

Dear participants,

The Freedom of religion is the fundamental right which is recognized in many international treaties. Everyone has the right to enjoy the freedom of religion or belief individually or in a group.

We have challenges with the freedom of religion or belief in my country.

I would like to tell a story of my client who suffered on freedom of religion.

Yesterday I was in concentration camps Aushwitz-1 and Aushwitz-2 –Berkenay near Cracow.

I saw there the single cells for prisoners that were in common use during the Second World war.

Today, we have the same cells in Kazakhstan.

During investigations detainees have to stay in investigative (investigatory) isolation ward.

Some of the detainees are punished by the administration of the investigative (investigatory) by means of such isolation wards.

My client Tulbayev Saken was put in such single cell for 15 days because he refused to walk.

Our single cells for prisoners resemble the cells of Aushwitz-1 (Oswenzim). It is a small room with or without a window and it looks like a hole with concrete floor, concrete ceiling, and no table or no chairs.

My client Tulbayev Saken was arrested and charged in Islamic extremism because he was a member of religious organization Tablighi Jamaat which was recognized by the court as an extremist organization in 2013.

A judge of criminal court of first instance violated his rights and rights of his lawyers.

The judge did not permit to know all evidence of the case against Tulbayev Saken in court sessions. She, the judge, explained her decision on the banning access to evidence against Tulbayev Saken by pretext of indicating them as secret information, and only the judge and staff of the law enforcement agency could acknowledge all materials of this criminal case.

The judges of first instance and appeal instance infringed my rights of attorney and rights of my client Tulbayev Saken such as:

- 1) my client`s rights to have real legal assistance;
- 2) my rights to make the defense using complete, full information about the evidence, materials of the criminal case.

The first instance court sentenced my client Tulbayev Saken to 4 years 8 months imprisonment and prohibited him to practice religious activity for 3 years.

The sentence contained false evidence of proof of his guilty. For instance, when the staff of Law enforcement agencies were searching in the flat where my client lived with his family they came across leaflets. We supposed the leaflets were put by Law enforcement agencies.

The content of the leaflets and words which were written in them were belonged to another Islamic organization.

It was fabricated evidence because some staff of Law enforcement agencies could not distinguish one religious organization from another one. They put in my client`s flat the wrong leaflets as an evidence of his guilty.

Aiman Umarova