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KAZAKHSTAN: Ten more Sunni Muslims sentenced

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

Sunni Muslim Baurzhan Beisembai was sentenced in Oskemen to two and a half years' imprisonment for alleged membership of Tabligh Jamaat missionary movement. Six others were imprisoned and two given restricted freedom. A further imprisonment in Aktobe means 41 such convictions since December 2014.

In two separate trials – in Oskemen (Ust-Kamenogorsk) and Aktobe - ten more Sunni Muslims were given criminal convictions in early October for alleged membership of the Tabligh Jamaat Muslim missionary movement. Eight of the ten were sentenced to imprisonment. One of the defendants in Oskemen, Baurzhan Beisembai, was sentenced to two and a half years' imprisonment. The other two defendants received restricted freedom sentences. Many also face were handed bans on the exercise of freedom of religion or belief after their release.

These convictions bring to 41 the number of Sunni Muslims known to Forum 18 to have been sentenced in Kazakhstan on charges of involvement in Tabligh Jamaat since December 2014. Of these, 27 received prison terms, while the remaining 14 received restricted freedom sentences. All the cases were launched by the National Security Committee (NSC) secret police (see full list below).

Also imprisoned is Seventh-day Adventist prisoner of conscience Yklas Kabduakasov. He was sentenced to two years' imprisonment in December 2015 to punish him for sharing his faith with others in a case also launched by the NSC secret police (see F18News 8 June 2016 http://www.forum18.org/archive.php?article_id=2186).

Nine Sunni Muslims were convicted on 10 October at the end of their trial in Oskemen in East Kazakhstan Region. Seven were imprisoned and two sentenced to restricted freedom (see below).

At the trial in Aktobe in north-western Kazakhstan, the sole defendant Kublandy Isatayev was convicted on 6 October and punished with a one year term of imprisonment (see below).

Muslim movement banned

A court in the capital Astana banned Tabligh Jamaat in Kazakhstan as "extremist" in February 2013. Until the movement was banned, it used to send members on short-term missions to other towns and villages where they slept in mosques and addressed local Muslims, both door to door and in the mosque, a close observer of the movement in Central Asia told Forum 18. Male adherents are often identified by their beards and wearing of South Asian clothing. If Muslims are thought by the authorities to agree with some of Tabligh Jamaat's teachings or practices, possess religious books often used in the movement, or meet others close to the movement, this can be enough to trigger a criminal prosecution (see F18News 12 December 2014 http://www.forum18.org/archive.php?article_id=2023).

In early August 2016, a court in Almaty Region banned as "extremist" three Muslim books by members of the Kandhlawi family, which has played a leading role in the Tabligh Jamaat movement (see F18News 17 October 2016 http://www.forum18.org/archive.php?article_id=2225).

Criminal Code Article 405

Like the previous 31 convicted Sunni Muslims, all ten new defendants were convicted under Criminal Code Article 405 (or its equivalent in the old Criminal Code).

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.

Article 405, Part 2 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.

Two of the 41 Sunni Muslims - Saken Tulbayev and Khalambakhi Khalym - were also convicted and imprisoned under the broadly-framed Criminal Code Article 174, Part 1. This punishes "incitement of social, national, clan, racial, or religious hatred or antagonism".

As well as Tulbayev and Khalym, Adventist prisoner of conscience Kabduakasov is also serving a prison sentence under Article 174, Part 1. All rejected the accusations (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Blocking bank accounts

The Sunni Muslims convicted in October are likely also to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking all their bank accounts.

Thirty individuals convicted for exercising freedom of religion or belief have already been added to the Financial Monitoring Committee List. Of these, 29 are Sunni Muslims accused of Tabligh Jamaat membership, while the other is the Adventist prisoner of conscience Kabduakasov (see F18News 7 September 2016 http://www.forum18.org/archive.php?article_id=2214).

Of the 30 individuals added to the Financial Monitoring Committee List, two sentenced to one year's restricted freedom in 2015 - Nurulan Koyshybai (under both spellings of his name) and Yerbol Zhaylymysov - were removed from the list on 13 September 2016, according to the Financial Monitoring Committee.

Aktobe: 32nd known Tabligh Jamaat sentence since December 2014

On the afternoon of 6 October, Judge Aslan Mukanov of Aktobe Court No. 2 found Sunni Muslim Kublandy Isatayev guilty under Criminal Code Article 405, Part 2 on charges of participation in the Tabligh Jamaat movement. He sentenced him to one year's imprisonment, to be served in a work camp, the court chancellery told Forum 18 on 10 October.

The case was presented to court on 7 September, with hearings on 21 September and 5 and 6 October, according to court records. As Isatayev had not been in pre-trial imprisonment, he was arrested in the court room at the end of the trial, the court chancellery told Forum 18. It declined to say if the case had been initiated by the NSC secret police and who had led the prosecution case in court.

The duty officer at Aktobe Regional NSC secret police refused to transfer the call to officers who had worked on the prosecution case against Isatayev or to say whether criminal cases have been instituted against other alleged members of Tabligh Jamaat. "In such cases the materials are held under certain categories of secrecy," the officer told Forum 18 from Aktobe on 10 October. "Perhaps because of the witnesses in the case. We don't have the right to give any information."

The 39-year-old Isatayev, who is married with two young children, lives in the village of Kobda in Aktobe Region, about 50 kms (35 miles) from Kazakhstan's northern border with Russia.

The prosecution said Isatayev had travelled to India and Pakistan between 2009 and 2012, according to a 10 October timeskz news article. Back in Kazakhstan, he had read "extremist" literature and maintained contact via the internet with Tabligh Jamaat adherents. After an Astana court banned Tabligh Jamaat as "extremist" in 2013, "law-enforcement agencies" summoned Isatayev and warned him.

The agencies continued to keep Isatayev under surveillance, timeskz added. In 2015 officers learnt that he had spoken in Kobda's mosque about three-day, 40-day and four-month preaching trips. These are characteristic of adherents of the Tabligh Jamaat movement.

Isatayev told the court that officers had warned him that Tabligh Jamaat was banned. "But we can pray the namaz and speak about it," he insisted, according to timeskz. "Only when a criminal case was opened against me did I understand that I had acted wrongly." He reportedly "repented" of his actions and asked to be spared imprisonment. However, the Judge ignored his pleas.

Oskemen: 9 Sunni Muslims convicted

On the afternoon of 10 October, at the end of a four-week trial, Judge Umisakhan Dautova of Oskemen Court No. 2 convicted nine Sunni Muslim men under Criminal Code Article 405, Part 2 on charges of participation in the Tabligh Jamaat movement. She also convicted one of the defendants, Baurzhan Beisembai, under Criminal Code Article 405, Part 1 of organising the activity of the Tabligh Jamaat movement.

Seven of the nine received prison sentences, the other two receiving restricted freedom sentences, a court official told Forum 18 on 10 October. The official noted that the written verdicts will not be issued for some days.

The 34-year-old Beisembai was sentenced to two and a half years' imprisonment in a general regime labour camp, those close to the case told Forum 18. He was also banned for five years from conducting religious activity after his release from prison.

The 40-year-old Duman Toleukhanov, 59-year-old Ulan Smagulov, 45-year-old Serik Tastanbekov and 30-year-old Rauan Karagyzov were each sentenced to one and a half years' imprisonment in a general regime labour camp.

The 30-year-old Eldos Otarbayev and 34-year-old Serzhan Akhmetov were each sentenced to one year's imprisonment in a work camp.

The 27-year-old Darkhan Amrenov and 38-year-old Darkhan Kunapyanov were each sentenced to one year of restricted freedom. Those serving such sentences live at home under restrictions. These typically include being banned from leaving their home town without permission, and being banned from visiting cafes, restaurants, bars, night clubs and discos.

The seven Sunni Muslims who had received prison terms were arrested in the court room at the end of the trial. They were taken to the Interior Ministry Investigation Prison in Oskemen where Beisembai had been held since his arrest on 1 August.

The prison address is:

070004 Vostochno-Kazakhstanskaya Oblast

g. Oskemen

ul. Likhareva 10a.

uchr. OV 156/1

Oskemen: Post-imprisonment bans imposed

In addition to Beisembai's five-year post-imprisonment ban on exercising the right to freedom of religion or belief, at least some of the others sentenced with him received a three-year post-imprisonment ban on exercising the right to freedom of religion or belief.

It remains unclear if the post-imprisonment bans are a total ban on exercising the right to freedom of religion or belief – as initially given to another Sunni Muslim prisoner of conscience imprisoned for alleged Tabligh Jamaat membership, Tulbayev - or a narrower ban on any sharing of faith after release from prison – as subsequently given to Tulbayev.

Tulbayev was initially banned from praying and other exercise of the right to freedom of religion or belief for three years after his release from prison. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law condemned the ban as "another total stupidity and total absurdity". He noted to Forum 18 in July 2015 that although Kazakh law allows such a ban – in defiance of the country's international human rights obligations - "it will be interesting how they will prohibit him from going to mosque and so on" (see F18News 8 July 2015 http://www.forum18.org/archive.php?article_id=2078).

On 6 September 2016 the Supreme Court lifted Tulbayev's ban, but imposed two new conditions instead. He will be banned from sharing his faith with others and banned from membership of "extremist" organisations (see F18News 7 September 2016 http://www.forum18.org/archive.php?article_id=2214).

Oskemen: Appeals to be lodged

Two people close to the sentenced Sunni Muslims insisted to Forum 18 that they will appeal against their sentences. Any appeal would have to be lodged after the written verdicts are issued. Any appeals would be heard at East Kazakhstan Regional Court.

Oskemen: Secret police lodged cases after raid

The trial of the nine in Oskemen followed a long operation by the NSC secret police.

East Kazakhstan Regional NSC secret police officers raided homes in Oskemen on 16 May as part of an investigation in a criminal case initially against five local residents, all of them Sunni Muslims. Officers seized "extremist" religious literature and other materials which they claim indicated that the men had a possible connection to Tabligh Jamaat. The five men had to sign statements that they would not leave Oskemen without the investigator's permission. Four other men were later added to the NSC secret police investigation.

East Kazakhstan Regional NSC repeatedly refused to give Forum 18 any information about the case (see F18News 22 July 2016 http://www.forum18.org/archive.php?article_id=2201).

Beisembai was arrested on 1 August and held in pre-trial imprisonment. The other eight awaited trial at home after pledging not to leave the city.

The case against all nine men was handed to Oskemen Court No. 2 on 25 August, where it was assigned to Judge Dautova. Hearings began on 14 September and "continued almost daily over the next three weeks", noted the Aktobe office of the Kazakhstan International Bureau for Human Rights and the Rule of Law, which monitored the trial.

Kairat Azilbek of East Kazakhstan Regional Prosecutor's Office – who led the investigation there – led the prosecution case in court.

The trial was conducted in Kazakh, and two of the defendants asked for translators into Russian, the Bureau said. Despite denial of access to relatives, supporters and monitors from the Bureau on the first day, when the trial was moved to a room other than that announced in advance, later sessions of the trial were open, unlike in many similar trials of those accused of Tabligh Jamaat involvement.

"Work colleagues of Baurzhan Beisembai, questioned as witnesses, spoke of him only positively, knowing him as a very responsible, competent and sociable fellow worker," the Bureau added.

At the 7 October hearing, the last before the sentencing, the Prosecutor demanded prison terms of five and a half years' imprisonment for Beisembai, a one-year work camp sentence for Amrenov and 10-month labour camp sentences for the others. The defendants also gave their final addresses, the Bureau noted.

NSC secret police: 14 sentences between January and September

On 26 September, the NSC secret police told Kazinform news agency that 14 individuals had been sentenced between January and late September 2016 for "participation in the activity of the religious extremist Tabligh Jamaat organisation". "As a rule," the NSC claimed, "the entry into the ranks of extremist groups is preceded by ideological cultivation of candidates on the part of recruiters who, in the initial stages, hide objective information about their activity."

Forum 18 tried to find out the names of all those sentenced on such allegations. However, the telephone at the NSC secret police press office in Astana went unanswered each time Forum 18 called on 10 October. Forum 18 has so far not received any reply to a written request sent in the early afternoon the same day.

As the NSC did not identify the 14 sentenced individuals, it is impossible to confirm independently whether this figure is accurate or not. Forum 18 has identified 12 individuals known to have been sentenced for alleged Tabligh Jamaat membership between January and late September 2016. Of these, 11 received prison terms and the twelfth a restricted freedom sentence (see list below).

- Twenty seven known Tabligh Jamaat prisoners of conscience

Twenty seven known alleged members of Tabligh Jamaat (all men) have been jailed as prisoners of conscience for exercising the right to freedom of religion or belief since December 2014 and are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Mamurzhon Rashidovich Turashov; born 24 April 1973; sentenced 2 December 2014 Sairam District Court, South Kazakhstan Region; Article 337-1, Part 1 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 3 years' imprisonment.
2. Bakyt Narimanovich Nurmanbetov; born 10 November 1974; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
3. Aykhan Samarkanovich Kurmangaliyev; born 7 November 1976; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal).
4. Sagyndyk Mazhenovich Tatubayev; born 21 October 1978; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
5. Kairat Amangeldinovich Esmukhambetov; born 19 November 1966; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region; Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 20 months' imprisonment (reduced to one year on appeal, freed in August 2015 on completion of sentence).
6. Ruslan Sadvakasovich Kairanov; born 14 August 1980; sentenced 14 January 2015 Taldykorgan City Court, Almaty Region;

Article 337-1, Part 2 of old Criminal Code (equivalent of Article 405 of current Criminal Code); 18 months' imprisonment (reduced to one year on appeal).

7. Saken Peisenovich Tulbayev; born 16 June 1969; sentenced 2 July 2015 Almaty's Bostandyk Court No. 2; Article 174, Part 1 and Article 405, Part 2; 4 years 8 months' imprisonment and banned from exercising freedom of religion or belief until the end of 2022, three years after his release.

8. Orazbek Kabdrashovich Apakashev; born 3 November 1971; sentenced 29 September 2015 Temirtau City Court, Karaganda Region; Article 405, Part 1; 3 years' imprisonment.

9. Erbolat Kabzakievich Omarbekov; born 10 July 1971; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

10. Bolatbek Kambarovich Kozhageldinov; born 30 June 1977; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

11. Khalambakhi Khalym; born 12 August 1984; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2, Article 174, Part 1; 2 and a half years' imprisonment.

12. Nurzhan Beisembayevich Nuradilov; born 13 January 1980; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

13. Kubaidolla Abishevich Tyulyubayev; born 6 August 1962; sentenced 18 February 2016 Astana's Saryarka District Court No. 2; Article 405, Part 1; 2 years' imprisonment.

14. Estai Kanatbekovich Dzhakayev; born 17 May 1978; sentenced 11 March 2016 Alakol District Court, Almaty Region; Article 405, Parts 1 and 2; 3 years' imprisonment.

15. Vakha Novlievich Surkhayev; born 28 March 1963; sentenced 11 March 2016 Alakol District Court, Almaty Region; Article 405, Part 1; 1 year, 3 months imprisonment.

16. Aidin Zulfukarovich Shakentayev; born 15 August 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 and a half years' imprisonment.

17. Bauyrzhan Omirzhanovich Serikov; born 20 November 1977; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.

18. Murat Askarovich Shopenov; born 15 November 1982; sentenced 28 March 2016 Karaganda's Kazybek Bi District Court; Article 405, Part 1; 2 years' imprisonment.

19. Murat Kazbekovich Takaumov; born 14 November 1984; sentenced 2 June 2016 Astana's Saryarka District Court No. 2; Article 405, Part 2; 9 months' imprisonment.

20. Kublandy Urazbayevich Isatayev; born 23 February 1977; sentenced 6 October 2016 Aktobe Court No. 2; Article 405, Part 2; 1 year's imprisonment.

21. Baurzhan Beisembai; born 29 March 1982; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 1 and Part 2; 2 and a half years' imprisonment.

22. Duman Dautkanovich Toleukhanov; born 24 October 1975; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

23. Ulan Torekhanovich Smagulov; born 25 August 1957; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

24. Serik Kairbekovich Tastanbekov; born 4 October 1971; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

25. Rauan Kuanganovich Karagyzov; born 21 March 1986; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 and a half years' imprisonment.

26. Eldos Mukhametkarymovich Otarbayev; born 15 August 1986; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's imprisonment.

27. Serzhan Dalelkhanovich Akhmetov; born 20 June 1982; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's imprisonment.

- Fourteen known Tabligh Jamaat restricted freedom sentences

Fourteen known alleged members of Tabligh Jamaat (all men) given terms of restricted freedom for exercising the right to freedom of religion or belief since December 2014 are listed below. The list gives their: name; date of birth; sentence date and court; Criminal Code Article they were sentenced under; and sentence.

1. Bakitkali Urazovich Konirbayev; born 2 October 1966; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

2. Samat Koishykulovich Shadmanov; born 24 August 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

3. Adi Bakytovich Bakyt; born 7 November 1978; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 2 years' restricted freedom.

4. Nurulan Mukhanbetrakhimuli Koyshybai; born 10 June 1975; sentenced 29 April 2015 Aktobe City Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

5. Bakytzhan Zhasuzakovich Nuskabayev; born 14 April 1966; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

6. Yerbol Nurzhigituli Zhaylymysov; born 19 May 1980; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

7. Serik Baimanovich Oтынshyn; born 17 August 1971; sentenced 16 September 2015 Shymkent's Al-Farabi District Court; Article 405, Part 2; 1 year's restricted freedom.

8. Rashid Mubarakovich Erimbetov; born 11 June 1970; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

9. Ruslan Sirgebayevich Abirov; born 12 December 1988; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

10. Toktasyn Narikbayevich Artykbayev; born 20 July 1963; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

11. Erbol Seidybekovich Sharipov; born 4 October 1969; sentenced 10 December 2015 Shu District Court, Zhambyl Region; Article 405, Part 2; fined court fee and given 1 year's restricted freedom.

12. Serik Amangeldinovich Seitzhaparov; born 7 March 1984; sentenced 12 February 2016 Tselinograd District Court, Akmola Region; Article 405, Part 2; 2 years' restricted freedom.

13. Darkhan Baurzhanovich Amrenov; born 29 December 1988; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's restricted freedom.

14. Darkhan Bekovich Kunapyanov; born 21 August 1978; sentenced 10 October 2016 Oskemen Court No. 2; Article 405, Part 2; 1 year's restricted freedom. (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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