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Seven years' jail for online Muslim posts

Forum 18 (19.07.2022) - <https://bit.ly/3yYh8g5> - Muslim Anatoli Zernichenko was jailed for seven years, for posting on social media Muslim texts which prosecutors without evidence claimed promoted terrorism. Zernichenko has appealed, but no hearing date is set. The case started with the secret police hunting through his social media accounts, and the jailing rests on textual "expert analyses". Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law says this is "exactly what the United Nations (UN) Special Rapporteur for Protecting Human Rights while Countering Terrorism raised concerns about". There are now 10 known prisoners of conscience jailed for exercising freedom of religion or belief.

On 20 June, a court in the town of Arys in Kazakhstan's southern Turkestan Region jailed 27-year-old Muslim Anatoli Zernichenko for seven years in a medium-security labour camp. He was punished for posting on his social media accounts Muslim texts which prosecutors without any evidence claimed promoted terrorism. Zernichenko has appealed and his case reached Turkestan Regional Court on 13 July. No date has yet been set for the appeal to be heard.

Including Zernichenko, there are now (July 2022) 10 known prisoners of conscience (all Sunni Muslim men) who have been jailed for exercising freedom of religion or belief (see below).

The court also ordered Zernichenko to pay 55,560 Tenge in compensation to the "Victims' Fund" (though the court identified no victims of his postings), as well as 870,900 Tenge for the "expert" analyses that led to his conviction. The total Zernichenko now owes represents about six months' average local wages for those in formal work (see below).

The case appeared to start with the National Security Committee (KNB) secret police deciding to go on a "fishing expedition" against Zernichanko's social media accounts (see below).

Zernichenko lived with his wife and young daughter in the town of Arys in the southern Turkestan Region. "Anatoli lived quietly and didn't harm anyone, and suddenly this," his wife Anna Tukova told Forum 18. "We want to achieve justice. They fabricated the case against him for nothing, just so that they would fulfil their plans or gain promotion. Our daughter cries constantly: 'Papa, papa!'" (see below).

Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law – who has seen the verdict – noted that "when there is no evidence that an individual charged with extremism or terrorism planned, prepared or committed any act of violence, or that anybody planned, prepared or committed acts of violence based on his post, the authorities use such expert opinions as the only evidence". Zhovtis told

Forum 18 that this is "exactly what the United Nations (UN) Special Rapporteur for Protecting Human Rights while Countering Terrorism raised concerns about" (see below).

Zernichenko's wife Tukova said quotations from the Koran which prosecutors and some of the "experts" claimed incited terrorism were from pages of a book "The Book of Monotheism" by Saudi Islamic scholar Saleh Al-Fawzan which police seized from his home during an October 2021 search. She said her husband had uploaded them to Instagram so that he could study them while he was travelling for work and had posted them on a closed page (see below).

An April 2022 "political studies expert analysis" by Gulnara Mukhatayeva – commissioned while Zernichenko's trial was underway – found that the texts did not contain "signs of terrorism and extremism or propaganda of terrorism and extremism" (see below).

Mukhatayeva said the "violent content" consisted of quotations from the Koran and the hadith (sayings attributed to the Muslim prophet Muhammad), which "characterise the situation in the epoch of the prophet and describe the polytheists of the past". She added: "This content is not aimed at comparing polytheists of the epoch of the prophet Muhammad with contemporary polytheists, and in this text from the book ["The Book of Monotheism"] there are no propaganda devices and methods justifying violence and terror against contemporary believers" (see below).

Arys District Court ordered all four of the Islamic books seized from Zernichenko in searches in October 2021 – including "The Book of Monotheism" – to be returned to him (see below).

The judge allowed no questioning of the regime's "experts" from a June 2022 analysis, despite defence lawyer Ablai Beiseyev pointing out that there are serious flaws and illegalities in the "analysis" (see below).

Since his arrest in October 2021, Zernichenko has been held in Investigation Prison No. 11 in Shymkent, being brought to his home town of Arys only for trial hearings. He remains in the Investigation Prison as he awaits his appeal. He has no access to the Koran or other Muslim literature, violating the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules), as camp officials do not allow any religious literature in the prison, his wife told Forum 18 (see below).

The investigator in the case, Abai Yeshymkul, refused to discuss why Zernichenko had been prosecuted and jailed, and his role in the prosecution. "I won't give any information by phone. We have our procedures," he told Forum 18 from Arys. "All was done in accordance with the law" (see below).

Both the two prosecutors at the trial, N. Arysbai and Sylbek Arynbekov, refused to discuss the case with Forum 18 (see below).

Zernichenko's address in Investigation Prison: 160000, g. Shymkent Abaysky raion Mkr. Saule 400 Uchr. ICh 167/11

Now 10 known prisoners of conscience jailed for exercising freedom of religion or belief

Including Zernichenko, there are now (July 2022) 10 [known prisoners of conscience \(all Sunni Muslim men\) who have been jailed for exercising freedom of religion or belief](#). When individuals complete prison or restricted freedom sentences for exercising freedom

of religion or belief and other rights, [punishment does not stop](#). Many still face often vague bans on specific activity, including exercising freedom of religion or belief. "The Financial Monitoring Agency List says it relates to finance, but it's in fact about everything," one said. "When you want to get a job or open a bank account .. there's a block everywhere!" [Restrictions include bank account blocks, driving bans and being unable to work in many jobs](#). (...)

Photo : Anatoli Zernichenko
