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KAZAKHSTAN: Secret trial after six months' imprisonment

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

At a closed trial in Atyrau in a secret police-initiated case, with the lawyers sworn to secrecy, six Sunni Muslims face possible years of imprisonment for talking to others of their faith. Jehovah's Witness cancer sufferer Teymur Akhmedov failed to overturn his five-year prison term.

After more than six months in pre-trial detention, six Sunni Muslim men went on trial in the Caspian port city of Atyrau on 6 June to punish them for talking to others of their faith. All face criminal charges – initiated by the National Security Committee (NSC) secret police - of organising and participating in a "banned religious association", the Muslim missionary movement Tabligh Jamaat. If convicted they face possible fines or long terms of imprisonment. The closed trial, which is nearing its conclusion, is set to resume on the morning of 26 June.

If the Atyrau court convicts the six men, this would bring to 60 the number of Sunni Muslims known to have been convicted on criminal charges in Kazakhstan since December 2014 accused of membership of the banned Tabligh Jamaat movement (see below).

Meanwhile, on 20 June Astana City Court rejected the appeal by 61-year-old Jehovah's Witness prisoner of conscience and cancer sufferer Teymur Akhmedov against his five-year prison term (see below).

Many trials

In violation of its international human rights commitments, Kazakhstan imposes tight restrictions on all aspects of the exercise of freedom of religion or belief. Criminal and administrative trials to punish individuals who exercise their freedom despite these restrictions are common (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Three of four Sunni Muslims who had studied their faith together at Medina Islamic University before returning to Kazakhstan have been sentenced since April. A court in Kokshetau in Akmola Region sentenced Nariman Seytzhonov on 9 June to five years' imprisonment for allegedly "inciting religious hatred" in talks he gave on Islam to pilgrims to Saudi Arabia.

The trial of the last of the four, Satymzhan Azatov, on charges of "inciting religious hatred" continues in the capital Astana.

Former Saudi-based Imam Abdukhalil Abduzhabbarov is in detention in Oral (Uralsk) awaiting trial on charges of "inciting religious hatred" (see F18News 15 June 2017 http://www.forum18.org/archive.php?article_id=2286).

Atyrau arrests for sharing faith

The six Sunni Muslim men on trial in Atyrau are:

1. Zhumabai Shaikhyuly Nurpeyis (born 23 July 1961).
2. Nurlan Amangeldyevich Ibrayev (born 24 March 1977).
3. Kanat Serikovich Shaigozhanov (born 30 November 1984).
4. Rollan Talgatovich Arystanbekov (born 5 December 1981).
5. Nuralim Archiyevich Tyupeyev (born 13 November 1962).
6. Ernek Tursynbayevich Akhmetov (born 18 March 1964).

Nurpeyis lives in Atyrau, but the other five – who are all from Almaty – had arrived in the city to "call local people to Allah", a

friend of one of the defendants told Forum 18 on 21 June. "They did nothing against the law. They are simply Muslims who pray the namaz five times a day."

Atyrau Regional Court claimed on its website on 6 June that the men "had conducted actions aimed at developing cells in Atyrau Region and increasing the number of adherents, that is they carried out activity aimed at the participation in and organisation of the activity of an extremist organisation".

The six were arrested in Atyrau in November 2016, a court official told Forum 18 on 21 June 2017. They have been held since their arrest at the Investigation Prison UG-157/1 in the village of Taskala on the southern edge of Atyrau, he added.

The NSC secret police lodged criminal cases against the six men under Article 405, Parts 1 and 2, the court official told Forum 18.

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.

Atyrau secret trial begins

Prosecutors handed the case against the six Muslim men to Atyrau City Court No. 2 on 26 May 2017, according to case records. It was assigned to Judge Zhumagali Tashimov. The trial began on 6 June, with four further hearings between then and 20 June.

The Judge declared the case closed, his assistant told Forum 18 on 21 June, as the case had been initiated by the NSC secret police. He identified the lawyers as Karlygash Tleubayeva, who is defending several of the men, as well as Aktolkyn Baltabayeva, who is defending one or two of them. He identified Zhanar Moldasheva as the lawyer for the Atyrau resident Nurpeyis.

All three of the lawyers have had to sign statements not to reveal anything about the cases, the Judge's assistant added.

The Judge's assistant said the trial is due to resume at 11 am on 26 June, with the parties to the case presenting their final statements. He said he expected the verdicts to be handed down in the following days.

54 Tabligh Jamaat convictions already since December 2014

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).

A total of 54 alleged Tabligh Jamaat adherents (all of them Kazakh citizens) are known to have been given criminal convictions since December 2014. Of these, 40 were given prison terms while 14 were given restricted freedom sentences. In the most recent known previous sentences, seven Sunni Muslim men were sentenced in Sairam in South Kazakhstan Region on 4 April to between one and four years' imprisonment, plus subsequent bans on activity for between two and four years (see F18News 11 April 2017 http://www.forum18.org/archive.php?article_id=2272).

Organising, participating in a "banned religious association"

Like the six Atyrau defendants, all the previous 54 convicted Sunni Muslims have been tried under Criminal Code Article 405 (or its equivalent in the old Criminal Code).

Two of the 54 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" with imprisonment or restricted freedom for between two and seven years.

The number of such Article 174 prosecutions – all initiated by the NSC secret police or with its close involvement - appears to be growing (see F18News 7 March 2017 http://www.forum18.org/archive.php?article_id=2262).

Bank accounts likely to be blocked

If convicted, the six men on trial in Atyrau are likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts they might 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).

Astana: Jehovah's Witness Akhmedov's appeal fails

On 20 June, Astana City Court rejected the appeal by Jehovah's Witness prisoner of conscience Teymur Akhmedov against his five year prison term. Akhmedov's lawyer, Natalya Kononenko, told Radio Free Europe's Kazakh Service the same day that the court had rejected all the motions submitted by the defence.

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

Akhmedov was punished for discussing his faith with seven young men who were NSC 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, a retired bus driver who is now 61 and is married with three sons, 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 lawyers have filed complaints with the United Nations (UN) Working Group on Arbitrary Detention, the UN Special Rapporteur on Freedom of Religion or Belief, and the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

Right to medical treatment denied in prison

Prison officials have repeatedly denied that Akhmedov's health is at risk, despite the cancer he suffers from. "His health is satisfactory – he's not at death's door," an official of the Special Department of Astana Investigation Prison No. 12 – who would not give her name – insisted to Forum 18 on 14 June. "He has access to doctors."

Akhmedov has two large tumours of the gastro-intestinal tract. A report from the National Scientific Centre for Oncology and Transplantation (the national cancer centre) "recommends an operation and requests that Akhmedov undergo an examination before being hospitalised" (see F18News 2 February 2017 http://www.forum18.org/archive.php?article_id=2252).

The head of Astana's Public Observers Commission, Ruslan Ozdoyev, visited Akhmedov in prison in late February. He recommended that he be immediately sent to hospital for full medical treatment. However, prison officials have repeatedly refused to send Akhmedov for treatment as an in-patient in hospital (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

Akhmedov was also tortured while in pre-trial detention (see F18News 3 April 2017 http://www.forum18.org/archive.php?article_id=2269).

Freedom of religion denied in prison

The Astana Investigation Prison official also confirmed that prisoners such as Akhmedov are not allowed to have religious books. "Regulations don't allow it," she told Forum 18.

Many prisoners of conscience imprisoned for exercising the right to freedom of religion or belief have complained of being unable to pray visibly in prison or have religious literature. Other prisoners too have complained of these restrictions (see F18News 3 May 2017 http://www.forum18.org/archive.php?article_id=2277).

The UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) require governments to respect the freedom of religion or belief and other human rights of prisoners – including those in pre-trial detention.

Four prisoners in labour camp UG-157/9 in Atyrau were put in the punishment cell on 29 May after they began the daytime fast for the Muslim holy month of Ramadan, human rights defender Asel Nurgaziyeva told Radio Free Europe's Kazakh Service the same day. She said the prison authorities had used a pretext to hand down the extra punishment.

The four prisoners intended to continue their fasts. "It is not easy to maintain the fast in a strict regime labour camp," Nurgaziyeva added.

Zhastalap Basarov, Deputy Head of the Interior Ministry's prison department for Atyrau Region, confirmed to Radio Free Europe that prison rules and the obligations of prisoners do not allow them to observe the Ramadan fast. He claimed this could disturb the rights of other prisoners. (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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