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KAZAKHSTAN: Post-prison "there's a block everywhere!"

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

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.

Nine individuals (all of them Sunni Muslim men) are known to be serving prison sentences to punish them for exercising freedom of religion or belief. A further four are known to be serving the rest of their sentences on probation or under restricted freedom after being released early from prison. Yet even when sentences are complete, punishment does not stop. Many individuals who have completed prison terms or restricted freedom sentences are still under often vague post-jail bans on specific activity.

Post-prison bans on specific activity, such as visiting specific places or sharing faith, can be handed down when the prison sentence is imposed. For those convicted of exercising their freedom of religion or belief, such bans – which can be vaguely worded - often include bans on visiting places of worship or sharing their faith with others. Prisoners facing post-prison bans on unspecified "social activity" have been left without any information about what is banned, or only told of specific conditions two days before release (see below).

Five of the nine currently (May 2022) known prisoners of conscience jailed for exercising freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2742) were punished for participating in an online Islamic discussion group. The other four are also Sunni Muslims. Dadash Mazhenov and Abdukhaliil Abduzhabbarov are facing torture by being held in prolonged solitary confinement. Mazhenov has been physically tortured, most recently in a January 2022 beating with truncheons which broke his jaw. Abduzhabbarov was not allowed to attend his father's funeral, while Galymzhan Abilkairov was not allowed to attend his wife's funeral.

Such post-prison bans are also used against individuals punished for activities other than exercising freedom of religion or belief. On 4 February 2021, prisoner of conscience Maks Bokayev left his prison in Atyrau after completing a five-year term to punish him for planning to hold demonstrations against proposed changes to the Land Code which would have allowed the sale of farmland to foreigners. Part of his sentence was a post-prison three-year ban on engaging in then-unspecified "social activity" (see below).

On 2 February 2021, Bokayev was banned from taking part in a wide range of public activities, including "membership and participation in the activity of social organisations, including political parties, religious organisations, public movements, professional unions, and self-regulating organisations founded on voluntary membership (participation)". "They tried to close all loopholes," he told Forum 18. "They want to exclude me from having any public stage. This includes preventing me from being in any religious organisation". Another released prisoner of conscience jailed at the same time for the same reason has never been told what "social activity" they are banned from (see below).

Bokayev stressed that the restriction on any religious activity remains unclear. "I'm not a religious person – I don't go to mosque and don't recite prayers," he told Forum 18. The regime "wouldn't do anything if I conducted a religious rite in a mosque, but they would take action against me, like anyone else, if I conducted any rite anywhere else". Bokayev remains concerned about the denial of his rights. "Maybe one day I'll have a revelation and will want to attend or build a place of worship. Officially I wouldn't be able to do so" (see below).

Almost all those convicted for exercising freedom of religion or belief are added to the Financial Monitoring Agency List of individuals "connected with the financing of terrorism or extremism". Being added to the List means that any bank accounts an individual may have are blocked with no further legal process. Their families often find out about the blocking of accounts only when they go to the bank. Families are allowed to withdraw only small amounts for daily living if they do not have other sources of income (see below).

Individuals remain on the Financial Monitoring Agency List for six or eight years after their sentence has expired as they are

deemed still to have a criminal record. All nine of the jailed Muslims are on the List. So too are many more former prisoners of conscience jailed for exercising freedom of religion or belief. The regime has shared such information with other countries, and some prisoners of countries have their bank accounts also blocked in those states (see below).

At least some of those jailed for exercising freedom of religion or belief face other restrictions on a wide range of activities. Some have had their driving licences taken away on conviction, depriving them of the right to drive. Zhasulan Iskakov, one of the eight Muslims convicted for joining an online Islamic discussion group who is serving the rest of his term under probation after early release from prison, is one of those affected (see below).

"The Financial Monitoring Agency List says it relates to finance, but it's in fact about everything," Iskakov told Forum 18. "When you want to get a job or open a bank account, indeed to avail yourself of your rights, there's a block everywhere!" (see below).

The Labour Code bans those with "extremism" convictions from working in educational and social service institutions, holiday and sports venues, and cultural institutions which involve young people. This ban appears to be life-long. Others who have completed their prison terms but remain on the Financial Monitoring Agency List have earlier told Forum 18 that they cannot get a job. Potential employers find them on the List and then refuse to offer them a job (see below).

Former prisoner of conscience Iskakov tried to regain his job as a hospital doctor where he had worked for 12 years. "The hospital director wants me to be able to return, but the hospital's lawyers refuse," he told Forum 18 (see below).

On 20 May, Forum 18 asked Arman Zhunusov, head of the press office at the Financial Monitoring Agency why individuals convicted for exercising freedom of religion or belief are added to the List, causing hardship not only to them but to their families, why they are kept on it for so many years after completing their sentence, why being on the List restricts a wide range of rights, and why the Agency sent information about those whose bank accounts are blocked to Kyrgyzstan and Tajikistan. He promised to respond "as soon as possible".

Post-prison bans on exercising freedom of religion or belief

Many of those sentenced for exercising freedom of religion or belief also face post-prison bans on exercising this right, often for a period of four or five years. Many of these bans are vaguely worded.

Among others, Sunni Muslim Baurzhan Beisembai was jailed in Oskemen in October 2016 for two and a half years (https://www.forum18.org/archive.php?article_id=2223). He is now about half way through the five-year post-prison ban on exercising freedom of religion or belief handed down by the court. Sunni Muslim Estai Dzhakayev was jailed in Almaty Region in March 2016 for three years (https://www.forum18.org/archive.php?article_id=2170). He is now in the final year of the four-year post-prison ban on exercising freedom of religion or belief handed down by the court.

However, this ban has also been used against individuals punished for activities other than exercising freedom of religion or belief.

On 4 February 2021, prisoner of conscience Maks Bokayev left his prison in Atyrau after completing a five-year term to punish him for planning to hold demonstrations (<https://www.rferl.org/a/kazakhstan-crackdown-activist-land-reform-protests/27743010.html>) to protest against proposed changes to the Land Code (<https://www.rferl.org/a/kazakhstan-land-sale-protests-unearth-opposition/27704517.html>) which would have allowed the sale of farmland to foreigners.

Human rights defender Bokayev was arrested in May 2016, and Atyrau City Court No. 2 sentenced him in November 2016 to five years' imprisonment, to be followed by a three-year ban on engaging in "social activity".

As Bokayev's release date got nearer, the head of Atyrau Region's Criminal Implementation Department appealed to Atyrau City Court No. 2 for clarification of what "social activity" was specifically banned for Bokayev in the three years after his release.

On 2 February 2021, in a decision seen by Forum 18, Judge Gulnara Dauleshova ruled that Bokayev is banned from taking part in a wide range of public activities, including "membership and participation in the activity of social organisations, including political parties, religious organisations, public movements, professional unions, and self-regulating organisations founded on voluntary membership (participation)".

Amid a ban on organising or taking part in demonstrations, strikes and meetings, the decision made an exception for Bokayev to be allowed to participate in commemorations of the dead.

Bokayev pointed to the wide range of the bans on his activity, as well as the requirement to report regularly to the police. "They tried to close all loopholes," he told Forum 18 from Atyrau on 10 May. "They want to exclude me from having any public stage. This includes preventing me from being in any religious organisation."

Bokayev stressed that the restriction on any religious activity remains unclear. "I'm not a religious person – I don't go to mosque and don't recite prayers," he told Forum 18. The regime "wouldn't do anything if I conducted a religious rite in a mosque, but they would take action against me, like anyone else, if I conducted any rite anywhere else".

Yet Bokayev remains concerned about the denial of his rights. "Maybe one day I'll have a revelation and will want to attend or build a place of worship. Officially I wouldn't be able to do so."

Local lawyer and human rights defender Talgat Ayanov was also sentenced with Bokayev in 2016 for his part in the land protests (<https://www.rferl.org/a/kazakhstan-crackdown-activist-land-reform-protests/27743010.html>). He too was sentenced to five years' imprisonment, to be followed by a three year ban on engaging in "social activity". He was freed on conditional early release in April 2018, serving the rest of his five-year sentence under restricted freedom. This has now ended, but he is under a three-year ban on engaging in "social activity".

However, the terms of the restrictions former prisoner of conscience Ayanov is under have never been specified, Bokayev told Forum 18.

In April 2017 the UN Working Group on Arbitrary Detention found in an Opinion (A/HRC/WGAD/2017/16 (https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf)) that the human rights (including the right to a fair trial) of prisoners of conscience Bokayev and Ayanov were violated, they were arbitrarily jailed, that they should be released "immediately" with "an enforceable right to compensation and other reparations", and that the regime should "harmonize the laws and practices of Kazakhstan with its international obligations".

Financial blocking during sentence term and long after

All the Muslims given criminal convictions for exercising their freedom of religion or belief have been added to the Financial Monitoring Agency List of individuals (https://www.forum18.org/archive.php?article_id=2409) "connected with the financing of terrorism or extremism". As of 17 May 2022, the List includes the names of 1,556 individuals.

Being added to the List means that any bank accounts an individual may have are blocked with no further legal process. Their families are allowed to withdraw only small amounts for daily living if they do not have other sources of income. Individuals remain on the List for six or eight years after they complete their sentences.

At least 35 individuals who have completed their sentences for exercising freedom of religion or belief remain on the List (https://www.forum18.org/archive.php?article_id=2744).

"There's a block everywhere!"

Many of those convicted on criminal charges of "extremism" to punish the exercise of freedom of religion or belief and other rights also face other restrictions unrelated to their bank accounts.

Some have had their driving licence taken from them (if they had one). When eight Muslims who took part in online Islamic discussion group on WhatsApp were convicted in Almaty in August 2019 and jailed, their driving licences were also taken from them. Individuals driving vehicles of any kind must always have their driving licences with them, so this confiscation stops the eight Muslims from driving cars.

Zhasulan Iskakov, one of the eight who is serving the rest of his term under probation after early release from prison on 18 April 2022 (https://www.forum18.org/archive.php?article_id=2735), told Forum 18 on 19 May that he has still been unable to recover his driving licence.

Other current and former prisoners of conscience – including Dadash Mazhenov and Maks Bokayev – did not have driving licences.

The removal of driving licences is related to the criminal conviction on "extremism" charges, but officials appear to refer to the Financial Monitoring Agency List of individuals (https://www.forum18.org/archive.php?article_id=2409) "connected with the financing of terrorism or extremism" to see who should or should not be allowed to conduct specific activity, such as driving cars.

The June 2017 Decree on the State Registration of Civil Aircraft and the Right to Them bans those on the Financial Monitoring Agency List of individuals "connected with the financing of terrorism or extremism" from owning or using civil aircraft.

The May 2020 Law On The Procedure Of Organising And Holding Peaceful Assemblies of May 2020 requires local authorities to ban proposed demonstrations (https://bureau.kz/wp-content/uploads/2021/04/2021_report-pa.pdf) if they are financed by individuals on the List. One of the many restrictions the regime imposes on exercising the right to peaceful assembly is that "the sources of financing of the peaceful assembly" must be declared in advance.

Regulations from the Education and Science Ministry of October 2018 ban individuals on the List from competing for contracts to supply catering for school students.

"The Financial Monitoring Agency List (https://www.forum18.org/archive.php?article_id=2409) says it relates to finance, but it's in fact about everything," Iskakov told Forum 18. "When you want to get a job or open a bank account, indeed to avail yourself of your rights, there's a block everywhere!"

Job bans

Those with a criminal conviction on "extremism" charges – including for exercising freedom of religion or belief – are banned for the rest of their lives from holding a wide range of jobs.

Article 26, Part 2 of the Labour Code bans those with such "extremism" convictions from working in educational and social service institutions, holiday and sports venues, and cultural institutions which involve young people. This ban appears to be life-long.

Zhasulan Iskakov, one of the eight Muslims jailed for an online Islamic discussion group who is serving the rest of his term under probation after early release from prison on 18 April 2022 (https://www.forum18.org/archive.php?article_id=2735), tried to regain his job as a hospital emergency department doctor where he had worked for 12 years.

"The hospital director wants me to be able to return, but the hospital's lawyers refuse," Iskakov told Forum 18 on 20 May.

Others who have completed their prison terms but who remain on the Financial Monitoring Agency List of individuals (https://www.forum18.org/archive.php?article_id=2409) "connected with the financing of terrorism or extremism" have earlier told Forum 18 that they cannot get a job. Potential employers find them on the List and then refuse to offer them a job.

Recovering unpaid court fees, ban on leaving the country

Courts have ordered bailiffs to recover unpaid court fees or fees for "expert analyses" specified in verdicts from several individuals serving prison or restricted freedom sentences, or on probation after early release from prison, who have failed to pay. Those against whom proceedings to recover the funds have been opened are listed online on the Justice Ministry's register of debtors.

In May 2022, 100,000 Tenge represents about three weeks' average wage for those in formal work.

On 12 September 2017, Kokshetau City Court ordered bailiffs to recover 91,694 Tenge from Nariman Seytzhannov. This was the cost of the court case against him specified in his verdict of June 2017.

On 13 October 2017, Oral City Court ordered bailiffs to recover 33,107 Tenge from Abdukhalil Abduzhabbarov. This was the cost of the court case against him specified in his verdict of August 2017.

On 6 January 2020, Almaty's Almaly District Court ordered bailiffs to recover 112,295 Tenge from Beket Mynbasov. This was the cost of the court case against him specified in his verdict of August 2019.

On 8 January 2020, Almaty's Almaly District Court ordered bailiffs to recover 153,295 Tenge from Nazim Abdrakhmanov. This was the cost of the court case against him specified in his verdict of August 2019.

On 9 January 2020, Almaty's Almaly District Court ordered bailiffs to recover 41,000 Tenge from Zhasulan Iskakov. This was the cost of the court case against him specified in his verdict of August 2019. He remains on the debtors' list, though he told Forum 18 he had paid the amount in 2021. He said the bailiff is again demanding that he pay 41,000 Tenge.

On 24 November 2020, Burabai District Court ordered bailiffs to recover 134,599 Tenge from Dadash Mazhenov. This was the cost of the court case against him specified in his verdict of October 2020.

One current prisoner is also banned from leaving the country, with a note on his entry in the register of debtors.

On 11 February 2020, Shymkent's Al-Farabi District Court ordered bailiffs to recover 542,842 Tenge from Dilmurat Makhamatov. This was the cost of the court case against him specified in his verdict of May 2019. On 18 March 2020, he was banned from leaving the country until this sum is paid (although as he is in jail he cannot leave the country anyway).

Exporting financial blocking

The then Finance Ministry Financial Monitoring Committee (https://www.forum18.org/archive.php?article_id=2409) included Sunni Muslim prisoners of conscience Mazhenov and Abilkairov in a 3 September 2020 letter to Kyrgyzstan (and possibly other countries) listing at least 70 alleged "terrorists" and "extremists".

Kyrgyzstan's Finance Ministry Financial Intelligence Unit then added the 70 individuals (including Mazhenov and Abilkairov, both listed as "terrorists") to its Consolidated Sanction List on 21 September 2020, where they remain. This means that Kyrgyz financial institutions are banned from holding any of their accounts should they have any or doing business with them.

Based on the information from Kazakhstan, Uzbekistan added Mazhenov and Abilkairov to the list of those "suspected of participating in terrorist activities", maintained by the General Prosecutor's Office's Department for Countering Economic Crimes.

Abilkairov is also on a list Kazakhstan supplied to the Financial Monitoring Department of Tajikistan's National Bank, which placed the list on its website among lists of "terrorists and extremists".

Abilkairov's family told Forum 18 that he has never had any financial accounts in Kyrgyzstan, Uzbekistan or Tajikistan. (END)

More reports on freedom of thought, conscience and belief in Kazakhstan (<https://www.forum18.org/archive.php?country=29>)

For background information, see Forum 18's Kazakhstan religious freedom survey (https://www.forum18.org/archive.php?article_id=2753)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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