

15 June 2017

KAZAKHSTAN: Five years' jail for Islamic talks

By Felix Corley, Forum 18

Sunni Muslim Nariman Seytzhonov was given five years' jail for "inciting religious discord" by talking about schools of Islam to Kazakh pilgrims to Saudi Arabia. Satymzhan Azatov's trial on similar charges continues in Astana on 21 June. Five years' suspended sentence handed down in Almaty.

The third of four Sunni Muslims who had studied their faith together at Medina Islamic University before returning to Kazakhstan has been sentenced. A court in Kokshetau in Akmola Region sentenced Nariman Seytzhonov on 9 June to five years' imprisonment for allegedly "inciting religious discord" in talks he gave on Islam to pilgrims to Saudi Arabia. He denied the accusations.

A court in Kazakhstan's commercial capital Almaty sentenced another of the former Saudi students, Denis Korzhavin, on 11 May to five years' restricted freedom after he admitted his "guilt". Like the others, he was punished for allegedly "inciting religious discord" under Criminal Code Article 174 (see below).

The trial of the fourth, Satymzhan Azatov, on charges of "inciting religious discord" is due to resume in the capital Astana on the morning of 21 June (see below).

The first of the four to be sentenced was Kuanysh Bashpayev. He was sentenced under Criminal Code Article 174 to four and a half years' imprisonment on 7 April at the end of a closed trial in Pavlodar (see F18News 11 April 2017 http://www.forum18.org/archive.php?article_id=2272). Bashpayev does not appear to have appealed against his sentence.

A court in the southern Kyzylorda Region handed Salafi Muslim Kasimkhan Mukhanbetaskar a suspended sentence of two years and ten months for posting Islamic material on social media which prosecutors claimed "incited religious discord". The court, prosecutors and investigators have refused to tell Forum 18 what the material was, so it is impossible to determine either whether freedom of religion or belief has been violated, or if the accused advocated the destruction of others' human rights (see below).

Jehovah's Witness prisoner of conscience and cancer sufferer Teymur Akhmedov has lodged his appeal to Astana City Court against his five-year prison term (see below).

A court in Oral (Uralsk) has extended the pre-trial detention of former Saudi-based Imam Abdukhalil Abduzhabbarov as he awaits trial on charges of "inciting religious hatred" under Article 174 (see below).

Atheist writer Aleksandr Kharlamov – under investigation in East Kazakhstan Region under Criminal Code Article 174 - has dismissed an "expert analysis" which claimed to find "incitement to religious hatred" in his writings. He has appealed to the Prosecutor for a new analysis (see below).

Police in Oral have told a Jehovah's Witnesses that charges against him of "inciting religious discord" under Criminal Code Article 174 have been dropped. He will be prosecuted under the Administrative Code (see below).

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov, imprisoned under Criminal Code Article 174, is due for release at the beginning of October. He has been encouraged in prison in Pavlodar by many letters he has received from fellow-Christians around the world (see below).

More prisoners of conscience punished for exercising freedom of religion or belief have had their bank accounts frozen after being added to the Financial Monitoring Committee List (see below).

Kokshetau: Seytzhonov's five year prison term

Another Sunni Muslim who studied his faith in Saudi Arabia has been imprisoned, this time in Akmola Region. On 9 June Judge Ilyas Kakim at Kokshetau City Court found 28-year-old Nariman Seytzhonov guilty under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord"). The Judge handed him a five-year prison term in an ordinary

regime labour camp, the term the prosecutor had been demanding. He denied the charges.

Seytzhanov was also ordered to pay a fee of 91,693.58 Tenge, according to the verdict seen by Forum 18. This is to cover the cost of "expert analyses", completed on 13 January and 14 March, of his three recorded lectures.

Seytzhanov intends to appeal to Akmola Regional Court, a friend told Forum 18 on 15 June.

Seytzhanov's closed trial began on 25 April. The verdict was handed down at a closed session and no other parties were allowed into the courtroom to hear it being read, one of Seytzhanov's friends told Radio Free Europe's Kazakh Service the same day.

Seytzhanov – who had studied his faith in Saudi Arabia – worked in a travel agency in Astana. He led a group of pilgrims on the umra pilgrimage to Mecca in October 2016. He was arrested by Kyrgyzstan's National Security Committee (NSC) secret police in January 2017. They handed him over to Kazakhstan's National Security Committee (KNB) secret police.

Seytzhanov was formally arrested in Kazakhstan on 15 January. He has been held since his arrest in Kokshetau's Interior Ministry Investigation Prison No. 20 (see F18News 18 April 2017 http://www.forum18.org/archive.php?article_id=2273).

Prosecutors accused Seytzhanov of inciting religious discord by "speaking negatively of mashabs [schools of Islamic thought]" on the basis of talks he gave while leading pilgrims on the umra pilgrimage to Saudi Arabia in October 2016. Three audio-recordings were placed on the internet. Prosecutors alleged he had recorded them and made them public.

However, Seytzhanov's lawyer Bakhyt Suleimenova denied this to Radio Free Europe's Kazakh Service. She said he did not know who had made the recordings or uploaded them to the internet. "Nothing in these talks was against the law," Suleimanova told Radio Free Europe.

"He simply explained to people how to conduct the haj or umra pilgrimage, and explained in general the fundamentals of the religion so that all we Muslims and all people would be in unity," his friend told Radio Free Europe, "so that there would be no schisms, as in Syria or Ukraine where murders take place, that the people would not be divided." Seytzhanov also called on his listeners to respect the President "so that no one would go against the government" and obey imams.

The Judge ordered the hearings closed allegedly to protect the identity of two witnesses who feared for their safety.

Suleimanova questioned why the hearings needed to be closed. "According to the Criminal Procedure Code, this is for when there are sexual crimes, such as rapes."

"Only Nariman's wife was able to attend the trial," a friend of Seytzhanov told Forum 18 on 15 June. "None of his other friends or relatives were allowed into the court building."

Almaty: Korzhavin's five years' restricted freedom

An Almaty-based Sunni Muslim received a suspended sentence after admitting his "mistake". At a one-day trial on 11 May, Judge Nariman Begaliyev of the city's Almaty District Court found Denis Korzhavin guilty under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord"). The Judge handed him a five-year term of restricted freedom.

Korzhavin was punished for lectures in Russian based on the Arabic-language Muslim book "The Three Fundamental Principles". This was banned in Kazakhstan in 2014. Recordings of the lectures were posted on the internet. "Experts" appointed by the prosecution claim to have found incitement to hatred in Korzhavin's lectures.

In February 2014, Astana's Saryarka District Court found a book at least partly written by Salafi Muslim Mohammed ibn Abdul-Wahhab "extremist". The book - a Russian translation of the work "Explanation of the Three Fundamental Principles of Islam" – is 543 pages and was published in Cairo in 2008. Mohammed ibn Abdul-Wahhab helped found a precursor to the present-day kingdom of Saudi Arabia (see F18News 10 October 2014 http://www.forum18.org/archive.php?article_id=2005).

The comparatively mild sentence followed Korzhavin's admission of "guilt" in court and an agreement before the trial between Police Investigator Aleksei Chapurin and Dauren Sagindykov of the Prosecutor's Office on one side and Korzhavin and his lawyer Ruslan Dzhaniev on the other.

As part of the agreement, Korzhavin pledged to call publicly for peace and unity between religions and to ask people not to circulate copies of his lectures. He recorded such a video-message which was posted on the internet.

Under the sentence, Korzhavin will need permission to leave Almaty or change his place of residence and will have to undergo educational work organised by the probation service, Radio Free Europe's Kazakh Service noted on 11 May.

Korzhavin, who is now 34 and married with four children, was freed in the courtroom. He had been held since his 18 February arrest in Almaty's Investigation Prison. Both he and his lawyer told Radio Free Europe that he would not be appealing against the sentence.

Korzhavin – an ethnic Russian who converted to Islam - had studied his faith at Medina Islamic University in Saudi Arabia. He returned to Kazakhstan in 2011 (see F18News 18 April 2017 http://www.forum18.org/archive.php?article_id=2273).

Astana: Azatov's trial continues

The trial in Astana of another of the former students from Medina Islamic University, 27-year-old Satymzhan Azatov, is due to continue at 11 am on 21 June, according to court records. His trial began under Judge Bolat Pazylov at Astana's Saryarka Court No. 2 on 29 May.

At the most recent hearing on 13 June, Azatov renounced his state-appointed lawyer. Instead he chose Bauyrzhan Azanov and Aiman Umarova to represent him.

"The trial is open, but it is taking place in a small courtroom that can accommodate only 15 spectators," a friend of Azatov told Forum 18 on 14 June. "Officials allow in some of his friends and relatives, then claim that the courtroom is full."

Astana KNB opened a case against Azatov in late December 2016 under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord"). He had met with other Muslims in Astana without state permission. He was arrested on 4 January 2017 (see F18News 18 April 2017 http://www.forum18.org/archive.php?article_id=2273).

Azatov is accused of "inciting religious discord" in his remarks to guests at a meeting in a cafe in Astana in September 2016 (of which the KNB secret police obtained a recording) and at a subsequent meeting in a home in the city.

Azatov and Seytghanov (who was also present at the cafe) were given administrative fines in November 2016 to punish them for the meeting (see F18News 6 February 2017 http://www.forum18.org/archive.php?article_id=2253).

The prosecution has again turned to Roza Akbarova to provide "expert analysis", including during the trial. She claimed that he had spoken negatively of Shia Muslims, stating that they had blown up a mosque.

Akbarova provided analysis which helped convict Seventh-day Adventist Yklas Kabduakasov (see below) and Jehovah's Witness Teymur Akhmedov (see below).

At an 8 June hearing, Azatov called for Judge Pazylov to be removed from the case, Radio Free Europe's Kazakh Service noted the same day. Azatov described the trial as a "theatre show".

Kyzylorda: Muslim sentenced – for what?

Because of the secrecy surrounding cases of alleged "incitement to religious discord" and the closure of many of the trials, many cases remain unknown. Even in cases which are known it can be impossible to establish if an individual has been punished for statements that do not call for harm to the human rights of others.

One such is that of Salafi Muslim Kasimkhan Nabiuly Mukhanbetaskar (born 19 April 1992) in the southern Kyzylorda Region. The Police Anti-Extremism Department found in November 2016 that he had distributed audio-recordings on social media that incited religious hatred, according to a 19 April police statement, issued after he was sentenced. It described him as an "adherent of a destructive religious tendency".

On 15 March 2017 Judge Kumisbai Kusekeyev of Kyzylorda Court No. 2 found Mukhanbetaskar guilty of violating Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord"). The Judge handed him a suspended sentence of two years and ten months, according to the police statement. He also ordered him to pay fees for "expert analyses" of 233,282 Tenge.

Mukhanbetaskar appealed against his sentence. Judge Sabit Abdikanov of Kyzylorda Regional Court heard his appeal on 30 May, Court officials told Forum 18 on 2 June. They said the hearing was open, but that in addition to the Judge only Mukhanbetaskar, his lawyer Toktarbek Myrzambetov and the prosecutor were present.

However, Court officials refused to say what decision the Judge handed down. Forum 18 was unable to reach Judge Abdikanov the same day. Forum 18 has also been unable to reach lawyer Myrzambetov.

Askhat Mukhtarov of the Police Investigation Department led the case against Mukhanbetaskar. However, colleagues said he had been transferred to Zhalagash District. Officers there told Forum 18 on 2 June that he was ill. Yerkin Sagymbayev, deputy head of the Anti-Extremism Department of the Regional Police refused to answer any of Forum 18's questions on the case, citing the

"secrecy of the investigation". Yerlan Zhamalbek of the Prosecutor's Office told Forum 18 that it cannot give information by telephone.

Astana: Jehovah's Witness Akhmedov appeals

On 2 May Astana's Saryarka Court No. 2 sentenced Jehovah's Witness prisoner of conscience Teymur Akhmedov to five years' imprisonment on charges of "inciting religious discord" under Criminal Code Article 174, Part 2.

Akhmedov was punished for discussing his faith with seven young men who were KNB secret police informers but claimed to be students. He was also banned from conducting "ideological/preaching activity in the area of religion" for three years after the end of his sentence (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

Akhmedov, who is now 61, has been in prison since his 18 January arrest. Asaf Guliyev, arrested with him on the same charges, was sentenced to five years' restricted freedom on 24 February (see F18News 7 March 2017 http://www.forum18.org/archive.php?article_id=2262).

Akhmedov's appeal against his sentence reached Astana City Court on 31 May, according to court records. No date has yet been set for a hearing.

Oral: Abduzhabbarov's further month in pre-trial detention

In early June Oral (Uralsk) City Court extended the pre-trial detention of Sunni Muslim Imam Abdukhalil Abduzhabbarov for a further month, until 18 July, Saule Kaisarova, head of the Court chancellery, told Forum 18 from Oral on 14 June.

The KNB secret police arrested 41-year-old Imam Abduzhabbarov, extradited from Saudi Arabia at Kazakhstan's request, as he arrived at Almaty Airport on 18 February. He was then transferred to Oral in West Kazakhstan Region (see F18News 21 February 2017 http://www.forum18.org/archive.php?article_id=2259).

A KNB secret police Investigator is investigating Abduzhabbarov under Criminal Code Article 174, Part 1 ("Incitement of social, national, clan, racial, or religious discord") and Criminal Code Article 256, Part 2.

Article 256, Part 2 punishes: "Propaganda of terrorism or public calls to commit terrorism" - which includes the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or other communication networks, or with foreign support, or in a group". The punishment is seven to 12 years' imprisonment with confiscation of property.

Ridder: Atheist writer Kharlamov appeals to Prosecutor

On 13 June, atheist writer and blogger Aleksandr Kharlamov wrote to the Prosecutor of East Kazakhstan Region where he lives, Bagban Taimbetov, asking for a new "expert analysis". He complains that "ignorant or unscrupulous experts" of the Regional Judicial Expert Analysis Institute had claimed to find "incitement of religious hatred" in his writings on religion.

"However, I live in a secular state and am not obliged to have a positive attitude to religions and speak positively about religions and religious people, all the more about religious people committing crimes against humanity and against the truth," he told Prosecutor Taimbetov in his letter seen by Forum 18.

Kharlamov complained that the "experts" had "illegally distorted the essence of my publications". He stressed that as a human rights defender he calls on everyone to respect the human rights of "religious people of any religious confession".

Police opened the second case against Kharlamov in autumn 2016 under Criminal Code Article 174, Part 1. He has not been arrested but remains under travel restrictions in his home town of Ridder. The first criminal case against him on similar charges, opened in January 2013, has possibly been suspended but never closed (see F18News 7 March 2017 http://www.forum18.org/archive.php?article_id=2262).

Oral: Jehovah's Witness investigated but to be punished administratively

Police in Oral told a local Jehovah's Witness on 12 April he was being investigated under Criminal Code Article 174, Jehovah's Witnesses told Forum 18. The criminal case was launched after the man gave "an interested person" a copy of the Jehovah's Witness publication "What Does the Bible Really Teach?"

Police claimed the book is "extremist" as it has been banned in neighbouring Russia. No Jehovah's Witness publications are known to have been banned as "extremist" in Kazakhstan, although KNB secret police-appointed "experts" claim 16 of 90 Jehovah's Witness publications seized from Akhmedov in Astana at the time of his January arrest (see above) contain "extremist" passages.

Police in Oral also questioned four other Jehovah's Witnesses in connection with the criminal case. They ordered an "expert analysis" of "What Does the Bible Really Teach?"

Police later dropped the criminal case and the Jehovah's Witness is now being investigated under the Administrative Code.

Criminal investigations under Article 174 are known to have been launched against Muslims, Council of Churches Baptists and commercial booksellers which were subsequently dropped. In all the known cases, individuals are then punished under the Administrative Code (see F18News 7 March 2017 http://www.forum18.org/archive.php?article_id=2262).

Pavlodar: Kabduakasov in prison encouraged by letters

Seventh-day Adventist prisoner of conscience Yklas Kabduakasov – who failed in his attempts to seek early release – is due to complete his labour-camp sentence in early October, his pastor Andrei Teteryuk said. "Attempts were made to provoke incidents to use against him, but thank God they came to nothing," he told Forum 18 from Astana on 15 June.

Kabduakasov was in December 2015 sentenced to two years in a labour camp under Criminal Code Article 174, Part 1. He was punished for discussing his faith with students recruited by the KNB secret police in a KNB-rented flat (see F18News 29 December 2015 http://www.forum18.org/archive.php?article_id=2136).

Kabduakasov is serving his two-year prison sentence in a labour camp in the northern city of Pavlodar. "Yklas gains strong moral encouragement from letters from around the world which Christians are sending him every day!" Pastor Teteryuk added. "It is also a powerful testimony for the labour-camp administration."

More prisoners of conscience have bank accounts blocked

Seven Sunni Muslim men sentenced in Sairam in South Kazakhstan Region have been added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism".

All known prisoners of conscience convicted under Criminal Code Article 174 and Article 405 (involvement in the activity of a banned organisation) have been added to this List, thus freezing any bank accounts they may have, without any additional due legal process. As individuals are not told when they are added to the List, they normally only find out they have been added when they or relatives attempt to withdraw money from their bank (see F18News 10 June 2016 http://www.forum18.org/archive.php?article_id=2187).

The seven Muslims added to the Financial Monitoring Committee List on 19 May were Bakhytzhon Baimusayev, Abduvakhab Shakirov, Furkhat Abatayev, Abdivasit Abdirazakov, Murodzhon Abdullayev, Zhenisbek Manbetov and Meirambek Sarymsak.

All seven were convicted for alleged membership of the Muslim missionary movement Tabligh Jamaat, which the Kazakh authorities banned in 2013. They were sentenced on 4 April under Criminal Code Article 405. All were given prison terms of between one and four years, plus a ban on unspecified activity once the prison terms are over (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

Five Sunni Muslim former prisoners of conscience, all imprisoned under Criminal Code Article 405 to punish them for alleged membership of the Muslim missionary movement Tabligh Jamaat, have been removed from the Financial Monitoring Committee List: Rashid Erimbetov on 18 April; Ruslan Abirov on 28 April; Erbol Sharipov on 15 May; and Serik Seitzhaparov and Adi Bakyt on 2 June.

Erimbetov, Abirov and Sharipov were among four Muslim men each sentenced in the southern Zhambyl Region in December 2015 to one year's restricted freedom. Seitzhaparov was sentenced in Akmola Region in February 2016 to two years' restricted freedom. Bakyt was sentenced in April 2015 in Aktobe Region to two years' restricted freedom (see F18News 10 October 2016 http://www.forum18.org/archive.php?article_id=2223). (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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