

9 March 2016

KAZAKHSTAN: Crossword books, but no religious literature in prison

By Felix Corley, Forum 18

Prisoners are allowed to have crossword books, but no religious literature, a relative of one of the five Sunni Muslim prisoners of conscience held in Kazakhstan's capital Astana complained to Forum 18 News Service. "I asked the guards if I could bring a Koran. They said religious books, as well as political books, are not allowed." The relative also complained that the men had their beards shaved off and their religious head coverings taken from them. The duty officer at Astana's Interior Ministry Investigation Prison, where the five are held, claimed to Forum 18 that religious books are allowed, provided they are checked and stamped by the KNB secret police. A relative of another Sunni Muslim prisoner of conscience, Saken Tulbayev, complained to Forum 18 of restrictions in labour camp in Pavlodar. "If he prays they beat him. He can only pray to himself without anyone observing."

Relatives of five Sunni Muslim prisoners of conscience held in Kazakhstan's capital Astana have complained to Forum 18 News Service that they are being denied the Koran and other religious literature, have had their beards shaved off and are not allowed to wear clothing they regard as matching their religious faith. Similar complaints have come from a relative of another Sunni Muslim prisoner of conscience, who told Forum 18 he is beaten if he tries to pray in his prison in Pavlodar.

All six prisoners of conscience were handed prison terms for alleged membership of the Tabligh Jamaat Muslim missionary movement. Tabligh Jamaat was banned as "extremist" in Kazakhstan by an Astana court in February 2013.

The five Astana prisoners of conscience were finally transferred from the city's National Security Committee (KNB) secret police Investigation Prison to the city's Interior Ministry Investigation Prison on 29 February, a relative told Forum 18. The five prisoners of conscience have lodged appeals against their convictions (see below).

Meanwhile, another trial of three Sunni Muslims – similarly alleged to be Tabligh Jamaat members – continues in Karaganda [Qaraghandy]. The next hearing is due at 2:30 pm on 15 March, according to court records (see below).

The criminal case against an Astana-based legal expert, who gave legal advice to the five Sunni Muslims convicted in the city in February, has still not been completed. He has been held in the city's KNB secret police Investigation Prison since November 2015 (see below).

Prosecutions also continue under the Administrative Code to punish individuals for exercising their right to freedom of religion or belief. A Jehovah's Witness fined for talking to others of his faith failed to overturn the fine on appeal in February (see below).

"Everyone is afraid"

Of the 29 Sunni Muslims known to have faced criminal cases since December 2014 for alleged Tabligh Jamaat membership, 13 were given prison terms as prisoners of conscience, 12 were given sentences of restricted freedom, 3 remain on trial and one in pre-trial imprisonment (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

The widespread criminal prosecutions of Sunni Muslims have caused fears among others, especially relatives and close friends of those convicted, that they too could face similar imprisonment.

"Everyone is afraid," one Muslim told Forum 18 on 5 March. "They see that innocent people are being arrested, people who simply called others to be faithful to God. These people did nothing wrong. They didn't even get involved in politics."

Astana prisoners of conscience transferred

On 18 February Judge Umsyn Mukhangaliyeva at Astana's Saryarka District Court No. 2 sentenced 38-year-old Bolatbek Kozhageldinov, 36-year-old Nurzhan Nuradilov, 44-year-old Erbolat Omarbekov and 53-year-old Kubaidolla Tyulyubayev to two years' imprisonment each in an ordinary regime labour camp. All were convicted of alleged Tabligh Jamaat membership under

Criminal Code Article 405, Part 1.

Judge Mukhangaliyeva convicted the fifth defendant, 31-year-old Khalambakhi Khalym, under both Article 405, Part 2 and Article 164, Part 1 (the equivalent of Article 174, Part 1 in the current Criminal Code). She handed him a two and a half year prison term in an ordinary regime labour camp (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

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. Part 2 punishes participation in such activity with a fine or up to two years' imprisonment.

Article 174, Part 1 punishes "incitement of social, national, clan, racial, or religious hatred or antagonism" with imprisonment of two to seven years or restricted freedom for the same period.

The Judge finally issued the 30-page written verdict, seen by Forum 18, on 26 February. The verdict notes that the prison terms are deemed to run from the date of the men's arrests in September 2015. The men are each required to pay procedural fees of 26,240 Tenge (650 Norwegian Kroner, 70 Euros or 75 US Dollars) for the "expert analysis" used to convict them (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

All five men lodged appeals against their convictions to Astana City Court on 4 March, relatives of several of the men told Forum 18. No date is yet listed for the appeal to be heard.

Prison with no religious literature

Following their September 2015 arrests, the five prisoners of conscience spent just over five months in KNB secret police imprisonment – including their time on trial - before being transferred to the Interior Ministry prison on 29 February 2016.

"The five men will be there while their appeal is heard. They had their beards shaved off and their religious head coverings taken from them," the relative complained.

The prisoners of conscience are not allowed the Koran or other religious books. "I asked the guards if I could bring a Koran," the relative added. "They said religious books, as well as political books, are not allowed. Only crosswords and ordinary newspapers and magazines, as long as they contain no politics."

The relative also tried to hand in miswak, twigs for cleaning teeth which the prisoners regard as being in accord with Islamic hygienic jurisprudence as advocated in the hadith (sayings attributed to the Muslim prophet Muhammad). This too was refused.

The duty officer at the Interior Ministry Investigation Prison insisted that prisoners are not denied religious books. "But they must be checked and must be stamped [as approved] by the Department," he told Forum 18 from the prison on 9 March. "We have a special operational officer who handles this." Asked which Department has to give its approval, the duty officer eventually said it was the KNB secret police. He confirmed that only religious books are subjected to such controls.

Asked why prisoners have had their beards shaved and their religious head coverings taken away, the duty officer put the phone down.

The prison address of the five prisoners of conscience is:

Kazakhstan

SI-12 (ETs 166/1)

Alash Tas Zhol street 30/1

010000 Astana

Thinner, but "no complaints"

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov has got thinner during his imprisonment. "But he has no complaints about his conditions and there are no restrictions on the part of the camp administration," his Pastor Andrei Teteryuk told Forum 18 on 3 March.

Kabduakasov is serving a two-year prison sentence on charges of inciting religious hatred, charges he denies. He is preparing to lodge a final appeal to the Supreme Court.

Kabduakasov was transferred to a labour camp in Pavlodar in late January. The ordinary regime camp is located in the city's northern industrial zone (see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

Kabduakasov's prison address:

Kazakhstan

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3, 4 otryad

Kabduakasovu Yklasu Kairullinovichu

Two prisoners of conscience in one prison

Kabduakasov's transfer to the Pavlodar ordinary regime labour camp means he is being held in the same prison as prisoner of conscience Saken Tulbayev, punished for alleged Tabligh Jamaat membership.

Tulbayev was sentenced in July 2015 to four years eight months jail in a labour camp and banned from exercising freedom of religion or belief from his scheduled December 2019 release until December 2022 (see F18News 8 July 2015 http://www.forum18.org/archive.php?article_id=2078).

"Saken is not allowed the Koran there and not allowed to pray – it's banned there," a relative told Forum 18 on 9 March. "If he prays they beat him. He can only pray to himself without anyone observing." The relative added that Tulbayev wants to be transferred back to his home town of Almaty "because of the harsh conditions in Pavlodar".

Tulbayev's prison address:

Kazakhstan

140000 g. Pavlodar

Severnaya promyshlennaya zona

Uchr. AP-162/3

Tulbayevu Sakenu Peisenovichu

Denials of religious literature, beard shaving standard punishments

The United Nations Standard Minimum Rules for the Treatment of Prisoners (as adopted unanimously by the UN General Assembly in revised form on 17 December 2015 and known as the Mandela Rules, A/C.3/70/L.3) require governments to respect the religious freedom and other human rights of prisoners.

"So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination", Rule 66 notes.

Rule 65 of the Standard Minimum Rules requires prisons to allow communal religious observance led by a "qualified representative" of that faith and private visits to prisoners by such representatives at individual prisoners' request.

Denials of the Koran and other Islamic literature, as well as the forcible shaving off of beards, appears to be a standard punishment imposed by the authorities on male Muslims jailed for exercising their freedom of religion or belief. In the case of prisoner of conscience Tulbayev, a prison Deputy Director in Almaty attempted to justify part of this punishment by claiming to Forum 18 that "even if it says Koran or Bible on the cover, maybe something else is written there" (see F18News 10 June 2015 http://www.forum18.org/archive.php?article_id=2072).

Similar harsh treatment, and even the misuse of psychiatry, has been imposed by the authorities upon other prisoners of conscience jailed for exercising their freedom of religion or belief. Atheist writer Aleksandr Kharlamov and retired Presbyterian pastor Bakhytzhan Kashkumbayev were both as prisoners of conscience held against their will for over a month in a psychiatric hospital, and no evidence was ever produced that they needed psychiatric medical help. Kharlamov was also not allowed to wear glasses,

stopping him from reading, or even have a toothbrush - allegedly on safety grounds. One doctor told Kharlamov that he had been sent to the psychiatric hospital "because you are an inconvenient person for the authorities" (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Trial continues

The trial continued in Karaganda on 9 March of three Sunni Muslims accused of Tabligh Jamaat membership. It is due to resume on the afternoon of 15 March, according to court records.

"At the hearing the defence called for an imam to be called as an expert witness," Yuri Gusakov of the Karaganda branch of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18 from the city. "The Judge didn't refuse, and the imam will testify on 15 March." He believes the trial is likely to conclude that day, with the verdicts being issued either at the end of the day or on the following day.

The criminal case against 38-year-old Bauyrzhan Serikov, 33-year-old Aidin Shakentayev and 33-year-old Murat Shopenov was initiated by the KNB secret police. The three were arrested in October 2015. Their trial began under Judge Zhanat Egemberdiyeva at Karaganda's Kazybek Bi District Court on 1 February 2016. All three men are being prosecuted under Criminal Code Article 405, Part 1 (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

The three prisoners of conscience remain in Karaganda's KNB secret police Investigation Prison while the trial continues. The address is:

Kazakhstan

SIZO KNB Karagandinskoi Oblasti

100000 g. Karaganda

Prospekt Bukha-Zhyrau 17

No trial date yet

The criminal case against Astana legal expert Murat Takaumov has still not been completed and presented to court, the chancellery of Astana's Saryarka District Court No. 2 told Forum 18 on 9 March. A case is being prepared against him under Criminal Code Article 405, Part 2.

Prosecutor Serik Ishchanov of Astana Prosecutor's Office supported the KNB secret police suit to have Takaumov held further at Astana's KNB secret police Investigation Prison at a hearing on 16 February. At the hearing Judge Malik Kaudinov extended Takaumov's pre-trial detention until 18 March. No further suit has been lodged to Saryarka District Court No. 2 to extend the detention period again, Judge Kaudinov's assistant told Forum 18 from the Court on 9 March.

On 9 March, Prosecutor Ishchanov refused absolutely to answer any of Forum 18's questions, including on when the criminal case is likely to be completed and handed to Saryarka District Court No. 2 for trial.

(Prosecutor Ishchanov also led the case in court against the five Sunni Muslim men – see F18News 2 February 2016 http://www.forum18.org/archive.php?article_id=2145).

Takaumov gave legal advice to the five Sunni Muslims convicted in Astana of Tabligh Jamaat membership in February. However, his wife Aynur has insisted that neither she nor her husband had any connection to the movement. Despite this, the KNB secret police arrested Takaumov in November 2015 (see F18News 25 February 2016 http://www.forum18.org/archive.php?article_id=2153).

Takaumov's address at the KNB Investigation Prison:

Kazakhstan

SIZO KNB g. Astana

010003 Astana

Ul. Shyntas 2

Takaumovu Muratu Kazbekovichu

Administrative punishment for discussing religion

Prosecutions also continue under the Administrative Code to punish individuals for exercising their right to freedom of religion or belief. Punishments are often handed down to those who talk about their religious faith to others without having the compulsory personal licence as a "missionary". Also regularly punished are those who offer books on religion for sale without the compulsory state licence required to sell and religious books or materials.

On 25 January, Judge Torkaly Bektursunov of Ayirtau District Court in North Kazakhstan Region found 32-year-old Jehovah's Witness Viktor Shtrek guilty of talking to others about his faith under Article 490, Part 3. This punishes: "Carrying out missionary activity without state registration (or re-registration), as well as the use by missionaries of religious literature, information materials with religious content or religious items without a positive assessment from a religious studies expert analysis, and spreading the teachings of a religious group which is not registered in Kazakhstan". The punishment is a fine of 100 Monthly Financial Indicators (MFIs), with deportation if the individual is a foreign citizen.

Shtrek rejected any wrongdoing, insisting he had spoken to others of his faith from himself, not in the name of any religious organisation. The Judge fined him the prescribed 100 MFIs, 212,100 Tenge (5,200 Norwegian Kroner, 560 Euros or 615 US Dollars).

Shtrek appealed against the decision to North Kazakhstan Regional Court. At court hearings he insisted his rights to talk to others of his faith are protected under Article 20, Part 2 of Kazakhstan's Constitution (which guarantees freedom to give and to receive information) and Article 18 of the International Covenant on Civil and Political Rights.

However, on 26 February Judge Zhumabai Mukhamedzhan rejected Shtrek's arguments and upheld the original fine, according to the decision seen by Forum 18.

Bagdad Mukanova of North Kazakhstan Regional Religious Affairs Department refused to explain why Shtrek had been punished for exercising his right to freedom of religion or belief. "Such records of offences are prepared and sent to court by my colleague Bulat Omarov, but he is ill today," she told Forum 18 from Petropavl on 9 March. Asked if that meant Omarov was responsible for violating Shtrek's human rights, Mukanova laughed. She refused to answer any other questions. (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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