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## **Parents challenge schoolgirl headscarf ban**

By Felix Corley

Forum 18 (20.04.2018) - <https://bit.ly/2rAAwy3> - Kazakhstan's national schoolgirl headscarf ban is being legally challenged by a group of Muslim parents, whose daughters have been banned from school for wearing a headscarf. In their interpretation of Islam, they argue, wearing a headscarf is compulsory. Officials deny a headscarf problem exists.

A group of 107 Muslim parents from three of Kazakhstan's Regions, whose school-age daughters have been banned from school because they wear headscarves, are planning a further appeal to the Supreme Court. They are seeking to have the ban on girls wearing headscarves in schools declared in violation of Kazakhstan's Constitution, the United Nations Convention on the Rights of the Child and other UN human rights standards. The parents have failed so far in the lower courts, most recently at Astana City Court on 27 March.

This is the biggest appeal by a group of parents against the school ban on headscarves. Many other parents have brought their own appeals to court on similar grounds, both against the Education and Science Ministry and against local Education Departments and schools. All have failed so far (see below).

In September 2017, at the beginning of the new school year, schools in some Regions of Kazakhstan banned girls wearing headscarves from further attendance. More schools started banning girls in headscarves in January 2018. Education officials and schools argued that headscarves violate the January 2016 Education and Science Ministry instruction on compulsory school uniforms, which does not allow clothes which demonstrate a religious adherence (see below).

Mirzhan Gabdullin, a legal scholar who lives in Oral (Uralsk) in West Kazakhstan Region, prepared the suit for court. "My daughter wants to wear her headscarf to go to school," he told Forum 18. "She won't take it off just to be able to go to school." He complains that none of Oral's 46 state secondary schools will take girls if they are wearing headscarves.

An Education and Science Ministry official, who defended the Ministry's actions in Astana City Court in March and in earlier hearings, denied to Forum 18 that any problem over

headscarves exists. Both he and the Justice Ministry official who participated in the same cases refused to say why an accommodation over the compulsory school uniform cannot be made to allow girls to wear headscarves for religious or cultural reasons (see below).

In early April 2018, a Muslim resident of West Kazakhstan Region failed to overturn in court a small fine handed down by the Education Department for refusing to send his daughters to school without a headscarf. Many such parents are now being fined (see below).

In December 2016, a teacher cut off a child's baptismal cross in front of other children. The school claimed that it too violated the Education Ministry's standard national uniform. Forum 18 is not aware of other actions by teachers to remove baptismal crosses (see below).

### ***Other moves to restrict young people's rights***

The authorities have long disliked the presence of under-18s at meetings for worship.

A research institute attached to the Religious Affairs Department of West Kazakhstan Region instructed some local registered Christian communities to submit by 10 April full names, ages, place of study and personal state-assigned number of all under-18s who attend. The official who sent the letter claimed to Forum 18 the information was needed for "monitoring". Human rights defenders expressed concern about the move and five local religious leaders wrote in, refusing to give the information.

Religious leaders risk prosecution if under-18s attend meetings for worship against the wishes of at least one of their parents. Prosecutions have been brought even in cases where neither parent has told a religious leader of their objections to their child's attendance.

The demand to supply personal data on under-18s came as further restrictions on young people's participation in meetings for worship are likely to be included in the proposed Amending Law now being discussed in a Working Group in the lower house of parliament, the Majilis. The latest Working Group meetings were held on 16 and 17 April.

In February, a court in the central Karaganda Region fined a local Muslim for teaching his faith to under-18s in his home village. "This is not allowed under the law," the chief lawyer of the District Administration who supported the prosecution in court told Forum 18.

### ***Compulsory uniforms***

Article 30 of Kazakhstan's Constitution declares that "Citizens are guaranteed the right to free secondary education in state educational establishments. Secondary education is compulsory."

However, as early as 2013, some schools banned girls from attending if they were wearing headscarves. A father in Aksai in West Kazakhstan Region challenged through the local court the school which had rejected his daughter. He argued that the ban amounted to discrimination on grounds of religion. Both his suit in December 2013 and his appeal the following March were rejected, according to the decisions seen by Forum 18.

The Education and Science Ministry enacted a new nationwide compulsory school uniform in a Decree of 14 January 2016, signed by the then Minister Aslan Sarinzhapov. Point 13

of the regulations declares: "The inclusion in school uniform of elements of clothing of religious adherence of various confessions is not allowed."

Education authorities in some Regions started banning girls in headscarves from attending school from the beginning of the school year in September 2017. Aktobe Region enacted further bans on such girls from attending from the beginning of the school term in January 2018. Some other Regions still allow girls in headscarves to attend school.

Some Muslim parents stopped sending their daughters to school after the ban on headscarves in schools was brought in. Those who could afford it have moved to other cities where the ban is not enforced or send their daughters to privately-run schools (which are allowed). Others have enrolled their daughters in online education, mainly from Russian providers. A few parents have chosen to emigrate with their families.

Regional Education Departments have fined many parents for refusing to send their daughters to school (see below).

### ***Legal challenge to school headscarf ban***

Between October and December 2017, several dozen parents from West Kazakhstan Region, Aktobe Region and Atyrau Region tried to challenge through the courts the legality of Point 13 of the uniform regulations banning "clothing of religious adherence".

One suit, initially from 36 parents, was lodged against the Education and Science Ministry at Esil District Court in Astana, as the Ministry is based in the District.

They argued that Point 13 of the regulations banning clothes expressing a child's religious identity violated Article 30 of the UN Convention on the Rights of the Child, as well as Kazakhstan's Constitution and the Religion Law.

Article 30 of the UN Convention on the Rights of the Child declares: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."

On 20 December 2017, by which time it had been joined by other parents, Judge Kalzhan Ermaganbetova of Esil District Court rejected the parents' suit, according to the decision seen by Forum 18.

The parents challenged this in an appeal to Astana City Court. Other parents who had brought similar suits against the Education and Science Ministry and the Justice Ministry joined the appeal. The parents' case was put in court by Rauila Rogacheva, a lawyer from the Russian city of Orenburg.

"Wearing a headscarf is an inalienable element of the clothing of an individual who professes Islam, and is their choice and right," the parents claimed. They went on to argue that in their interpretation of their faith, "Islamic canons prescribe for all girls and women the compulsory covering of all parts of the body apart from the face and hands. Removing the scarf from the head or baring the shoulders represents an insult to the religious feelings of the child and parents."

The parents again pointed to the rights set out in Article 30 of the UN Convention on the Rights of the Child, as well as in Article 18 of the International Covenant on Civil and

Political Rights and other UN standards. They also pointed to the guarantee of free secondary education in state schools in Article 30 of the Constitution.

However, the prosecutor Akmaral Baizanova, as well as the Education and Science Ministry and Justice Ministry representatives, rejected the parents' arguments. The court upheld the officials' arguments that the Education and Science Ministry sets the national school uniform policy and that the law guarantees the secular nature of state schools. It denied that this violated the right of children to state secondary education.

The court also rejected arguments that the denial of access to state schools by girls in headscarves violated international human rights commitments.

"The principle of the secular nature of education in the Republic secures the equality of all religions," the court claimed. "The ban on the inclusion in the school uniform of elements of clothing of religious adherence of various confessions was introduced with the aim of preserving the internal order of educational establishments and the avoidance of manifestations of social, property or other differences between students."

On 27 March 2018, the panel of three judges, chaired by Taisiya Mirzoyan, rejected the parents' suit, according to the decision seen by Forum 18.

"The court took only a formal approach to the issue and didn't tackle it seriously," Rogacheva, the Russian lawyer who led the parents' case in court, told Forum 18 from the Russian city of Orenburg on 20 April. "Children are suffering – officials are violating the right of believers to freedom of religion and of children to education."

Mirzhan Gabdullin, a legal scholar who lives in Oral in West Kazakhstan Region, prepared the suit for court. "We'll take our case to the Supreme Court," he told Forum 18 from Oral on 10 April. "We have six months to lodge the case."

Erik Aidabulin, one of the two Education and Science Ministry officials who defended its position in the Astana City Court appeal and in similar cases, said he could not discuss the case. "We set out our case in court," he told Forum 18 from Astana on 17 April. "The parents raised the question and applied to court. It took its decision that their rights have not been restricted and the decision has now entered into legal force."

Asked why schools cannot make an accommodation to its uniform policy to prevent girls who wish to wear a headscarf from being denied state school education, Aidabulin responded: "There isn't a problem here."

Similarly, Maira Sergaliyeva, the Justice Ministry official who defended its position in the Astana City Court appeal and in similar cases, insisted she could not discuss the Ministry's case. "I can't comment either on the case or the issue itself," she told Forum 18 from Astana on 17 April. "Our opponents have the right to challenge it." She too refused to say why the state cannot make an accommodation over access to state-run schools for girls who wish to wear a headscarf.

### ***Latest challenge fails in Astana City Court***

Three other Muslim parents – Aslanbek Merkashev, Murat Kaziyev and Nurzhan Tokbayev - brought their own challenge against the headscarf ban. On 23 January, Judge Gilsulu Bashenova at Astana's Esil District Court rejected their suit, according to the decision seen by Forum 18. Aidabulin represented the Education and Science Ministry and Sergaliyeva the Justice Ministry.

The parents took their case further. However, on 3 April the panel of judges chaired by the same Judge Mirzoyan rejected their further appeal at Astana City Court, according to the decision seen by Forum 18.

### ***Fined and fined again***

Many parents whose daughters are unable to attend school because of the headscarf ban have been given small administrative fines – some more than once – under Administrative Code Article 409, Part 2. This punishes "Failure by parents or other legal representatives to fulfil or adequately fulfil obligations in the area of education established by law" with fines of 5 Monthly Financial Indicators (MFIs). Education officials are empowered to issue such punishments, which can be challenged in court.

A fine of 5 MFIs represents about three days' average wage for those in formal work.

On 13 December 2017, M. Uralov of West Kazakhstan Region's Department for Control in the Sphere of Education, fined local parent Erlan Khamzin. He had refused to send to school his three daughters (aged between 15 and 7) unless they could wear their headscarves. Uralov fined Khamzin 5 MFIs, 11,345 Tenge, under Administrative Code Article 409, Part 2.

The 47-year-old Khamzin – who works as a school sports coach – lives in the village of Chapayev in Akzhaik District.

Khamzin took his case to Akzhaik District Court, but on 27 December 2017 Judge Askhat Gapuov rejected his appeal, according to the decision seen by Forum 18. The Regional Court rejected his further appeal on 11 January 2018.

Meanwhile, on 25 December 2017, Svetlana Bakhisheva, the head of West Kazakhstan Region's Department for Control in the Sphere of Education, again fined Khamzin under Administrative Code Article 409, Part 2, this time 10 MFIs, 22,690 Tenge.

Khamzin objected to the punishment and again appealed to Akzhaik District Court. However, on 9 January 2018 Judge Amerkhan Kulikeshev rejected Khamzin's appeal and left the fine unchanged, according to the decision seen by Forum 18.

However, Khamzin continued to refuse to send his daughters to school unless they could wear headscarves. A third case was opened against him, this time under Administrative Code Article 409, Part 7. This punishes repeat offences under this Article within one year, with punishments for individuals of 20 MFIs. Courts issue punishments under this Part of Article 409.

On 9 April, Judge Gapuov of Akzhaik District Court found Khamzin guilty of this third "offence" and fined him the prescribed 20 MFIs, 48,100 Tenge, according to the decision seen by Forum 18.

Other parents recently fined, according to court decisions seen by Forum 18, include: Asylbek Mukanbetzhanov (fined in Aktobe on 27 February, appeal rejected in court on 29 March); and Indira Kalzhanova (fined in Aktobe on 5 March, appeal rejected in court on 2 April).

### ***Teacher cuts off child's baptismal cross***

In one case, a teacher cut a baptismal cross from the neck of a child in a school in Moskovskoe in Esil District in Akmola Region in December 2016. "The class teacher, citing an order from the school headteacher, used scissors to cut off the cross in the

presence of other children," the girl's aunt complained to the Regional Education Department. "In conversation with the school administration, the headteacher would not confirm her order in writing and would not provide the document banning wearing of baptismal crosses."

The Regional Education Department responded that no ban on wearing baptismal crosses existed at the school. It claimed that the girl had asked the teacher to remove the cross because the thread was tight and hurt her neck, and that the cross caused a danger when she was dancing.

The Regional Education Department then reminded the aunt that the 2016 Education and Science Ministry regulations on compulsory school uniforms does not allow anything to indicate a child's faith. It said this restriction applied equally to all faiths.

In a separate response, the Regional Education Department repeated the same arguments to the girl's mother.

Forum 18 asked the school headteacher Svetlana Birzhanova in writing on 12 January 2017 why the class teacher had cut the baptismal cross from the girl's neck. It never received any reply.

Human rights defenders told Forum 18 they are not aware that teachers have taken action against other school children who wear baptismal crosses under their school uniform.

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## **Cancer sufferer freed, other cases continue**

By Felix Corley

Forum 18 (05.04.2018) - <https://bit.ly/2GMTGtZ> - *Transferred by train from Pavlodar labour camp to cancer hospital in Almaty, Jehovah's Witness pensioner Teymur Akhmedov was pardoned and freed on 4 April. Prosecutors say a criminal case against a Protestant pastor will "soon" be closed down. Prosecutors are still investigating a five-year-old criminal case against an atheist. The trial of three Muslims continues in Karaganda.*

After nearly a year and a quarter in jail, Jehovah's Witness prisoner of conscience, pensioner and cancer-sufferer Teymur Akhmedov was pardoned on 2 April and released from custody on 4 April. He had already been transferred by train from labour camp in the northern city of Pavlodar to a hospital in the southern city of Almaty, where he underwent a further operation.

The 61-year-old Akhmedov's release from his five-year prison term came as a result of a pardon from President Nursultan Nazarbayev. Akhmedov always vigorously refuted the charges that he had "incited religious discord" by talking about his faith to young men sent by the National Security Committee (KNB) secret police. Forum 18 was unable to reach the KNB investigator who had launched the criminal case against Akhmedov. He has since been transferred from the city to the national KNB (see below).

Forum 18 has been unable to find out if the authorities will lift the three-year post-sentence ban on Akhmedov conducting "ideological/preaching activity" or remove him from the list of "terrorists and extremists" whose bank accounts are frozen (see below).

An official of Kyzylorda City Police's Investigation Department told Forum 18 that the criminal case on the same charges of "inciting religious discord" against New Life Protestant Church pastor Serik Bisembayev "will soon be closed down for absence of a crime". The criminal case was opened the day the police raided his New Life Church congregation in February (see below).

Prosecutors are still investigating the criminal case on charges of "inciting religious discord or hatred" launched against the atheist blogger and human rights defender Aleksandr Kharlamov back in January 2013 (see below).

The trial in the central city of Karaganda of three Muslims accused of membership of the banned Muslim missionary movement Tabligh Jamaat is due to resume on the morning of 6 April. The Prosecutor's Office told Forum 18 that police investigators have not yet handed over criminal cases against three more Muslims arrested with them in October 2017 (see below).

Since December 2014, 63 alleged Tabligh Jamaat adherents (all of them Kazakh citizens) are known to have been given criminal convictions. Of these, 49 were given prison terms while 14 were given restricted freedom sentences (see F18News 5 March 2018 [http://www.forum18.org/archive.php?article\\_id=2359](http://www.forum18.org/archive.php?article_id=2359)).

### ***Pardoned, further cancer operation***

Jehovah's Witness prisoner of conscience, pensioner and cancer-sufferer Teymur Sultan ogly Akhmedov (born 7 May 1956) was serving his sentence in a labour camp in the northern city of Pavlodar. As the authorities refused to heed United Nations (UN) appeals for his "immediate release" (see below), he lodged an appeal for pardon earlier in 2018 while insisting that he was not guilty of any offence.

As Akhmedov's state of health worsened, he underwent surgery on 8 February. Doctors removed two tumours, one of which was malignant. On 12 February, doctors diagnosed sigmoid colon cancer. "The initial diagnosis by doctors in Pavlodar indicates that his cancer is transitioning from stage II to stage III, requiring urgent investigation and long-term treatment," Jehovah's Witnesses told Forum 18 in early March (see 5 March 2018 [http://www.forum18.org/archive.php?article\\_id=2359](http://www.forum18.org/archive.php?article_id=2359)).

In mid-March, the prison authorities decided to transfer Akhmedov to Almaty for further hospital treatment. As the train journey would take about five days the family offered to pay for him to be flown with any necessary guards. However, the prison authorities refused this offer and Akhmedov was transported by train, Jehovah's Witnesses told Forum 18.

Once in Almaty, Akhmedov was assigned to Almaty City Investigation Prison LA-155/1 and it was from this prison that he was formally freed, according to the 4 April release certificate signed by Prison Chief Azamat Iztleuov and seen by Forum 18.

However, the authorities had already placed Akhmedov in a city cancer hospital. He underwent a further operation on 27 March and is now recuperating, Jehovah's Witnesses told Forum 18.

Akhmedov's wife Mafiza travelled down from their home in Astana to be with him in the Almaty hospital. Akhmedov was able to participate in hospital in the commemoration of the Memorial of Christ's Death, which Jehovah's Witnesses observed this year on 31 March, Jehovah's Witnesses told Forum 18.

President Nazarbayev signed Decree No. 656 on 2 April, pardoning Akhmedov and "releasing him from serving the rest of his punishment in the form of deprivation of liberty and expunging his criminal record". The Decree has not so far been published on the presidential website or on the database of legal acts, as of the end of the working day in Astana on 5 April.

Forum 18 has been unable to find out if Akhmedov's three-year post-sentence ban on conducting "ideological/preaching activity" remains in force. Any bank accounts Akhmedov has remain frozen as his name still appears on the most recent list (issued on 3 April) of the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism".

Forum 18 has been unable to find out if the authorities have provided Akhmedov with "an enforceable right to compensation and other reparations, in accordance with international law" in line with the UN Working Group on Arbitrary Detention Opinion on Akhmedov's case (see below).

Forum 18 was unable to reach Medet Duskazyev, the KNB secret police Investigator who launched the criminal case against Akhmedov. The officer who answered his phone at the Astana City KNB on 5 April told Forum 18 that Duskazyev has been transferred to a job in the central KNB secret police administration. The officer – who did not give his name – was unable to give Forum 18 a telephone number for him.

### ***KNB secret police entrapment, arrest, torture, jailing***

The KNB secret police arrested Akhmedov and another Jehovah's Witness in Astana in January 2017 for discussing their faith with others. Akhmedov was, as in other cases involving Muslim and Protestant prisoners of conscience, set up for prosecution by the KNB secret police using informers it recruited. These informers invited those prosecuted to meetings the KNB recorded in which they shared their beliefs.

Akhmedov was sentenced in May 2017 to a five year jail term with a further three-year ban on conducting "ideological/preaching activity" (see F18News 3 May 2017 [http://www.forum18.org/archive.php?article\\_id=2277](http://www.forum18.org/archive.php?article_id=2277)).

The national cancer centre stated in early 2017 that Akhmedov needed to be hospitalised for an operation, so his jailing broke the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules). The judge claimed jailing was necessary to defend "a civilised society" (see F18News 2 February 2017 [http://www.forum18.org/archive.php?article\\_id=2252](http://www.forum18.org/archive.php?article_id=2252)).

Prisoner of conscience Akhmedov was also tortured in detention. However, in defiance of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - and as in other cases involving Muslim prisoners of conscience - no officials have been arrested or tried for torturing prisoners of conscience jailed for exercising freedom of religion and belief (see F18News 7 March 2017 [http://www.forum18.org/archive.php?article\\_id=2262](http://www.forum18.org/archive.php?article_id=2262)).

Akhmedov's lawyers were threatened with criminal trial for "revealing information from a pre-trial investigation". Their "crime" was to send copies of their legal appeal to President Nazarbayev and the Foreign Ministry (see F18News 3 April 2017 [http://www.forum18.org/archive.php?article\\_id=2269](http://www.forum18.org/archive.php?article_id=2269)).

But the criminal cases against the lawyers were dropped after prisoner of conscience Akhmedov was jailed (see F18News 22 September 2017



[http://www.forum18.org/archive.php?article\\_id=2317](http://www.forum18.org/archive.php?article_id=2317)).

### ***Criminal Code Article 174***

Akhmedov, a retired bus driver, was convicted under Criminal Code Article 174, Part 2 ("Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord").

The UN Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association, the UN Human Rights Committee, and Kazakh human rights defenders have strongly criticised Article 174 and have repeatedly called for it to be reworded or abolished (see F18News 3 May 2017 [http://www.forum18.org/archive.php?article\\_id=2277](http://www.forum18.org/archive.php?article_id=2277)).

Five of the 24 people known to have been convicted in 2017 to punish them for exercising freedom of religion or belief were convicted under Criminal Code Article 174. Five were Muslims while two (including Akhmedov) were Jehovah's Witnesses (see F18News 5 March 2018 [http://www.forum18.org/archive.php?article\\_id=2359](http://www.forum18.org/archive.php?article_id=2359)).

### ***UN calls in October 2017 for Akhmedov's "immediate" release***

On 2 October 2017, the UN Working Group on Arbitrary Detention publicly stated that Kazakhstan should release prisoner of conscience Akhmedov "immediately". The Working Group's Opinion (A/HRC/WGAD/2017/62) found that Kazakhstan contravened both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. "The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Akhmedov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law".

On 9 January 2018 the UN Human Rights Committee also called for interim measures "without delay" so that prisoner of conscience Akhmedov could receive adequate medical care. Yet Kazakhstan's Supreme Court and the government still refused to release him (see F18News 12 January 2018 [http://www.forum18.org/archive.php?article\\_id=2345](http://www.forum18.org/archive.php?article_id=2345)).

### ***"Inciting religious discord" charges against Protestant Pastor to be dropped?***

An official of Kyzylorda City Police's Investigation Department told Forum 18 on 5 April that the criminal investigation against New Life Protestant Church pastor Serik Bisembayev "will soon be closed down for absence of a crime". He was being investigated on charges of "inciting religious discord" under Criminal Code Article 174, Part 2 ("Incitement of social, national, clan, racial, or religious discord").

"No one is planning to imprison him," added the official, who would not give his name. He refused to discuss the case further, insisting that Bisembayev would be informed of the "legal decision" in writing. The official refused to say if the pastor, or any church members, would face prosecution under the Administrative Code. Nor would the official say if the books officers seized from Pastor Bisembayev had been returned.

Police opened the criminal case against Pastor Bisembayev on 25 February, the same day officers raided his New Life Church congregation in the southern city of Kyzylorda. Officers of the Regional Police's Department for the Struggle with Extremism as well as the city police halted Sunday worship, filmed those present, and forced them to state why they attend. Teachers from a Special School for children with hearing difficulties questioned adult former students why they were present and insulted their faith (see F18News 26 March 2018 [http://www.forum18.org/archive.php?article\\_id=2364](http://www.forum18.org/archive.php?article_id=2364)).

### ***Five-year criminal investigation continues***

Prosecutors in the northern town of Ridder in East Kazakhstan Region are still investigating the criminal case launched back in January 2013 against the atheist blogger and human rights defender Aleksandr Milentievich Kharlamov (born 2 July 1950). He is being investigated on charges of "inciting religious discord or hatred" under Article 164 of the old Criminal Code (equivalent to Article 174 of the current Criminal Code) for his writings on religion.

Said Aimukhan, Ridder's Prosecutor who is leading the criminal case against Kharlamov, told Forum 18 on 5 April that the case is "being investigated". Asked why it is still being investigated more than five years after it was opened, Aimukhan put the phone down. Subsequent calls went unanswered.

Prosecutors launched the case after claiming to have found insults to members of various faiths in his writings, claims he denied. As part of that case he spent from March to September 2013 in pre-trial detention, including a month in a psychiatric hospital (see F18News 7 March 2017 [http://www.forum18.org/archive.php?article\\_id=2262](http://www.forum18.org/archive.php?article_id=2262)).

"They're refusing to close down the criminal case because I'd then have the right to take them to court for exceeding their powers," Kharlamov told Forum 18 from Ridder on 5 April. "Given my age, they're just spinning it out until I die." However, he said he was preparing to lodge a case to court within the month against the prosecutor's failure to bring the case to court or close it down.

Kharlamov added that prosecutors have returned all the books seized from him. Although the court-imposed restrictions on his movement remain in force, they are not being applied. "But they could stop me from travelling abroad."

### ***Criminal trial underway***

After nearly six months' pre-trial detention, the criminal trial of three Muslims began under Judge Maulet Zhumagulov at October District Court in the central city of Karaganda on 12 March. Kazbek Asylkhanovich Laubayev (born 30 October 1978), Marat Amantayevich Konyrbayev (born 16 March 1981), and Taskali Nasipkaliyevich Naurzgaliev (born 3 May 1981) are being tried on charges of membership of the Muslim missionary movement Tabligh Jamaat.

Further hearings were held on 19 and 27 March. The trial is due to continue at 11 am on 6 April, according to court records.

The three were among six Muslims arrested in a "special operation" in Karaganda in October 2017. The case was prepared by the KNB secret police and the ordinary police (see F18News 12 January 2018 [http://www.forum18.org/archive.php?article\\_id=2345](http://www.forum18.org/archive.php?article_id=2345)). The other three Muslims detained with them are still being investigated (see below).

Laubayev, Konyrbayev and Naurzgaliyev are being tried under Criminal Code Article 405, Part 1. This 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.

At the initial hearing on 12 March, witnesses were questioned. They insisted the three Muslims did nothing wrong, Yelena Weber of Radio Free Europe's Kazakh Service, who was present in court, noted the same day. The witnesses said all they did was "after Friday namaz [prayers] they gathered in a flat over a cup of tea and spoke about Allah".

Yergen Yezhanov of October District Prosecutor's Office, who is leading the case in court, told the hearing that the three men participated in Tabligh Jamaat's activity before an Astana court banned the movement in 2013. They continued to do so knowing the movement had been banned, Yezhanov claimed, spreading the group's "ideology" in Karaganda Region and recruiting new members.

Relatives of the three men, who are each married with several young children, rejected the accusations. One of Konyrbayev's sisters told Radio Free Europe that her brother always told them "Pray the namaz and fear Allah". "He acknowledges only that they gathered, drank tea, prayed and spoke about Allah," she insisted.

"Before 2013 nothing like this happened," another sister told Radio Free Europe. "Everything was possible: praying the namaz, going to mosque, meeting together, drinking tea. Now the law is that no more than three can meet together."

The relatives added that the three men did not have the money to pay for lawyers of their choice.

### ***Criminal cases not reached Prosecutor's Office***

Three other Muslims arrested in Karaganda in October 2017 together with Laubayev, Konyrbayev and Naurzgaliyev are still being investigated on criminal charges. "The three men's cases have not yet reached the Prosecutor's Office," an official of Karaganda's October District Prosecutor's Office told Forum 18 on 5 April. He refused to discuss the cases further.

In early November 2017, October District Court ordered the three men to remain at home under restrictions as the criminal investigation against them under Criminal Code Article 405 continued. The court has periodically extended the restrictions (see F18News 12 January 2018 [http://www.forum18.org/archive.php?article\\_id=2345](http://www.forum18.org/archive.php?article_id=2345)).

Forum 18 understands that the three men have been questioned at the trial of Laubayev, Konyrbayev and Naurzgaliyev.

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## **Pentecostals shut down by authorities**

### ***A Christian will be tried for explaining how to download the Bible***

Russia Religion News (29.03.2018) - Religiia i Pravo (28.03.2018) - <https://www2.stetson.edu/~psteeves/relnews/180330b.html> - An account of charges for an administrative violation of law has been composed against a resident of Whymkent of South Kazakhstan oblast, Dilobarkhon Sultanova, after she showed a casual

acquaintance how to download the Bible from the application "Play Market." It is planned to try the woman for "evangelism."

Dilobarkhon Sultanova described how on 11 January of this year police arrested her under the pretext of checking documents and took her to the police department, the Christian megaportal InVictory.com reports, with a reference to Radio Azattyk.

After spending an hour in the police department, she learned that a statement had been written against her by an acquaintance, Elmira Inibekova. Sultanova had become acquainted with her in the "New Life" protestant church in December of last year, at Christmas. Dilobarkhon herself says that she saw Inibekova personally only twice, and she also corresponded with her on the WhatsApp application.

"She wrote me first on WhatsApp. She asked me to come outside and download for her a Bible on her telephone from 'Play Market.' Literally after a minute and a half, we parted, and I was arrested. And before this Inibekova had asked me to get a Bible in printed form for her," Dilobarkhon Sultanova noted.

The Christian emphasized that the Bible is accessible in the "Play Market" app along with all the other books of religious significance (for example, the Quran).

"The Bible is in open access and it does not belong to any single religious association. Besides it is not a religious application (for downloading)," Dilobarkhon Sultanova noted.

The record of charges for the administrative violation of law says that on 11 January of this year, Dilobarkhon Sultanova "disseminated the ideology of the 'New Life' religious association, and urged citizen Elmira Inibekova to study the sacred book of the Bible for the purpose of drawing her into the ranks of adherents of the ideology of the 'New Life' religious association."

Sultanova maintains that she never engaged in preaching activity. She said that "she did not disseminate any ideology and she was acquainted with this citizen in church that she [the woman] frequently attended and she was interested in the religious association."

In addition, Sultanova says, a staff member of the directorate for religious affairs of the South Kazakhstan oblast refused to provide for her a lawyer, which she needed, and did not provide translations of materials of the case and the record of charges in Russian. Only after filing a complaint in the prosecutor's office in the department for combating corruption did the situation change somehow, the woman says. The Christian also wrote a complaint to the court against the action of the staff member of the directorate for religious affairs of the South Kazakhstan oblast regarding violation of her rights.

The court was supposed to begin consideration of the administrative violation of law regarding Dilobarkhon Sultanova last week, but it was postponed for an indefinite period of time, since it was originally planned to consider the woman's complaint against the directorate for religious affairs of the South Kazakhstan oblast for violation of her rights.

The pastor of the "New Life" church, Zhetis Rauilov, notes that this incident is not the first in a series of prosecutions of their church by local authorities, and they began finding various violations in the organization back in July of last year. At the time, representatives of the sanitary and epidemiological station arrived on the basis of a complaint by citizens that they supposedly had killed a dog in their church. Rauilov says that it had been hit by a car and the perpetrators were not found.

Now by decision of the court, based on claims of the fire fighting service about shortage of fire detectors in the premises, the activity of the church has been suspended and a

fine of 100 times monthly income has been assessed on the organization. (tr. by PDS, posted 29 March 2018)

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## **Raid, filming, fingerprinting, insults, criminal case**

By Felix Corley

Forum 18 (26.03.2018) - <https://bit.ly/2I9BRSc> - *"Anti-extremism" police raided Kyzylorda's New Life Church, halted Sunday worship, filmed those present, and forced them to state why they attend. Teachers from a Special School questioned adult former students why they were present and insulted their faith. Pastor Serik Bisembayev faces criminal investigation for "inciting discord".*

Following an "anti-extremism" raid on New Life Protestant Church in the southern city of Kyzylorda [Qyzylorda], police are investigating the pastor Serik Bisembayev on criminal charges of "inciting discord". He faces up to ten years' imprisonment if eventually brought to trial and convicted.

The authorities often use prosecutions for "inciting discord" under the broadly-framed Criminal Code Article 174 against those they dislike (see below).

During the raid – which halted the Kyzylorda Church's 25 February Sunday meeting for worship – police filmed all those present against their wishes. They forced all those present at the service to write statements explaining why they came to church and when they had started coming, whether anyone had forced them to do so and whether they read any religious literature. About 20 were taken to the police station (see below).

During the raid, police summoned as witnesses two teachers from Kyzylorda's Special School No. 6 for Hearing Impaired Children. They questioned adults who used to attend the school why they were present at the service and insulted their faith, church members complain (see below).

Police searched for and seized religious and other literature from Pastor Bisembayev and his family, even though they had no search warrant. Police have sent this to the capital Astana for "expert analysis" (see below).

### **"Secrecy of the investigation"**

The head of Kyzylorda Regional Police's Department for the Struggle with Extremism, Kuanishbek Urazov, defended the raid led by one of his deputies. "A report came in to the police from a citizen that a child was present at the church," he claimed to Forum 18 on 20 March. "It is our duty to respond."

Urazov refused to say why during the raid officers filmed all church members, why they insulted the faith of some of those present and why, if the police were concerned about the alleged presence of a child, police confiscated books and initiated a criminal case about "inciting religious discord".

The deputy head of Kyzylorda City Police Investigation Department, who did not give his name, refused to give any information about the criminal investigation of Pastor Bisembayev which his Department is leading. "This is because of the secrecy of the investigation," he told Forum 18 on 13 March. He refused to name the investigator.

### ***Will Education Department take action against teachers?***

Telephones at the city's Special School No. 6 for Hearing Impaired Children – from where police summoned the two teachers – went unanswered each time Forum 18 called between 13 and 26 March.

No official at Kyzylorda Region's Education Department – which oversees Special School No. 6 – would explain if it is acceptable for teachers to take part in police raids on places of worship and question those present. Officials also refused to say what action (if any) the Department intends to take.

Sholpan Zhunisova of the Education Department told Forum 18 on 20 March it was not within her sphere of authority. She asked Forum 18 to send questions to acting Department head Akzira Kasymova. However, Forum 18's questions sent to her on 20 March remained unanswered at the end of the working day in Kyzylorda on 26 March. (21-23 March were public holidays for the Novruz spring festival.)

### ***Frequent "inciting discord" criminal charges***

The 47-year-old Pastor Bisembayev is the latest of a series of opposition political figures, trade unionists and individuals exercising the right to freedom of religion or belief to face charges under the broadly-framed Criminal Code Article 174.

Criminal Code Article 174 punishes: "Incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord".

Article 174, Part 2, under which Pastor Bisembayev is being investigated, punishes these actions "committed by a group of persons, a group with prior planning, repeatedly, with violence or threat of violence, or by an official, or by the leader of a public association". If convicted he faces five to 10 years' imprisonment, "with deprivation of the right to hold specified positions or to engage in specified activity for up to three years".

Seven of the 24 prisoners of conscience known to have been jailed or given other punishments in 2017 for exercising freedom of religion or belief were convicted under Criminal Code Article 174 (or its equivalent in the earlier Criminal Code). Three were Muslims and two Jehovah's Witnesses (see F18News 5 March 2018 [http://www.forum18.org/archive.php?article\\_id=2359](http://www.forum18.org/archive.php?article_id=2359)).

Former UN Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association Maina Kiai, the UN Human Rights Committee, and Kazakh human rights defenders have all strongly criticised the broad and unclear formulation of Article 174 and other laws, as well as the prosecution of a wide range of individuals under Article 174 (see F18News 2 February 2017 [http://www.forum18.org/archive.php?article\\_id=2252](http://www.forum18.org/archive.php?article_id=2252)).

### ***It began with a raid***

Trouble began for Kyzylorda's New Life Protestant Church during the Sunday morning meeting for worship on 25 February, church members told Forum 18. About 30 church members had gathered in a home owned by the wife of Pastor Serik Bisembayev.

The first visitors at about 12 noon were two women, who told Pastor Bisembayev that they were the mother and grandmother of a girl with them. They said they were there for the first time and had come because someone had told the girl (who is deaf) that a church meets there. They "aggressively" told the pastor not to allow children to attend without their parents' permission.

Pastor Bisembayev calmly informed the women that he abides by the law and does not allow children to attend unless at least one parent is present and the other parent has not objected.

Then the father of the girl arrived, together with three police officers. One was Yerkin Saginbayev, the deputy head of the Regional Department for the Struggle with Extremism, who appeared to be leading the raid. Other officers of the same department, as well as the city police, then joined them and halted the service.

"This whole beginning looked like a stunt and pre-prepared move against the community," one church member noted.

Without a search warrant or any other documentation justifying the raid, or explanation for it, officers began demanding that individuals show their identity documents. They also demanded to see copies of the registered church's documents.

Officer Saginbayev's phone went unanswered each time Forum 18 called between 13 and 26 March. His colleagues refused to give Forum 18 a mobile number for him.

### ***"Why are children allowed here?"***

"Seeing children present at the service, police officers began asking: why are children allowed here and where are their parents?" the church member recounted. Officers required each child to identify their parents. "The children were very frightened."

The church member described this intimidation of children as "a crude interference and de facto obstruction of religious activity". The church member pointed out that neither the Religion Law nor the Law on the Rights of the Child bans children from being present at religious events.

As the child brought by the mother and grandmother is deaf, officer Saginbayev then summoned two teachers from the city's Special School No. 6 for Hearing Impaired Children to provide sign interpretation. Officers appeared to believe that attendance at a religious service by a deaf child was "a serious violation", the church member noted.

Half an hour later, two teachers arrived from the Special School, Galiya Bismenova and Indira Koishibayeva.

The authorities have long tried to pressure religious communities not to allow children to attend places of worship. At least seven administrative cases were brought in 2017 to punish religious leaders for allowing children to be present or conducting religious rites against the wishes of one parent. Five of these cases ended with fines (see F18News 30 January 2018 [http://www.forum18.org/archive.php?article\\_id=2347](http://www.forum18.org/archive.php?article_id=2347)).

Amendments to the Religion Law and a range of others laws are likely to include new restrictions on and punishments for attendance by children at meetings for worship (see F18News 29 November 2017 [http://www.forum18.org/archive.php?article\\_id=2335](http://www.forum18.org/archive.php?article_id=2335)). The proposed text from late 2017 has already been amended in the Working Group in the lower house of Parliament, and it remains unclear what final provisions will be proposed when the amendments finally reach the full lower house.

### ***Forced to write statements***

One officer from the city police, Senior Sergeant Nurlan Beisembayev, then started filming the church's meeting place from the street and the yard, and then inside, including every room. He also filmed each person present, despite Pastor Bisembayev's objections. Another Sergeant, Talant Kazybek, stopped church members filming the police actions and threatened to seize their mobile phones.

Officers surrounded the house with yellow tape and prevented church members from leaving. One of the Special School teachers then – without permission - began searching the parts of the house where the family live.

When she saw adults present who had earlier studied at the Special School, the teacher turned on Pastor Bisembayev, asking why they were present. "Without stopping her insults towards him, she shouted about what kind of a sect this is and threatened to lodge a complaint to the police about him," the church member complained.

Pastor Bisembayev then learnt that the two teachers were present as official witnesses. Police officers present did not stop the two teachers from conducting "illegal" activity, the church member noted. Koishibayeva filmed Pastor Bisembayev as he read the declaration by the mother of the deaf girl, despite his objections. When he complained to the local police officer, who was also present, he promised to delete the recording Koishibayeva had made, but the pastor did not see him do so.

The two teachers insulted the faith of those present, searched the house without permission and filmed people present without cause. They also called for the Church not to be allowed to gather people in the premises.

Officer Saginbayev forced each church member to write a statement explaining why they came to church and when they had started coming, whether anyone had forced them to do so and whether they read any religious literature. About 20 of those present were ferried in cars to the District police station for further questioning. They were held there until about 3.30 pm and freed only after each had written a statement about how they had become a Christian and how long they had attended the church.

### ***Books seized with no warrant***

Officers seized from Pastor Bisembayev's home his personal Bible, as well as about 18 Kazakh-language books owned by the family. The religious books had already successfully passed through the state's prior compulsory censorship of all religious literature. Officers also seized four volumes of a Soviet encyclopedia.

The head of Kyzylorda Regional Police's Department for the Struggle with Extremism, Kuanishbek Urazov, said that Pastor Bisembayev's books had subsequently been sent for "expert analysis" to the capital Astana. "We don't have qualified theologians here who can do such analyses," he told Forum 18.



An official of the Justice Ministry's Institute of Judicial Expertise in Astana – which often conducts "expert analyses" of religious literature seized in criminal cases – refused to tell Forum 18 on 20 March if Kyzylorda Police had sent Pastor Bisembayev's books there.

Astana's Institute of Judicial Expertise conducted "expert analysis" of Muslim materials confiscated from three men in Karaganda, Kazbek Laubayev, Marat Konyrbayev and Taskali Naurzgaliyev. The three are accused of membership of the banned Muslim missionary movement Tabligh Jamaat. Their trial began on 12 March, with the next hearing due on 27 March (see F18News 5 March 2018 [http://www.forum18.org/archive.php?article\\_id=2359](http://www.forum18.org/archive.php?article_id=2359)).

### ***Alcohol test, questioning, criminal investigation***

At about 3.30 pm on 25 February, officers took Pastor Bisembayev to the drugs testing centre, where they forced him to undergo an alcohol test. This proved he was not drunk. At 4.47 pm they took him to the District police station, where officers took his fingerprints and photographed him. As he was waiting to be questioned by an investigator, one officer asked him why he became a Christian and not a Muslim.

Only when questioning was ending after 7 pm, Pastor Bisembayev saw that a case was being opened against him under Criminal Code Article 174, Part 2 ("Incitement of social, national, clan, racial, or religious discord). When he noted on the record that he had not been provided with a lawyer, the investigator became angry, church members told Forum 18. Pastor Bisembayev then insisted that he would respond to any further questions not in Kazakh but in Russian. The investigator then had to find another investigator able to prepare the documentation in Russian.

As they waited for a lawyer and a new investigator, an officer invited Pastor Bisembayev outside, as the officer was going for a smoke. When they came back in, officers logged the pastor's new time of arrival as 7.47 pm, allowing them to hold him for longer than the maximum three hours.

The new investigator then questioned Pastor Bisembayev in the presence of the duty lawyer. The pastor insisted that the record show that he had been detained from 3.30 to 9.30 pm (twice as long as the three hours allowed). The investigator did not want to give Pastor Bisembayev a copy of the record, but eventually did so. The pastor complained it was drawn up inadequately, did not give the name of the investigator and had misspelt his surname.

Pastor Bisembayev's wife had meanwhile grown worried by his prolonged absence and had phoned the duty Prosecutor. The pastor was freed only after the Prosecutor had called the police station. Both the Prosecutor and the Police refused to accept the Bisembayevs' complaint about the illegal length of his detention.

### ***Earlier punishment***

Pastor Bisembayev was punished in July 2013 for exercising the right to freedom of religion or belief. A Kyzylorda court fined him 100 Monthly Financial Indicators – about two months' average wages - under the then Administrative Code Article 375, Part 1 (see F18News 11 November 2013 [http://www.forum18.org/archive.php?article\\_id=1895](http://www.forum18.org/archive.php?article_id=1895)).

Article 375, Part 1 punished "Violation of the demands established in law for the conducting of religious rites, ceremonies and/or meetings; carrying out of charitable activity; the import, production, publication and/or distribution of religious literature and

other materials of religious content (designation) and objects of religious significance; and building of places of worship and changing the designation of buildings into places of worship".

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## **Persecution of Jehovah's Witnesses in Kazakhstan, a shock wave from Russia?**

By Willy Fautré, director of Human Rights Without Frontiers (\*)

HRWF (22.03.2018) - The total population of Kazakhstan is estimated at about 19 million. The last national census also reported approximately 70 percent of the population was Muslim, most of whom adhere to the Sunni Hanafi school. Other Islamic groups account for less than 1 percent of the population when taken together.

Approximately 26 percent of the population is Christian. The majority of these are Russian Orthodox. The country also has Roman Catholics, Greek Catholics, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, Pentecostals, Baptists, Jews, Buddhists, Mormons, Baha'is and Scientologists.

Jehovah's Witnesses recently numbered about 17-18,000 with a Memorial attendance of about 30-32,000.

The history of Jehovah's Witnesses in Kazakhstan began in the 19th century. The first of the Bible Students (as Jehovah's Witnesses were then called) was a Russian Empire citizen of Polish nationality, Mr. Semion Kozlitskiy. He was banished because of his faith on penal servitude in the settlement of Bukhtarma, nearly Ust Kamenogorsk, East Kazakhstan. He lived there until his death in 1935.

The following page of the history of Jehovah's Witnesses in Kazakhstan begins in the 1940s. Then, many believers from Ukraine and Moldova were banished to corrective-labor camps in Kazakhstan (the notorious camps of the GULAG). At the end of the 1940s, the religion of the Jehovah's Witnesses reached the South of Kazakhstan, in the region of Almaty.

In the 1950s some of released Jehovah's Witnesses decided to go on living in the Soviet Republic of Kazakhstan. The first organized communities appeared in several cities: Zhezkazgan, Karaganda and Satpayev in Central Kazakhstan. According to the official state statistics, the total number of Jehovah's Witnesses in Kazakhstan was about one thousand by the 1970s.

Following the independence of Kazakhstan on 16 December 1991, Jehovah's Witnesses first registered in 1992 and re-registered in January 2013, pursuant to the new Religion Law of 2011. Currently, communities of Jehovah's Witnesses are registered in all areas of Kazakhstan. They have 59 local religious associations and one regional religious association, which helps to coordinate their activity in the country.

Since last year however, state repression has particularly targeted them. From the cases and incidents reported hereafter, it is obvious that there is a political strategy aiming at the disappearance of Jehovah's Witnesses and other peaceful religious movements of foreign origin in Kazakhstan.

### **Abuses and Restrictions of Religious Freedom**

On **20 April 2017**, Russia's Supreme Court ruled that the Jehovah's Witnesses Administrative Center was an extremist organization, that it was to be closed and all Jehovah's Witnesses' activities were to be banned. The decision was confirmed on appeal. Nowadays, their 395 congregations can no longer operate legally and their 170,000 members are deprived of all their rights to religious freedom.

### ***Suspension of the Operations of the Administrative Center***

Two months later, on **29 June 2017**, the Almaty Administrative Court found the Administrative Center of the Jehovah's Witnesses in Kazakhstan "guilty" of alleged failure to comply with regulations requiring full coverage of on-site surveillance cameras. It therefore suspended all of the Center's activity for three months and imposed a fine of 680,000 tenge or USD 2160) based on the anti-terrorist law under article 149 §2 of the Administrative Code.

The court's decision was the result of an inspection alleging that the Center needed 3 more security cameras in addition to the 25 already installed in compliance with legislation concerning public venues. However, State officials had approved a plan on **6 February 2017** for the Center's property that showed the location of all installed security cameras. By approving that official plan, the State officials had confirmed that the Center was in full compliance with the relevant legislation.

On **12 July 2017**, the Witnesses filed an appeal. On **3 August 2017**, three weeks later, the court amended the decision to allow the Center to operate once again, although the three-month suspension remained in effect regarding the use of the Kingdom Hall and a tent on site.

### ***Bank Accounts of All Legal Entities Frozen***

Another important pillar of the Witnesses' activity that was attacked was their bank accounts. On **5 July 2017**, the Halyk Bank, which had managed the Center's financial assets since 1998, suddenly and unilaterally terminated its banking contract without explanation. Local branches of Halyk Bank also cancelled their contracts with the local legal entities of Jehovah's Witnesses throughout the country. After considerable effort, the Witnesses managed to open an account with ATF Bank but after a few weeks, it also unilaterally put an end to their contract.

Through informal inquiries, the Witnesses learned that the National Bank of the Russian Federation had issued a black list of companies and organizations considered undependable or "extremist" and that the National Bank of Kazakhstan relied on this list in checking banks' business arrangements throughout the country.

### ***Manifestation of Belief Characterized as "Extremist Activity"***

Criminalizing the freedom of expression of the Witnesses and characterizing the public manifestation of their belief as extremist activity is another way of muting and paralyzing the movement.

On **18 January 2017**, Mr. Teymur Akhmedov , a 60-year old father and husband with an impeccable reputation was arrested while trying to share his faith with others. He was placed in pre-trial detention under Art. 174, § 2 of the Criminal Code of the Republic of Kazakhstan for alleged extremist activity and incitement of social, national, clan, racial, or religious discord. The Criminal Code provides prison terms of between five and ten years in such a case.

On **24 January 2017**, Mr Akhmedov's attorney submitted an urgent complaint to the UN Working Group on Arbitrary Detention (WGAD) on his behalf.

On **2 May 2017**, he was sentenced to a five-year prison term to be followed by an additional three-year ban on his religious activity.

On **20 June 2017**, the Judicial Chamber for Criminal Cases of the City of Astana ruled to uphold the previous court decision. This was enforced on **29 June 2017**.

On **14 September 2017**, the UN WGAD released an advance version of its Opinion determining that the detention of Teymur Akhmedov is arbitrary and violates his fundamental right of freedom of worship and belief. The Kazakhstan government was urged to "take the steps necessary to remedy the situation... and release Mr Akhmedov immediately."

After the UN decision was officially released on **12 October 2017**, Mr Akhmedov's lawyers filed an appeal to the Supreme Court requesting that it implement the WGAD decision, acquit him of the charges, and order his immediate release but this did not happen.

Mr. Akhmedov had been suffering from poor health even before his imprisonment more than a year ago. On **8 February 2018**, he underwent surgery to remove two tumors, one of which was malignant. His family and his attorneys pleaded again with the Kazakh authorities to release him from detention. They were concerned about his detention conditions in the correctional facility in Pavlodar and about his need for an appropriate treatment for his cancer. Their pleas have been ignored. The US ambassador in Kazakhstan has made many efforts to get Mr. Akhmedov's release and transfer to a hospital abroad where he could get an appropriate treatment, in vain. According to the latest news, he was being transferred last week by train to the north of the country to be hospitalized: a trip of 1200 km that would last 7 days.

### ***Manifestation of Belief Construed as "Missionary Activity"***

In the last few years, a law prohibiting "missionary activity" was repeatedly instrumentalized to criminalize the individual sharing of their beliefs, the main target being Kazakh Jehovah's Witnesses.

Kazakhstan authorities primarily restrict religious freedom by applying the Law on Religious Activity and Religious Associations adopted on **11 October 2011**. Art. 1, § 5 and 8, § 1 of this law prohibits unregistered "missionary activity".

The Committee of Religious Affairs (CRA) claims that it is illegal for Jehovah's Witnesses to share their Bible-based beliefs with friends, neighbours and other interested persons, and to participate in religious services at their registered places of worship without first obtaining registration as "missionaries." The application of this law to the religious activity of Jehovah's Witnesses has led to many administrative convictions, fines, court actions and harassment by authorities.

On **11 July 2016**, the UN Committee on Human Rights' (CCPR) concluding observations on Kazakhstan (117th session) included recommendations that Kazakhstan:

"Should guarantee the effective exercise of the freedom of religion or belief and freedom to manifest a religion or belief in practice" - par. 48

"Should consider bringing article 22 of its Constitution in line with the Covenant and revise all relevant laws and practices with a view to removing all restrictions that go beyond the narrowly construed restrictions permitted under article 18 of the Covenant." - par. 48

Despite a positive decision on religious activity from Kazakhstan's Supreme Court on **1 June 2017**, lower courts are slow to apply it and Jehovah's Witnesses continue to be harassed and fined by authorities for manifestation of belief.

### ***Interference of Public Authorities with Religious Services***

Authorities have found chairmen of Local Religious Organizations liable for administrative violations for allowing minors to attend religious meetings. Often, local law enforcement officers have approached non-Witness husbands and influenced them to file complaints against congregation elders, even when there was no conflict in the family.

Last year, two Witness elders in Karabalyk and Shahtinsk were sentenced to a heavy fine for allowing children to attend religious services: the equivalent of 35 and 50 times the monthly minimum wage. As of today, a third case in Balkhash is pending.

### **Some Positive Developments in Courts**

Last year, some court decisions were positive in cases of proselytism.

On **6 April 2017**, the Supreme Court of Kazakhstan ruled in favor of Yury Toporov, a Jehovah's Witness, using Article 18 of the ICCPR as the basis for its decision.

Lower courts had wrongly convicted Mr Toporov of "illegal missionary activity," reasoning that he was required to register as a "missionary" to give a talk at a religious service of Jehovah's Witnesses at a rented place of worship. The Supreme Court concluded that this manifestation of belief is a fundamental right for which registration is not required.

On **6 April 2017**, the Supreme Court also ruled in favor of another Witness, Andrey Rakin, in another case of alleged "unregistered missionary activity". However, in this case, the Supreme Court did not address the merits of the alleged violation. Instead, the Supreme Court limited its judgment to concluding that the State authorities had not provided sufficient evidence that Mr Rakin was engaged in so-called missionary activity.

On **6 April 2017**, the Karabalyk District Court ruled that Irina Malykhina, a Jehovah's Witness, was not guilty of illegal missionary activity because of the absence of any administrative violations on her part.

On **1 June 2017**, the Supreme Court of Kazakhstan acquitted Andrey Korolev on the charge of "unregistered missionary activity." The Court granted a protest (a special form of appeal) filed by the Prosecutor's General Office on Korolev's case behalf. The protest was based on Article 18 of the ICCPR and argued that Korolev should be acquitted because publicly sharing his faith with others was a peaceful manifestation of his faith and "could not be considered as unlawful 'coercion'."

In the aftermath of these court decisions, on **18 July 2017**, Jehovah's Witnesses organized an informative campaign to acquaint local authorities with the latest Supreme Court decisions. On that occasion, the Prosecutor and the head of the Religious Affairs Department of Kyzylorda Regional Prosecution Office publicly supported the decision that

door-to-door preaching is not to be considered as missionary activity, and added that they have no objection to the preaching activity.

## Meetings with Officials

What is interesting to note with Jehovah's Witnesses is their sense for strategy. Apart from defending their rights in courts to the highest level, they give the preference to dialogue with the authorities rather than "naming and shaming."

In 2017, they had several meetings with various Kazakh authorities: Ministry of Justice, Ombudsman Office, Committee of Religious Affairs, Ministry of Religious Affairs and Civil Society and the General Prosecutor's Office.

Meetings were also arranged at the OSCE, the UN and the Office of the Commissioner General for Human Rights.

On **15 June 2017**, representatives of Jehovah's Witnesses met with representatives of the Prosecutor General's Office in Astana to discuss the possible withdrawal of 28 pending complaints at the UN Committee on Civil and Political Rights (CCPR) as the aforementioned Supreme Court rulings completely resolved the issues of their so-called illegal missionary activity.

On **30 June 2017**, the complainants' lawyer sent a letter to the CCPR with a request to recall and stop consideration of the 28 complaints if Kazakhstan complied with its agreement. Otherwise, the applicants would ask the CCPR to resume consideration of their complaints on the merits and issue a decision in respect of Kazakhstan.

## Religious Freedom Objectives

Considering the attempt to suspend the operations of their Administrative Center,  
Considering the illegal detention of Teymur Akhmetov,  
Considering the characterization of the public manifestation of religious beliefs as "extremist activity",  
Considering the repeated practice of construing the individual sharing of one's religious beliefs as "missionary activity" deemed illegal if the person is not registered as a missionary,  
Considering the interference of the public authorities in religious services,

Jehovah's Witnesses in Kazakhstan request the government of Kazakhstan,

- fulfill its obligations under international law to guarantee freedom of religion, expression, assembly and association for all citizens, including Jehovah's Witnesses,
- release Teymur Akhmetov from prison as a matter of urgency,
- stop considering the peaceful movement of Jehovah's Witnesses an "extremist religion",
- put an end to the arrest, prosecution and harassment of Jehovah's Witnesses for so-called illegal missionary activity,
- stop prosecuting congregation elders for allowing children to attend religious services, even with one of their parents.

**(\*) Paper presented on 19 March 2018 in Bishkek (Kyrgyzstan) at the conference "Religion and civil society in the post-Soviet era: Central Asia and beyond" sponsored by the American University of Central Asia and Cesnur.**

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## **One church, two prosecutions**

By Felix Corley

Forum 18 (15.03.2018) - <https://bit.ly/2pIpiu3> - *Shymkent's New Life Protestant Church was fined for having three not five fire detectors in a storage building and banned for one month. The ban will go into force if the church's appeal fails. But the court acquitted a church member of helping an apparent police agent provocateur download a Bible onto her phone.*

A court in Shymkent in South Kazakhstan Region fined and banned for a month the Protestant New Life Church for having only three rather than five fire detectors in a building on church property used for storage only. The fire inspector who brought the case refused to explain to Forum 18 why he did not issue the order to install the extra fire detectors in writing and why the church was punished despite having installed the extra detectors he demanded within the specified one month.

All exercise of the right to freedom of religion or belief without state permission is banned on Kazakhstan, in defiance of the country's international human rights commitments (see Forum 18's Kazakhstan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1939](http://www.forum18.org/archive.php?article_id=1939)).

The one-month ban therefore means that the entire church community's exercise of the right to freedom of religion or belief will be banned for one month when the ban comes into force. Only if the Regional Court overturns the lower court decision will the Church avoid being banned (see below).

This latest court-ordered ban is part of a growing trend of banning religious communities on various grounds from exercising the right to freedom of religion or belief. Forum 18 found 20 such court-ordered temporary or permanent bans in 2017 (see below).

At the same time as the case was going through the court, police officers targeted the same New Life Church using an apparent agent provocateur. Police officers arrested a church member just after they had helped the apparent agent provocateur download a Bible onto her mobile phone. The woman had repeatedly and insistently requested the church member's help. Police accused the church member of "missionary activity", but a court acquitted her (see below).

Other religious communities have faced raids and fines so far in 2018. In the most serious case, officers of the police Department for the Struggle against Extremism and local police officers in the southern city of Kyzylorda raided a Protestant church during its Sunday meeting for worship on 25 February. Officers halted the service, detaining and questioning church members and seizing religious literature. They opened an investigation against the pastor, Serik Bisembayev, on charges of "inciting discord" under Criminal Code Article 174, Part 2 (see F18News 26 March 2018 [http://www.forum18.org/archive.php?article\\_id=2364](http://www.forum18.org/archive.php?article_id=2364)).

### **Legal amendments imminent?**

The moves against Shymkent's New Life Church come as Parliament's lower house, the Majilis, is preparing the final text of a wide-ranging set of amendments to make the exercise of religion or belief more difficult.

The draft Amending Law proposes many changes to the 2011 Religion Law, Administrative Code and many other laws (see F18News 29 November 2017 [http://www.forum18.org/archive.php?article\\_id=2335](http://www.forum18.org/archive.php?article_id=2335)).

A Working Group of the Majilis International Affairs, Defence and Security Committee began a line-by-line consideration of the draft text on 6 February. Further meetings to consider the draft were held throughout February and March, most recently on 13 March. The next is due on 20 March, according to the parliament website.

Only once the Committee has agreed the text will the draft Amending Law be sent to the full lower house for consideration.

### ***Widespread bans***

The ban on the Protestant Church in Shymkent is the latest of a series of such bans on the functioning of places of worship.

In addition to fines in administrative cases against individuals and religious communities in 2017, courts issued one complete ban on a place of worship. When an Oskemen court fined the company Central Market in March 2017, it permanently banned the Muslim prayer room (namazkhana) on its premises.

Courts in 2017 also imposed 17 three-month bans on activity to punish unapproved meetings for worship. Of these, four were on an entire religious community: Vefil Pentecostal Church in Belousovka in Glubokoe District in March 2017; Source of Life Protestant Church in Almaty in March 2017; New Life Church in Oskemen in August 2017; and the unregistered Council of Churches Baptist congregation in Shu District in November 2017. In addition, an Astana court fined the company Mega Plaza in November 2017 for hosting a Muslim prayer room (namazkhana) and banned the prayer room for three months. The Jehovah's Witness regional headquarters in Almaty was banned for three months for having insufficient security measures (see F18News 30 January 2018 [http://www.forum18.org/archive.php?article\\_id=2347](http://www.forum18.org/archive.php?article_id=2347)).

### ***Fire inspection with no written demand, fine, ban***

On 4 January Captain Nurdaulet Bekseitov of the Fire Inspection Service in Shymkent inspected the premises of the Protestant New Life Church. He ordered the Church to instal an extra two fire detectors to the three existing fire detectors in a run-down building used for storage on church property within a month. Although he presented a letter confirming the inspection, he did not issue his order in writing, church members complained to Forum 18.

The Church's Pastor Zhetis Rauilov told Forum 18 the extra detectors were installed later in January in line with Captain Bekseitov's verbal order.

"We gave them one month to correct the fault and they told us it would be enough," Captain Bekseitov told Forum 18 from Shymkent on 14 March. He admitted that the Church had done what had been demanded of it but refused to say when it had done so.



He refused to say why he had not issued his order in writing. However, he stressed that not he but the court had issued the punishment on the Church.

Captain Bekseitov also refused to say how many administrative cases are brought each year in Shymkent to punish organisations for failing to abide by such orders.

Despite the Church abiding by the order, a case was lodged against it under Administrative Code Article 462, Part 3. This punishes "Non-fulfilment or inadequate fulfilment of legal orders" with a fine for organisations of 100 Monthly Financial Indicators (MFIs) and a possible ban on all or some activity.

On 22 February, Judge Abdugappar Beknazarov of Shymkent's Specialised Administrative Court found New Life Church guilty. He fined it 100 MFIs, 240,550 Tenge (5,750 Norwegian Kroner, 605 Euros or 750 US Dollars), equivalent to about two months' average wages for an individual in formal work. He also banned it for one month, according to the decision seen by Forum 18.

"I took all the documents to court to show that we had installed the extra fire detectors, but the Judge didn't even look at them," Pastor Rauilov lamented to Forum 18.

Judge Beknazarov's assistant said the Judge was unavailable when Forum 18 called on 14 March. The assistant was unable to comment on the decision, including why the Church had been punished despite having abided by the order and why the Judge had deemed it necessary to ban the Church for one month.

The Judge's assistant added that the Church had appealed against the decision and this would be heard in South Kazakhstan Regional Court. The lower court decision – including the fine and the ban – will go into force only if it is upheld on appeal.

### ***Helping Bible download – an offence?***

Meanwhile, a woman who began attending Shymkent's New Life Church in late 2017 was apparently an agent provocateur acting on police instructions. She repeatedly asked that a church member help her download the Bible on her mobile phone. This action was instrumental in the administrative prosecution of a church member.

Church member Dilobarkhon Sultanova got to know Elmira Inibekova in the church in December 2017. On 11 January 2018, Inibekova asked Sultanova to meet her near a local cafe to help her download the Bible on her mobile phone. Sultanova saw Inibekova in the cafe talking to a young man. She phoned her and Inibekova came out onto the street. There, at Inibekova's request, Sultanova helped her download the Bible and they parted, church members told Forum 18.

Two police officers immediately detained Sultanova. A third then arrived with Inibekova. "Literally a minute and a half after we parted they detained me," Sultanova told Svetlana Glushkova of Radio Free Europe's Kazakh Service for a 9 March article.

Sultanova noted that Inibekova had requested her help to download the Bible after requesting a copy in book form. Sultanova denied any wrongdoing. "The Bible is freely available and doesn't belong to any one religious association," she told Radio Free Europe.

The officers took Sultanova by car to the city's Abai District Police Station, where they held her for an hour. They then showed her a statement from Inibekova accusing her of

drawing her into religion. Sultanova denied this, pointing out that Play Market – from which Inibekova downloaded the Bible – was offering the text, not her.

The subsequent court decision reveals that Inibekova had herself phoned the police before she met Sultanova near the cafe, claiming that Sultanova's activity constituted illegal "missionary activity".

On 29 January, Sultanova received a letter from the Regional Religious Affairs Department summoning her two days later. On 31 January at the Department, Chief Specialist Abduvakhit Absamatov showed her the information sent to it by Abai District Police. He told her he intended to prepare a case against her under Administrative Code 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 MFIs, with deportation if the individual is a foreign citizen.

Sultanova insisted on her right to refuse to sign any record without a state-funded lawyer or other defender.

On 2 February, Chief Specialist Absamatov phoned Sultanova, telling her that he was refusing her request for a state-funded defender. Sultanova then lodged a complaint to court (which she withdrew on 6 March, according to the court document seen by Forum 18).

Absamatov also refused Sultanova's request for an official translation into Russian of Kazakh-language police statements, as she does not know Kazakh well. He similarly refused her permission to make copies of the material in the case. He claimed that the Department does not have money for translations and that her demands were not based in law.

In mid-February, Chief Specialist Absamatov tried to pressure Sultanova to accept a lawyer Aygul Dosymbekova. When Sultanova met her on 13 February, the lawyer refused to give her a copy of the letter of appointment or the letter from the College of Lawyers confirming this. The lawyer also pressured Sultanova to sign the record of an offence. Sultanova refused and renounced the lawyer's services.

That same evening, Chief Specialist Absamatov phoned Sultanova to accuse her of stirring up "fuss" about the case. Church members complained to Forum 18 that Absamatov was aggressive on the phone.

Sultanova later engaged her own lawyer, Zulfiya Shigapova. On 16 February the record of an offence was officially drawn up.

### **Acquittal**

On 20 February, the case against Sultanova reached Shymkent's Specialised Administrative Court. However, on 13 March Judge Abdugappar Beknazarov found Sultanova not guilty, according to the decision seen by Forum 18. The court noted that the Bible "is not banned literature in the Republic of Kazakhstan and does not require a positive religious studies expert analysis". It found that Sultanova's actions did not constitute an offence as Inibekova's attendance at New Life Church was documented.

Absamatov led the case against Sultanova in court, while Inibekova appeared as a witness. Inibekova told the court that she had decided to start attending New Life Church as a result of family problems.

The same Judge Beknazarov had found Sultanova's New Life Church guilty on 22 February (see above).

Lawyer Shigapova welcomed Sultanova's acquittal. "The court studied all the materials in the case and came to the correct and just conclusion," she told Forum 18 from Shymkent on 15 March. "The Religious Affairs Department has the right to lodge an appeal, but as far as I can see there is no basis for such an appeal."

Officials were unavailable or unwilling to talk to Forum 18. Chief Specialist Absamatov refused to take Forum 18's repeated calls on 15 March. He had similarly refused to speak to Radio Free Europe's Kazakh Service. Religious Affairs Department Head Samat Saparbayev was unavailable each time Forum 18 called on 15 March.

Abai District Police told Forum 18 on 15 March that the Head, Nurzhan Tileuov, was on leave and referred it to his deputy, Yekirali Mirbekov. However, his phone went unanswered each time Forum 18 phoned on 15 March.

Radio Free Europe reached Inibekova, but she declined to comment for its 9 March article.

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## **24 criminal convictions in 2017, more imminent?**

By Felix Corley

Forum 18 (5.03.2018) - <http://bit.ly/2p8tnmg> - *Zholbarys Zhumanazarov – jailed for one year in Almaty Region for alleged membership of the Tabligh Jamaat Muslim missionary movement – became the 24th known individual given a criminal conviction in 2017 for exercising freedom of religion. The criminal trial of three more begins in Karaganda on 12 March.*

A court in Kazakhstan's southern Almaty Region has jailed for one year yet another Muslim accused of membership of the banned Islamic missionary movement Tabligh Jamaat. The case had been launched by the National Security Committee (KNB) secret police. He was the 24th individual known to have been given a criminal conviction in 2017 for exercising freedom of religion or belief.

The trial of three more Muslims accused of Tabligh Jamaat membership is due to begin in the central city of Karaganda [Qaraghandy] on 12 March 2018. They face up to six years' imprisonment if convicted. The Prosecutor refused to tell Forum 18 what harm (if any) the men had done to anyone. The three – who are in their late thirties - were among six Muslim men arrested in the city in October 2017 (see below).

The 61-year-old Jehovah's Witness and cancer sufferer Teymur Akhmedov underwent surgery on 8 February. Doctors removed two tumours, one of which was malignant. On 12 February, doctors diagnosed sigmoid colon cancer. "The initial diagnosis by doctors in Pavlodar indicates that his cancer is transitioning from stage II to stage III, requiring urgent investigation and long-term treatment," Jehovah's Witnesses told Forum 18.

Prisoner of conscience Akhmedov is serving a five-year prison term in the northern city of Pavlodar on "extremism"-related charges he rejects. Two United Nations bodies have called for his release but Kazakhstan's authorities have ignored these calls (see below).

### **24th known criminal conviction in 2017**

The prison term handed down on the Muslim in Almaty Region in late December 2017 brought to 24 the number of individuals known to have been given criminal convictions in 2017 to punish the exercise of freedom of religion or belief (see full list below).

Of these, 21 were Sunni Muslims, 2 Jehovah's Witnesses and 1 Baptist. Of the 24 (all of them men), 21 received prison terms and 3 received restricted freedom sentences, where they live at home under restrictions (see F18News 17 November 2017 [http://www.forum18.org/archive.php?article\\_id=2333](http://www.forum18.org/archive.php?article_id=2333)).

Of the 21 Sunni Muslims, 16 were punished for alleged membership of the Tabligh Jamaat Muslim missionary group, which was banned by an Astana court in February 2013. The movement's 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](http://www.forum18.org/archive.php?article_id=2162)).

As of 5 March 2018, the bank accounts of 22 of the 24 men convicted in 2017 had been frozen after they were added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism" (see F18News 10 June 2016 [http://www.forum18.org/archive.php?article\\_id=2187](http://www.forum18.org/archive.php?article_id=2187)).

The December 2017 conviction in Almaty Region brought to 63 the number of alleged Tabligh Jamaat adherents (all of them Kazakh citizens) known to have been given criminal convictions since December 2014. Of these, 49 were given prison terms while 14 were given restricted freedom sentences.

As well as criminal convictions, courts routinely hand down administrative punishments for exercising freedom of religion or belief, including fines, confiscation (and more rarely destruction) of religious literature, and bans on activity. Forum 18 found 259 such administrative punishments in 2017 (see F18News 30 January 2018 [http://www.forum18.org/archive.php?article\\_id=2347](http://www.forum18.org/archive.php?article_id=2347)).

### **Karasai District: One year jail term**

Sunni Muslim Zholbarys Kaipbayevich Zhumanazarov (born 3 August 1959) became the 24th individual known to have been given a criminal conviction in 2017 to punish him for exercising freedom of religion or belief.

The KNB secret police launched the criminal case against Zhumanazarov before handing it over to prosecutors. On completing their investigation, they handed the criminal case to Karasai District Court in Almaty Region on 12 December 2017. On 28 December 2017, Judge Amangeldi Makhanbetov found Zhumanazarov guilty of violating Criminal Code Article 405, Part 2.

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.

The Judge handed Zhumanazarov a one-year prison term, according to an 8 February statement on Almaty Regional Court website (which did not name him).

The statement said Zhumanazarov, a resident of Karasai District, had "conducted active work to agitate for and instil the ideology of the extremist organisation [Tabligh Jamaat] among the local population of Almaty Region". The Investigative Department of the Almaty Region KNB secret police had proved this during "operational/investigative measures", it added.

Zhumanazarov did not appeal against his conviction to Almaty Regional Court and the sentence came into force on 5 February, Regional Court spokesperson Aida Sadykova told Forum 18 from the regional capital Taldykorgan on 5 March.

Sadykova said that Zhumanazarov was the only individual to be sentenced at the time on accusations of Tabligh Jamaat membership.

Judge Makhanbetov's assistant refused to put Forum 18 through to him or to give any information about whether the trial had been open or closed, who the Prosecutor was or whether Zhumanazarov had been defended by a lawyer of his choice.

Judge Makhanbetov also ordered in his verdict that Zhumanazarov pay the state 56,174 Tenge (1,370 Norwegian Kroner, 140 Euros or 175 US Dollars) to cover the cost of "expert analyses".

On 9 February, four days after the verdict came into force, Karasai District Court ordered court bailiffs to recover this money from Zhumanazarov, according to case documents. The telephone of the bailiff assigned to the case, Ikhtiyar Zaurbekov, was switched off each time Forum 18 called between 2 and 5 March and he did not respond to written questions as to how he will recover the money from Zhumanazarov now he has been jailed.

On 5 March, Zhumanazarov was added to the List of individuals "connected with the financing of terrorism or extremism", thus blocking any bank accounts he might have.

Forum 18 was unable to find out which Prosecutor's Office had led the investigation once the KNB secret police had handed over the case. The chancelleries of both Karasai District Prosecutor's Office and Almaty Regional Prosecutor's Office told Forum 18 on 5 March they did not have the case listed. Almaty Regional KNB secret police's Investigation Department told Forum 18 the same day that it could only answer official enquiries sent by post.

Forum 18 was also unable to find out where Zhumanazarov had been held before his trial and whether he has already been sent to a labour camp to serve his sentence. The Special Departments of Taldykorgan Investigation Prison LA-155/16 and Almaty City Investigation Prison LA-155/1 told Forum 18 separately on 5 March he had never been held in either. The Special Department of the other Almaty City Investigation Prison LA-155/18 refused to give Forum 18 any information the same day. Almaty City KNB secret police refused to give Forum 18 a contact number for its Investigation Prison in the city.

### ***Karaganda: Criminal trial imminent***

After nearly six months' pre-trial detention, the criminal trial is imminent of three Muslims in the central city of Karaganda accused of Tabligh Jamaat membership: Kazbek Asylkhanovich Laubayev (born 30 October 1978); Marat Amantayevich Konyrbayev (born 16 March 1981); and Taskali Nasipkaliyevich Naurzgaliyev (born 3 May 1981).

The criminal case was handed to Karaganda's October District Court on 23 February. The men's trial is due to begin under Judge Maulet Zhumagulov on the morning of 12 March, according to case materials and officials of the court. The men are due to be tried under Criminal Code Article 405, Part 1.

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.

"The trial will be open," Judge Zhumagulov's assistant told Forum 18 from the court on 2 March. The three men share two court-appointed lawyers to defend them.

The assistant added that on the first day, 12 March, the hearing is expected to begin with Yergen Yezhanov of October District Prosecutor's Office outlining the accusations against the three men, any defence appeals being lodged and the questioning of the first witnesses.

Prosecutor Yezhanov confirmed that Laubayev, Konyrbayev and Naurzgaliyev are still being held in Karaganda's Investigation Prison (AK-159/1). However, he refused to discuss any other aspect of the case with Forum 18 on 5 March. "I can't give out any official information." Asked what harm (if any) the three men had done to anyone, Prosecutor Yezhanov replied: "The court will come to its decision." He claimed not to know the names of the lawyers assigned to defend the three men.

Laubayev, Konyrbayev and Naurzgaliyev were among six Muslim men arrested in Karaganda on 30 October 2017. As part of its "special operation", police found and confiscated religious literature, "technical equipment", mobile phones and flashcards at their homes. The KNB secret police and the ordinary police worked together on the cases, Senior Lieutenant Yernar Kaltayev of the city Police Investigation Department told Forum 18 in January. He admitted that the six arrested men had not committed or called for violence.

Karaganda's October District Court ordered that Laubayev, Konyrbayev and Naurzgaliyev be held in pre-trial detention. The other three men – whom Forum 18 has been unable to identify – were ordered to live at home under restrictions.

In December 2017, Investigator Kaltayev sent texts seized from the men to the Justice Ministry's Institute of Judicial Expertise in Astana for "expert analysis" to find out if they contain "elements of extremism" (see F18News 12 January 2018 [http://www.forum18.org/archive.php?article\\_id=2345](http://www.forum18.org/archive.php?article_id=2345)).

No trial for the other three men appears to be scheduled. Prosecutor Yezhanov refused to say if they remain under criminal investigation or if any trial for them is imminent.

On 7 March 2012, Zhiloi District Court in Atyrau Region fined Konyrbayev 161,800 Tenge under the then Administrative Code Article 375, Part 3 ("carrying out missionary activity without local registration"). The Court punished him for sharing his faith with other Muslims in the town of Kulsary, according to the decision seen by Forum 18. As he failed to pay the fine, he was subjected to further fines.

The Investigation Prison address where Laubayev, Konyrbayev and Naurzgaliyev are being held:

Karagandinskaya Oblast

g. Karaganda  
ul. Asfaltная 16  
Uchr. AK-159/1 (SI-16)  
Kazakhstan

### ***Pavlodar: Malignant tumour removed from prisoner of conscience***

Jehovah's Witness prisoner of conscience Teymur Sultan ogly Akhmedov (born 7 May 1956) underwent surgery at Pavlodar's city hospital to remove two tumours on 8 February, Jehovah's Witnesses told Forum 18 on 22 February. One of the tumours was malignant and doctors subsequently diagnosed sigmoid colon cancer.

"Teymur's family and his attorneys have pleaded with the authorities to release him from detention, concerned about conditions in the correctional facility in Pavlodar and about his need for further medical attention," Jehovah's Witnesses added. "Their pleas have thus far been ignored."

The KNB secret police arrested Akhmedov and another Jehovah's Witness in their home city of Astana in January 2017 for discussing their faith with others. Akhmedov was, as in other cases involving Muslim and Protestant prisoners of conscience, set up for prosecution by the KNB secret police using informers it recruited. These informers invited those prosecuted to meetings the KNB recorded in which they shared their beliefs (see F18News 2 February 2017 [http://www.forum18.org/archive.php?article\\_id=2252](http://www.forum18.org/archive.php?article_id=2252)).

An Astana court convicted Akhmedov in May 2017 and handed down a five-year sentence (plus a further three year ban on conducting "ideological/preaching activity") on charges under Criminal Code Article 174, Part 2 ("Incitement of social, national, clan, racial, or religious hatred or discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious hatred or discord") (see F18News 3 May 2017 [http://www.forum18.org/archive.php?article\\_id=2277](http://www.forum18.org/archive.php?article_id=2277)).

On 2 October 2017, the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Kazakhstan should release prisoner of conscience Akhmedov "immediately". The Working Group's Opinion (A/HRC/WGAD/2017/62) finds that Kazakhstan has contravened both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (see [http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A\\_HRC\\_WGAD\\_2017\\_62\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_62_EN.pdf)).

Jehovah's Witnesses lodged a separate 3 January 2018 appeal to the UN Human Rights Committee. In a response on 9 January seen by Forum 18, it called on Kazakhstan to ensure "adequate medical treatment" and to consider releasing Akhmedov "due to his health condition" pending a final ruling by the Committee (see F18News 12 January 2018 [http://www.forum18.org/archive.php?article\\_id=2345](http://www.forum18.org/archive.php?article_id=2345)).

Kazakhstan's authorities have refused to free Akhmedov. The telephones of the Special Department at the prison in the northern city of Pavlodar where Akhmedov is being held went unanswered each time Forum 18 called on 5 March.

Akhmedov's prison address:

140000 g. Pavlodar  
Severnaya promyshlennaya zona  
Uchr. AP-162/3  
Kazakhstan

**2017: 24 known criminal convictions for exercising freedom of religion or belief**

Twenty four individuals (listed below) are known to have been convicted for exercising freedom of religion or belief in 2017. The list does not include individuals known to have been punished under Criminal Code Article 174, but for whom it is unclear what the content of the material they distributed was.

1) Asaf Gadzhiaga ogly Guliyev; Jehovah's Witness; born 4 October 1973; arrested 18 January 2017; sentenced 24 February 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 2; no appeal; 5 years' restricted freedom, plus bank accounts blocked.

2) Bakhytzhан Esimkhanovich Baimusayev; Sunni Muslim; born 15 November 1963; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus four-year post-prison ban on activities, plus bank accounts blocked.

3) Abduvakhab Salibekovich Shakirov; Sunni Muslim; born 21 December 1962; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 1; no appeal; 4 years' imprisonment, plus four-year post-prison ban on activities, plus bank accounts blocked.

4) Furkhat Farkhadovich Abatayev; Sunni Muslim; born 27 January 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.

5) Abdivasit Abdikakharovich Abdirazakov; Sunni Muslim; born 28 August 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.

6) Murodzhon Abdivakhabovich Abdullayev; Sunni Muslim; born 21 January 1969; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.

7) Zhenisbek Erakhmetovich Manbetov; Sunni Muslim; born 16 July 1983; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.

8) Meirambek Amalbekuli Sarymsak; Sunni Muslim; born 8 March 1965; arrested at end of trial; sentenced 4 April 2017 Sairam District Court; Criminal Code Article 405, Part 2; no appeal; 1 year imprisonment, plus two-year post-prison ban on activities, plus bank accounts blocked.

9) Kuanysh Ablayevich Bashpayev; Sunni Muslim; born 3 February 1987 ; arrested 12 October 2016; sentenced 7 April 2017 Pavlodar City Court No. 2; appeal 15 June 2017



Pavlodar Regional Court modified labour camp provision; Old Criminal Code Article 164, Part 1 (equivalent to Article 174, Part 1 of new Code); 4 and a half years' imprisonment, plus bank accounts blocked.

10) Teymur Sultan ogly Akhmedov; Jehovah's Witness; born 7 May 1956; arrested 18 January 2017; sentenced 2 May 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 2; appeal rejected 20 June 2017 Astana City Court; 5 year prison term, plus 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

11) Denis Valeryevich Korzhavin; Sunni Muslim; born 21 May 1983; arrested 18 February 2017; sentenced 11 May 2017 Almaty's Almaly District Court; Criminal Code Article 174, Part 1; no appeal; 5 years' restricted freedom, plus bank accounts blocked.

12) Dmitry Valeryevich Tsilenko; Sunni Muslim; born 7 February 1991; arrested 5 October 2016; sentenced 12 May 2017 Kostanai City Court No. 2; Criminal Code Article 405, Part 1; appeal rejected 4 July 2017 Kostanai Regional Court; 3 year prison term, plus 278,038 Tenge fee, plus bank accounts blocked.

13) Nariman Kabdyrakhmanovich Seytzhonov; Sunni Muslim; born 2 May 1989; arrested 15 January 2017 (after earlier arrest in Kyrgyzstan); sentenced 9 June 2017 Kokshetau City Court; Criminal Code Article 174, Part 1; appeal rejected 16 August 2017 Akmola Regional Court; 5 year prison term, plus 91,693.58 Tenge fee, plus bank accounts blocked.

14) Rollan Talgatovich Arystanbekov; Sunni Muslim; born 5 December 1981; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 3 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

15) Zhumabai Shaikhyuly Nurpeyis; Sunni Muslim; born 23 July 1961; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom.

16) Nurlan Amangeldyevich Ibrayev; Sunni Muslim; born 24 March 1977; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

17) Kanat Serikovich Shaigozhanov; Sunni Muslim; born 30 November 1984; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

18) Nuralim Archiyevich Tyupeyev; Sunni Muslim; born 13 November 1962; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

19) Ermek Tursynbayevich Akhmetov; Sunni Muslim; born 18 March 1964; arrested November 2016; sentenced 28 June 2017 Atyrau City Court No. 2; Criminal Code Article 405, Parts 1 and 2; appeal rejected 29 August 2017 Atyrau Regional Court; 2 year prison

term, plus 2 or 3 year post-prison ban on exercise of religious freedom, plus bank accounts blocked.

20) Satymzhan Bagytzhanuli Azatov; Sunni Muslim; born 17 September 1989; arrested 4 January 2017; sentenced 10 July 2017 Astana's Saryarka Court No. 2; Criminal Code Article 174, Part 1 and Article 256, Part 1; appeal Astana City Court; 4 year and 8 month prison term, plus bank accounts blocked.

21) Iliyan Raiymzhan; Sunni Muslim; born 8 February 1992; arrested April 2017; sentenced 1 August 2017 Tekeli City Court; Criminal Code Article 405, Parts 1 and 2; 4 year prison term, plus 2 and a half years' post-prison ban on exercise of religious freedom, plus bank accounts blocked.

22) Abdukhalil Abdukhamidovich Abduzhabbarov; Sunni Muslim; born 6 April 1975; arrested 18 February 2017; sentenced 16 August 2017 Oral City Court; Old Criminal Code Article 164, Part 3 (equivalent to Article 174, Part 3 of new Code); 8 year prison term, plus bank accounts blocked.

23) Yuri Ivanovich Bekker; Council of Churches Baptist; born 18 June 1964; sentenced 31 October 2017, Zhaksy District Court; Criminal Code Article 430, Part 1; 1 year restricted rights.

24) Zholbarys Kaipbayevich Zhumanazarov; Sunni Muslim; born 3 August 1959; arrested unknown; sentenced 28 December 2017, Karasai District Court; Criminal Code Article 405, Part 2; 1 year prison term, plus 56,174 Tenge fee, plus bank accounts blocked.

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## Six await trial; cancer sufferer not freed

By Felix Corley

Forum18 (12.01.2018) - [http://forum18.org/archive.php?article\\_id=2345](http://forum18.org/archive.php?article_id=2345) - *Three of six Muslims arrested in October 2017 have had pre-trial detention extended for two more months. All six face up to two years' imprisonment if convicted of involvement in missionary movement Tabligh Jamaat. A second United Nations body has called for Jehovah's Witness prisoner of conscience, cancer-sufferer Teymur Akhmedov to be freed.*

In late December 2017, a judge in Karaganda [Qaraghandy] extended for a further two months the pre-trial detention of three of the six Sunni Muslims facing criminal charges of participation in the Muslim missionary movement Tabligh Jamaat. The other three have had their restrictions extended for two months while they await trial at home. They face up to two years' imprisonment if convicted. The investigator in the case and court officials refused to identify the six men.

One year after his January 2017 arrest, a second United Nations (UN) human rights body has called on Kazakhstan to provide urgent medical treatment and consider release for 61-year-old Jehovah's Witness prisoner of conscience and cancer-sufferer Teymur Akhmedov. The UN Human Rights Committee called for this on 9 January 2018, three months after its Working Group on Arbitrary Detention called for him to be "immediately" released. Officials of the labour camp in Pavlodar told Forum 18 they had not seen the UN interventions and would release Akhmedov only when they get an order from Astana to do so (see below).

In September 2017, half way through his four years eight months' prison sentence,

Muslim prisoner of conscience Saken Tulbayev was transferred from a labour camp in the northern city of Pavlodar to the Investigation Prison in Taldykorgan [Taldyqorghan]. This is much closer to his home in the southern city of Almaty. Officials refuse to say if this means he is facing a new criminal case. Commentators say a new trial could have been held in Pavlodar, so regard the transfer closer to home as positive (see below).

Council of Churches Baptist Yuri Bekker has failed to overturn his criminal conviction and one-year sentence of living under restrictions. He was punished for refusing to pay a 2016 fine for exercising freedom of religion or belief. In December 2017, Akmola Regional Court rejected his appeal (see below).

Akhmedov and Bekker were among 23 individuals known to have been given criminal convictions in 2017 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 (see F18News 17 November 2017 [http://www.forum18.org/archive.php?article\\_id=2333](http://www.forum18.org/archive.php?article_id=2333)).

As well as criminal convictions, courts routinely hand down administrative punishments for exercising freedom of religion or belief, including fines, confiscation (and more rarely destruction) of religious literature, and bans on activity (see forthcoming F18News article).

### ***Parliament to consider further restrictive amendments***

Parliament appears about to begin consideration of a draft Amending Law proposing many wide-ranging changes to the 2011 Religion Law, Administrative Code and many other laws. The government sent the draft Law to the lower house of Parliament, the Majilis, on 29 December 2017 (see forthcoming F18News article).

If adopted in current form, the Law would impose new restrictions on and punishments for religious education, sharing beliefs, censorship of literature and (for state officials) participating in worship. It would also require almost all registered religious organisations to undergo re-registration (see F18News 29 November 2017 [http://www.forum18.org/archive.php?article\\_id=2335](http://www.forum18.org/archive.php?article_id=2335)).

### ***Karaganda Six: Pre-trial detention extended***

On about 27 December 2017, Judge Shyngys Ganiolla of October District Court in the central city of Karaganda extended for a further two months the pre-trial detention of three of the six Muslim men under investigation on criminal charges of involvement in the Tabligh Jamaat missionary movement. He also extended for the same term the restrictions on the three other men, who are awaiting trial at home, the judge's assistant told Forum 18 on 5 January. He said the men had not been brought to court for the hearings.

The three detained men are being held at Karaganda's Investigation Prison, AK-159/1. However, officials of the prison's Special Department refused on 11 January to give Forum 18 any information about the men, including on whether they are allowed to pray visibly and have religious literature of their choice.

The six men – aged between 22 and 39 – were arrested in a "special operation" in Karaganda on 30 October 2017. 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.

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.

"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" (see F18News 17 November 2017 [http://www.forum18.org/archive.php?article\\_id=2333](http://www.forum18.org/archive.php?article_id=2333)).

Senior Lieutenant Yernar Kaltayev of the city Police Investigation Department is leading the criminal case against the six men. He admitted to Forum 18 on 9 January that the police and KNB secret police are conducting "joint work" on the case.

Asked if the six men had promoted violence, such as by planting bombs or calling for murder or the violation of others' human rights, Kaltayev responded: "No." However, he noted that texts seized from them have been sent to the Justice Ministry's Institute of Judicial Expertise in Astana for "expert analysis" to find out if they contain "elements of extremism".

The Institute of Judicial Expertise received texts in the case from Investigator Kaltayev on 13 December 2017, an Institute official told Forum 18 on 9 January from Astana. It had handed them to one religious studies and one philological "expert", but the official refused to identify them. She refused to say if one of them was Roza Akbarova, who similarly refused to say.

Akbarova provided "expert analysis" which helped jail three prisoners of conscience for speaking about their beliefs with KNB secret police informers: Seventh-day Adventist Yklas Kabduakasov (see F18News 29 December 2015 [http://www.forum18.org/archive.php?article\\_id=2136](http://www.forum18.org/archive.php?article_id=2136)); Jehovah's Witness Teymur Akhmedov (see F18News 3 May 2017 [http://www.forum18.org/archive.php?article\\_id=2277](http://www.forum18.org/archive.php?article_id=2277)); and Sunni Muslim Satymzhan Azatov (see F18News 13 July 2017 [http://www.forum18.org/archive.php?article\\_id=2296](http://www.forum18.org/archive.php?article_id=2296)).

Investigator Kaltayev refused to identify the six men or their lawyers. He said the state had allocated one lawyer to each. He refused to say when his investigation might be completed and the case handed to court, citing the "secrecy of the investigation".

Local lawyer Asemgul Batalova told Forum 18 on 10 January that she had been assigned to defend one of the men. However, she denied this to Forum 18 two days later.

Asked about the conditions of the three men in Karaganda Investigation Prison, Investigator Kaltayev claimed that they are "excellent", with reasonable food. "As far as I know they have been given permission to have the Koran."

The Investigation Prison address:

Karagandinskaya Oblast  
g. Karaganda  
ul. Asfaltnaya 16  
Uchr. AK-159/1 (SI-16)  
Kazakhstan

## ***Akhmedov: No release for cancer-sufferer despite UN calls***

Jehovah's Witness prisoner of conscience, pensioner and cancer-sufferer Teymur Sultan ogly Akhmedov (born 7 May 1956) has failed to overturn his May 2017 criminal conviction and five-year sentence (plus a further three year ban on conducting "ideological/preaching activity") on charges of "inciting religious hatred" under Criminal Code Article 174, Part 2 (see F18News 3 May 2017 [http://www.forum18.org/archive.php?article\\_id=2277](http://www.forum18.org/archive.php?article_id=2277)).

On 4 December 2017, Judge Zhanna Volkova of the criminal division of the Supreme Court rejected Akhmedov's appeal to have the case heard by the Supreme Court.

Akhmedov's lawyers argued that he had been peacefully expressing his religious views and that the case had been a provocation by the KNB secret police. "Having studied the materials of the case and the arguments of the appeal," Judge Volkova's decision, seen by Forum 18, notes, "the judge concludes that there are no bases to hand it on for consideration in a judicial cassational hearing."

The KNB secret police arrested Akhmedov and another Jehovah's Witness in Astana in January 2017 for discussing their faith with others. Akhmedov was, as in other cases involving Muslim and Protestant prisoners of conscience, set up for prosecution by the KNB secret police using informers it recruited. These informers invited those prosecuted to meetings the KNB recorded in which they shared their beliefs (see F18News 2 February 2017 [http://www.forum18.org/archive.php?article\\_id=2252](http://www.forum18.org/archive.php?article_id=2252)).

On 2 October 2017, the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Kazakhstan should release prisoner of conscience Akhmedov "immediately". The Working Group's Opinion (A/HRC/WGAD/2017/62) finds that Kazakhstan has contravened both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. "The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Akhmedov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law" (see [http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A\\_HRC\\_WGAD\\_2017\\_62\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_62_EN.pdf)).

The authorities' failure to free Akhmedov as a result of the Working Group's intervention left Akhmedov's wife and sons "severely disappointed", Jehovah's Witnesses noted. His wife pledged to continue to lodge appeals both within Kazakhstan and internationally for a "just outcome".

In the absence of any move to free Akhmedov, Jehovah's Witnesses filed a further appeal to the UN. "We filed an application in Akhmedov's case to the UN Human Rights Committee and also requested interim measures, which the Committee granted yesterday," Jehovah's Witnesses told Forum 18 on 10 January. "The interim measures specified that he was to be provided with needed medical care and also that Kazakhstan consider releasing him from prison. This is now the second international body that has called for an end to his imprisonment. We hope that it will now be implemented."

An official of the Special Department of Pavlodar labour camp 162/3 said "we haven't received any of these United Nations documents". "We have no basis to release Akhmedov – there must be a document from Astana ordering his release and we have not received one," the official, who did not give her name, told Forum 18 on 11 January. "If we get such a document we'll release him immediately."

The official said Akhmedov is serving his sentence under "normal conditions", but would not comment on his medical state. Asked about whether he can have religious literature of his choice, she told Forum 18: "Only what is in the prison, which has undergone checking."

Akhmedov's prison address:

140000 g. Pavlodar  
Severnaya promyshlennaya zona  
Uchr. AP-162/3  
Kazakhstan

### ***Tulbayev: Prison transfer – an improvement or preparation for new case?***

In September 2017, half way through his prison term, Muslim prisoner of conscience Saken Peisenovich Tulbayev (born 16 June 1969) was transferred to the Investigation Prison LA-155/16 in Taldykorgan in the southern Almaty Region. This is near his home city of Almaty. He had been serving his sentence in labour camp 162/3 in the northern city of Pavlodar.

Officials at the Special Department of Pavlodar Labour Camp 162/3 and Taldykorgan Investigation Prison separately refused to tell Forum 18 on 11 January why Tulbayev had been transferred and whether this meant he was facing a new, additional criminal case. "He is serving his sentence," was all an official of Taldykorgan Investigation Prison would say.

Commentators told Forum 18 that a new trial could have been held in Pavlodar, so regard the transfer closer to Tulbayev's home as positive. They say food is generally better in Investigation Prison than in labour camp, while winter weather in southern Kazakhstan is much milder than in the north. They point out that Taldykorgan Investigation Prison houses both suspects awaiting trial and individuals serving sentences.

Tulbayev's relatives – who were not initially informed of the transfer – believe it was ordered for his "violations of discipline". They also believe the authorities wanted to split up the 30 or so devout Muslims held in the Pavlodar labour camp.

Tulbayev is being housed in Taldykorgan in a cell for two. "He says that conditions are bearable," relatives told Forum 18 on 10 January. "We handed in a Koran for him, they took the parcel, but handed back the book. As before, praying is not allowed."

Such a ban violates Kazakhstan's obligations to guarantee prisoners' freedom of religion or belief under the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3).

Tulbayev's relatives noted that similarly, while he was in labour camp in Pavlodar, "praying was, of course, banned, to put it mildly".

Tulbayev was tortured with beatings after his transfer to the Pavlodar labour camp in September 2015. The torture stopped only after publicity was given to the maltreatment (see F18News 28 December 2015 [http://www.forum18.org/archive.php?article\\_id=2136](http://www.forum18.org/archive.php?article_id=2136)).

The official of the Special Department of Pavlodar labour camp 162/3 told Forum 18 on 11 January that she had "no information" about any beatings of Tulbayev in the camp.

Tulbayev was convicted and imprisoned by an Almaty Court in July 2015 under Criminal Code Article 405, Part 2 for alleged membership of the banned Muslim movement Tabligh Jamaat under He was also convicted 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.

He was sentenced to four years eight months' imprisonment. He was also banned from exercising freedom of religion or belief, including praying with others and reading the Koran, until the end of 2022 three years after his release (see F18News 8 July 2015 [http://www.forum18.org/archive.php?article\\_id=2078](http://www.forum18.org/archive.php?article_id=2078)).

Tulbayev's Investigation Prison address:

Almatinskaya Oblast  
g. Taldykorgan  
Spetsgorodok No. 20  
Sledstvenny izolyator LA-155/16  
Kazakhstan

### ***Bekker: Appeal fails***

Council of Churches Baptist Yuri Ivanovich Bekker (born 18 June 1964) has failed to overturn his criminal conviction and one-year sentence of living under restrictions. He was punished for refusing to pay a 2016 fine for exercising freedom of religion or belief by offering religious literature on the street.

On 31 October 2017, Zhaksy District Court in the northern Akmola Region imposed a one-year restricted freedom sentence on Bekker under Criminal Code Article 430, Part 1. This punishes failure to fulfil a court decision over a period of more than six months or interfering with such a decision, with a penalty of imprisonment or restricted rights for up to three years. The sentence was the first Criminal Code Article 430 punishment imposed on Council of Churches Baptists for exercising their freedom of religion and belief.

The decision noted that Bekker is under one year's restricted rights, under which he "is obliged not to change his place of permanent residence and work without notifying the appropriate state organ, not to attend public places of entertainment, cafes, bars, and restaurants". He is also "obliged to appear before the state probation organ to be registered within 10 days of the court decision entering into force."

If Bekker does not comply with the provisions of the verdict, the court decision states that "the remaining part of the term will be replaced with deprivation of liberty (imprisonment) for the same period".

Bekker told Forum 18 in November 2017 that he did not pay the fines or the fee for state "expert analysis" as "I did not violate the law and I did not ask the state to carry out an 'expert analysis' of my own Christian books" (see F18News 3 November 2017 [http://forum18.org/archive.php?article\\_id=2331](http://forum18.org/archive.php?article_id=2331)).

On 13 December 2017, a panel of judges at Akmola Regional Court, chaired by Radzhab Daminov, rejected Bekker's appeal. The judges amended the earlier decision, removing a finding that he had obstructed a bailiff from carrying out an official duty, according to the decision seen by Forum 18. However, the rest of the conviction and the sentence remained unchanged. It was due to come into force on 22 December 2017.