

17 November 2017

KAZAKHSTAN: Six more arrests for sharing faith

By Felix Corley, Forum 18

Six Sunni Muslims arrested in Karaganda are under criminal investigation for alleged membership of a Muslim missionary movement. Three of them are in pre-trial detention. All known criminal cases against conscientious objectors have been dropped.

Six more Sunni Muslims were arrested in a "special operation" in the central city of Karaganda [Qaraghandy] on 30 October. All six are being investigated on criminal charges of participation in the activities of the Muslim missionary movement Tabligh Jamaat, which was banned in Kazakhstan in 2013.

A court ordered that three of the accused be held in Investigation Prison. The other three had to sign statements that they would not leave the city. Police, National Security Committee (KNB) secret police, court and prison officials refused to identify the individuals or discuss the cases with Forum 18 (see below).

Meanwhile, police investigators have dropped criminal cases against Jehovah's Witness young men for refusing military service on grounds of conscience. Investigators finally recognised the certificates issued by the Jehovah's Witness Administrative Centre in Almaty that the men were religious ministers and thus exempt from conscription (see below).

23 criminal convictions in 2017 so far

So far in 2017, 23 individuals are known to have been given criminal convictions to punish the exercise of freedom of religion or belief. Of these, 20 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 23 (all of them men), 20 received prison terms and 3 received restricted freedom sentences, where they live at home under restrictions.

The most recent known conviction was of Baptist Yuri Bekker. He was given a one-year restricted freedom sentence on 31 October in Akmola Region for refusing to pay earlier fines to punish him for exercising freedom of religion or belief (see F18News 3 November 2017 http://www.forum18.org/archive.php?article_id=2331).

Of the 20 convicted Muslims, 15 were accused of membership of the Tabligh Jamaat Muslim missionary group, which was banned by an Astana court in 2013. Adherents often travel around the country encouraging other Muslims to greater piety (see F18News 28 March 2016 http://www.forum18.org/archive.php?article_id=2162). The other five had all lived in Saudi Arabia for either work or study.

Karaganda: Six arrests

On 30 October, police arrested six Sunni Muslims in Karaganda's October District aged between 22 and 39 accused of membership of the banned missionary group Tabligh Jamaat. As part of its "special operation", police found and confiscated religious literature, "technical equipment", mobile phones and flashcards at their homes, police told the local media.

"According to the expert analysis," the police declared, "the materials studied contained elements of recruitment and preparation of people to organise activity of the religious extremist organisation Tabligh Jamaat in the Region."

An official of the Regional Police Anti-Extremism Department – who would not give his name – said the arrests had taken place in the city of Karaganda. He insisted to Forum 18 on 14 November that the police, not the National Security Committee (KNB) secret police had conducted the operation. He refused to give any other information and put the phone down. The press spokesperson for the Regional Police refused to give any information on the cases.

Following the arrests, police went to court seeking pre-trial measures against the six. Judge Shyngys Ganiolla of Karaganda's October District Court ordered that three be held in Investigation Prison as the criminal case against them is being investigated, the Judge's assistant told Forum 18 from the court on 17 November. He refused to give the names of the three, or to say how long they can be held in pre-trial detention before prosecutors need to come back to court. The other three were ordered to sign statements not to leave their home town.

The six Muslims are being investigated under Criminal Code Article 405, Part 2. This 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.

The Judge's assistant refused to tell Forum 18 who the Investigator in the case is. The head of the Regional Police's Investigation Department told Forum 18 on 17 November that it is not handling the case. An official of the Regional KNB secret police told Forum 18 the same day that "in the interests of the investigation it cannot give information".

Nurlan Bikenov, head of the Regional Religious Affairs Department, said police did not consult his Department about the arrests and criminal cases. "I read about it in the official announcement through the media," he told Forum 18 from Karaganda on 15 November. "I can't say if there will be more arrests – this is a police matter."

Asked whether adherents of Tabligh Jamaat had ever committed crimes of violence or terrorism in Karaganda Region, Bikenov responded: "We don't have such information." But he defended the arrests of the six. "If they were arrested there must be a reason."

Pre-trial detention

The three Muslims ordered held in pre-trial detention are in Karaganda's Investigation Prison (AK-159/1). However, an official of the Special Department of the Prison – who would not give her name - refused to give Forum 18 any information about the prisoners on 17 November, including on whether they are able to pray visibly and have religious literature of their choice.

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 United Nations (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.

The Investigation Prison address:

Karagandinskaya Oblast

g. Karaganda

ul. Asfaltnaya 16

Uchr. AK-159/1 (SI-16)

Kazakhstan

Bank accounts to be blocked?

If eventually brought to trial and convicted, the six Sunni Muslims under criminal investigation in Karaganda are also likely to be added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism".

Almost all known prisoners of conscience convicted on "extremism"-related criminal charges 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).

Eight Sunni Muslim prisoners of conscience are among those recently added to the Financial Monitoring Committee List: Rollan Arystanbekov, Zhumabai Nurpeyis, Nurlan Ibrayev, Kanat Shaigozhanov, Nuralim Tyupeyev, Ermek Akhmetov, Iliyan Raiymzhan and Abdukhalil Abduzhabbarov. All were sentenced to prison terms between June and August to punish them for exercising freedom of religion or belief (see F18News 29 August 2017 http://www.forum18.org/archive.php?article_id=2311).

Conscientious objectors' criminal cases dropped

All the six known criminal cases or investigations launched in 2017 against Jehovah's Witness young men for refusing compulsory military service have now been dropped. The six were being investigated under Criminal Code Article 387, Part 1. This punishes "refusing military service" with – for a first offence - a fine of up to 1,000 Monthly Financial Indicators, or corrective labour to the

same value, or up to one year of restricted freedom or imprisonment.

Military conscription offices had refused to accept the certificates that each of the six had from the Jehovah's Witness Administrative Centre in Almaty confirming that they were religious ministers. This should have ensured their exemption from military service (see F18News 22 September 2017 http://www.forum18.org/archive.php?article_id=2317).

Police investigators closed the criminal cases against five of the six "for absence of a crime" (Forum 18 has seen some of the police decisions). That of Abylai Kopzhasarov was closed on 8 May, Tlek Zhumagazinov in Oskemen on 30 July, Stanislav Stompel in Almaty on 31 August, Adilzhan Iskakov in Semei on 3 September, and Dmitry Vedyakin in Oskemen on 19 September.

The Military Conscription Office in Tekeli, Almaty Region, does not appear to have sent the case of the sixth young Jehovah's Witness conscientious objector Kaken Dostayev to the police, Jehovah's Witnesses told Forum 18 on 17 November.

In the case of Zhumagazinov in Oskemen, officials of the city's Defence Department were given unspecified disciplinary measures after their conduct in the case was investigated, the Defence Ministry told Radio Free Europe's Kazakh Service for a 23 October article. It said officials of the Department had sent his case to the police "without investigating all the circumstances".

No civilian alternative to military service

The government has ignored repeated recommendations from the United Nations (UN) Human Rights Committee that Kazakhstan "review its legislation" to recognise individuals' right to conscientious objection. An official of the government's Human Rights Commissioner's Office in Astana refused to explain to Forum 18 in September why Kazakhstan has failed to introduce an alternative civilian service (see F18News 22 September 2017 http://www.forum18.org/archive.php?article_id=2317). (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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