five defendants insisted in court that they respected the law and were not planning to overthrow or subvert the state, Akhmediyeva told Forum 18. "I believe in God and pray," she cited one of the defendants as explaining to the court.

Akhmediyeva said she had seen transcripts of talks at religious meetings held in Nurmanbetov's home – apparently recorded by National Security Committee (KNB) secret police officers or agents. "I could find nothing inflammatory or inciting crime in these transcripts," she said. Prosecutors pointed to the defendants' visits to Bangladesh as proof of the men's membership in Tabligh Jamaat, even though – according to Akhmediyeva – no other proof of such membership appears to have been presented.

During the trial, Kairanov admitted that he was guilty and mistaken, and had "set himself on the path of correction", Akhmediyeva noted. "This is perhaps why he got the shorter sentence." She added that as the individuals had attended meetings at Nurmanbetov's home, prosecutors regarded him as the organiser.

Were hearings open or closed?

Judge Zhanbyrbayeva's assistant repeatedly refused to tell Forum 18 if the trial hearings were open or closed, or give much other information on the case. All he would do was confirm dates of the hearings as they happened.

Lawyer Mukasheva insisted to Forum 18 that the hearings have been open. However, Taldykorgan-based human rights defender Akhmediyeva tried to attend two of the December 2014 hearings, only to be denied admittance as the hearings were "closed", she told Forum 18. Judge Zhanbyrbayeva then told her by phone that the trial was closed. Akhmediyeva believes the Judge closed proceedings partly to prevent the men's relatives from attending.

Akhmediyeva went to the Chair of the Court, Zhasamurat Sagymbekov, on 9 January to find out if and why the trial was closed. He insisted it was open and summoned Judge Zhanbyrbayeva to tell her to ensure open access – including by relatives – to the remainder of the trial. Relatives and Akhmediyeva were able to attend the final hearings on 14 January.

Tabligh Jamaat banned

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". 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 KNB secret police and the Interior Ministry. The government's then Agency of Religious Affairs was happy to leave the decision to the Court.

Local resident Erbolat Omarbekov tried to challenge the court-ordered ban, regarding it as "illegal". However, on 8 April, Saryarka District Court refused to add him as a party to the case to allow him to challenge the ban. In May 2013 Astana City Court upheld this decision. The Judge argued that Omarbekov had no standing to challenge the decision as he had not been a party to the February 2013 case (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

No way seems to exist for anyone or any organisation – apart from the state agencies which were party to the original case – to legally challenge the ban.

Other criminal cases

Alleged Tabligh Jamaat member Mamurzhan Turashov, a 41-year-old father of five, was given a three-year prison term on 2 December 2014 in South Kazakhstan Region. He was punished under the old Criminal Code Article 337-1, Part 1, which banned the creation or leadership of a banned group. Neither the court, the prosecutor, the Judicial Expertise Institute which conducted "expert analyses" of religious books seized from him, nor even his defence lawyer were willing to make public the verdict or the "expert analyses". All were also unwilling to tell Forum 18 what Turashov had done wrong, apart from Tabligh Jamaat membership (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

Police announced through the local media on 26 November 2014 that 20 suspected Tabligh Jamaat adherents had been detained in

Almaty, Kazakhstan's commercial capital. However, no information was given about their names, whether they are still in detention, or whether any or all will face administrative or criminal prosecution (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

An officer of Almaty's Police Department for the Struggle with Extremism – who did not give his name – claimed to Forum 18 on 9 January that no individuals had been arrested in the city on accusations of alleged membership of Tabligh Jamaat.

Saltanat Azyrbek, acting head of Almaty Police Press Service, totally refused to give Forum 18 any information by telephone on 11 December 2014. Forum 18 had received no response by the end of the working day in Almaty on 14 January 2015 to its written questions sent on 11 December 2014 and resent on 8 January 2015. (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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