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## KAZAKHSTAN: "Incomprehensible" bank account blocking

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

*Kazakhstan maintains public lists of individuals and organisations allegedly connected to "terrorism or extremism", and secret "high-risk" or "suspicious" organisation lists circulated to banks. Both lists lead to blocking and denial of bank accounts and numerous other problems. "We've written more than 10 letters to various state agencies," Protestant Pastor Pyotr Shelepanov of New Life Church in Talgar told Forum 18. "But we've had no real answer." His Church describes the denial of a bank account as "incomprehensible".*

A legally-registered Protestant Church in Talgar in the southern Almaty Region has been battling since 2017 to regain access to banking services. Apart from a brief period in 2020-21, all its accounts have been frozen and closed down. Banks claim that the Church's activity is "suspicious". Without a bank account, Talgar's New Life Church cannot pay taxes and has had to lay off its accountant without pay.

Between 2018 and autumn 2022, the Jehovah's Witnesses' headquarters in Kazakhstan and one fifth of their local branches were similarly denied banking services (see below).

In April 2017 New Life Pentecostal Church in Talgar in Almaty Region received a donation from abroad to help it buy a church building. However, Kaspi Bank regarded the transaction as suspicious and referred it to the Finance Ministry's then Financial Monitoring Committee on 17 April 2017. The Committee froze these transactions while they investigated them (see below).

On 2 May 2017, Almaty District Court in Almaty blocked the accounts at Kaspi Bank of New Life Church in Talgar, due to a criminal case against New Life Church in Almaty, a legally separate religious organisation. The Church's complaints to the National Bank of Kazakhstan central bank did not lead to the account being unfrozen, but in July 2020 a court accepted a suit to unblock the accounts (see below).

The Talgar New Life Church wrote to Kaspi Bank with a copy of the court decision, and Kaspi Bank's Talgar branch unfroze the account and gave the Church three days to clear the funds. The funds were cleared and Kaspi's Talgar branch then unilaterally closed the account (see below).

The July 2020 court decision was not the end of the Talgar New Life Church's banking problems, as another branch of Kaspi Bank wrote to New Life Church cancelling its bank accounts there. This appears to be related to the Church being placed on a Financial Monitoring Agency secret list of "high-risk" or "suspicious" organisations, which are circulated to banks for them to block the accounts of these organisations (see below).

"We've written more than 10 letters to various state agencies, including the Prosecutor's Office and the Financial Monitoring Agency," New Life's Pastor Pyotr Shelepanov told Forum 18 from Talgar on 8 November. "But we've had no real answer." The Church described the blocks on its bank accounts and subsequent denials of banking services as "incomprehensible" (see below).

The denial of banking services has also affected numerous Jehovah's Witness communities. In late 2022, four years after the problems began, the Financial Monitoring Agency told Jehovah's Witnesses that they were no longer regarded as a "high-risk" organisation (see below).

"If one bank refuses services to a religious community, it tells the Financial Monitoring Agency and the community ends up on the list," an individual who has followed this issue told Forum 18.

"Theoretically religious organisations can function without a bank account, but practically it is very difficult," a legal specialist told Forum 18 on 16 November. "Theoretically they can employ people. But they will have huge problems with tax, communal and other payments."

The Financial Monitoring Agency maintains a public list of individuals, organisations, and banned organisations allegedly "connected with the financing of terrorism or extremism". This three-part list contains a wide range of individuals and groups,

including genuinely terrorist organisations and individuals, a peaceful opposition political party, individuals convicted of exercising their human rights (see below).

The Financial Monitoring Agency also appears to maintain secret lists of "high-risk" or "suspicious" organisations which are circulated to banks for them to block the accounts of these organisations. Forum 18 has been unable to find out how many of these lists the Financial Monitoring Agency maintains or their titles. No state or bank official has been prepared to explain the mechanism of how and why organisations are added to these lists, why they are not made public, and how organisations can appeal to be removed from these lists. It appears impossible for organisations on such lists to challenge their inclusion on the secret "high-risk" and "suspicious" lists circulated to banks (see below).

It appears that "high-risk" or "suspicious" organisations can be added to the secret lists either on the Financial Monitoring Agency's own initiative, or after a bank reports an allegedly suspicious transaction to the Financial Monitoring Agency.

Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law strongly criticised the translation into domestic law of the International Convention for the Suppression of the Financing of Terrorism, noting that the Kazakh Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism uses "an expansive interpretation of the concept of terrorism. They arbitrarily added to it the concept of 'extremism', which is not legally defined at all."

However, Zhovtis noted, "this Convention clearly states that this fight should not concern the legitimate movement of capital. According to the Convention, the governments of the member states must monitor suspicious money transfers," yet Zhovtis noted, "only if this monitoring reveals that the money is used to finance terrorism must they stop the movement of such funds."

Similarly, Fionnuala Ní Aoláin, UN Special Rapporteur for Protecting Human Rights while Countering Terrorism, noted in her January 2020 report on Kazakhstan (A/HRC/43/46/Add.1) that "the counter-terrorism and extremism regimes provide excessive leeway to the authorities to target and silence those who peacefully question the established order," and that "the overwhelming focus on extremism has no justification under international law" (see below).

The Financial Monitoring Agency list of individuals "connected with the financing of terrorism or extremism" includes prisoners of conscience and others convicted and sentenced for exercising their freedom of religion or belief, including Muslims, Jehovah's Witnesses, and a Seventh-day Adventist. "The Financial Monitoring Agency List says it relates to finance, but it's in fact about everything," Zhasulan Iskakov (a Muslim convicted for joining an online Islamic discussion group) 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).

In May 2018, Almaty lawyer Inara Masanova lodged a court case to challenge the 2016 regulations establishing the procedure for adding individuals to the list. On 3 July 2018, Yesil District Court in the capital Astana refused to accept her suit, a decision upheld by Astana City Court on 7 August 2018, and by the Supreme Court on 24 September 2018 (see below).

"We argued that 'extremism' Criminal Code Articles should not lead to such penalties, only 'terrorism', as is envisaged in international standards," Masanova told Forum 18 on 17 November 2022. "We also argued that, in practice, this constitutes an extra criminal punishment not envisaged in the Criminal Code" (see below).

Talgar's New Life Church: "Suspicious", bank accounts frozen

New Life Pentecostal Church in Talgar in Almaty Region gained registration with the Justice Ministry in October 1999. The Church then opened bank accounts with Kaspi Bank in 2005 and in 2016.

In early April 2017, New Life Church received a donation from abroad to help it buy a church building. However, Kaspi Bank regarded the transaction as suspicious and referred it to the Finance Ministry's then Financial Monitoring Committee on 17 April 2017. The Committee froze these transactions while they investigated them, but this was then overtaken by developments in May.

On 2 May 2017, Almaty District Court in Almaty blocked the accounts at Kaspi Bank of New Life Church in Talgar. The freezing of the accounts came at the request of Investigators in a criminal case against New Life Church in Almaty ([https://www.forum18.org/archive.php?article\\_id=2163](https://www.forum18.org/archive.php?article_id=2163)), a legally separate religious organisation with which Talgar's New Life Church had no financial links. On 5 May the Talgar branch of Kaspi Bank wrote to the Church informing it of the freezing of the accounts.

On 15 June 2017 the Church wrote to the National Bank of Kazakhstan central bank to complain about Kaspi Bank's decisions. On 21 July 2017, the National Bank's Almaty regional branch rejected the Church's complaint about the freezing of its accounts. The central bank insisted that Kaspi Bank had not broken the law.

On 2 July 2020, Almaty's Specialised Inter-District Court for Minors (which in 2019 jailed in absentia three Almaty New Life Church pastors ([https://www.forum18.org/archive.php?article\\_id=2163](https://www.forum18.org/archive.php?article_id=2163))) accepted Pastor Pyotr Shelepanov's suit to unblock the Talgar Church's bank accounts at Kaspi Bank, according to the decision seen by Forum 18.

The Talgar New Life Church wrote to Kaspi Bank with a copy of the court decision, hoping to unfreeze the accounts, Church members told Forum 18. Kaspi Bank's Talgar branch unfroze the account and gave the Church three days to clear the funds. The Church opened an account with Forte Bank in Talgar and transferred to it funds from Kaspi Bank's Talgar branch. Kaspi's Talgar branch then unilaterally closed the account.

The July 2020 court decision was not the end of the Talgar New Life Church's banking problems, as in April 2021 Kaspi Bank's Taldykorgan branch wrote to New Life Church cancelling its separate bank account there (see below). This appears to be related to the Church being placed on a Financial Monitoring Agency secret list of "high-risk" or "suspicious" organisations, which are circulated to banks for them to block the accounts of these organisations (see below).

"They will have huge problems with tax, communal and other payments"

"If one bank refuses services to a religious community, it tells the Financial Monitoring Agency and the community ends up on the list," an individual who has followed this issue told Forum 18.

"Theoretically religious organisations can function without a bank account, but practically it is very difficult," a legal specialist told Forum 18 on 16 November. "Theoretically they can employ people. But they will have huge problems with tax, communal and other payments."

Public "terrorism or extremism" list, secret "high-risk" or "suspicious" organisation lists

The Financial Monitoring Agency maintains a public list of individuals ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)) (1,536 on 14 November), organisations (26 on 14 November), and banned organisations (63 on 14 November) allegedly "connected with the financing of terrorism or extremism". This three-part list contains a wide range of individuals and groups, including genuinely terrorist organisations and individuals, a peaceful opposition political party, and individuals convicted of exercising their human rights.

Some religious communities are on this public list, including:

- the Russian Jehovah's Witness congregation in Taganrog (banned in Russia in 2009 ([https://www.forum18.org/archive.php?article\\_id=1385](https://www.forum18.org/archive.php?article_id=1385)));

- the alleged organisation of Russian Muslims who meet to study the works of theologian Said Nursi, "Nurdzhular", banned in Russia in 2008 ([https://www.forum18.org/archive.php?article\\_id=2778](https://www.forum18.org/archive.php?article_id=2778)) although Russian Muslims deny that it exists;

- and the Tabligh Jamaat Muslim missionary movement ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)), 75 of whose adherents have been criminally convicted in Kazakhstan since 2015 ([https://www.forum18.org/archive.php?article\\_id=2772](https://www.forum18.org/archive.php?article_id=2772)).

The Financial Monitoring Agency also appears to maintain secret lists of "high-risk" or "suspicious" organisations which are circulated to banks for them to block the accounts of these organisations. Forum 18 has been unable to find out how many of these lists the Financial Monitoring Agency maintains or their titles. "There is no clarity about these lists," Pastor Shelepanov told Forum 18. "Everything is completely opaque."

The 2009 Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism ([https://www.ecoi.net/en/file/local/1347321/1226\\_1429860890\\_kazakh-law-combating-loundering-financing-terrorism-en-28-08-2009.pdf](https://www.ecoi.net/en/file/local/1347321/1226_1429860890_kazakh-law-combating-loundering-financing-terrorism-en-28-08-2009.pdf)) refers to the public "terrorism or extremism" list, but not to the secret lists of "high-risk" or "suspicious" organisations.

Forum 18 wrote to both the Financial Monitoring Agency and the Agency for Regulation and Development of the Financial Market on 16 November, asking:

- How many religious organisations are on a "high-risk" or "suspicious" list and therefore cannot have bank accounts, and for a copy of that list;

- Whether if the Justice Ministry gives a religious community state registration that does not mean that it has checked that community;

- Why it does not publish a list of registered religious communities that cannot have bank accounts.

An official of Almaty Regional Department of the Agency for Regulation and Development of the Financial Market told Forum 18 on 18 November that the Agency regulates only banks and other financial institutions, and is not involved in circulating lists of suspicious organisations to banks. The official insisted that this is the responsibility of the Financial Monitoring Agency. "That is a separate Agency," the official stressed.

The Financial Monitoring Agency's press office in Astana passed Forum 18's enquiries to the Investigations Department, but it had not replied by the end of the working day in Astana of 18 November.

No state or bank official has been prepared to explain the mechanism of how and why organisations are added to these lists, why they are not made public, and how organisations can appeal to be removed from these lists.

The denial of banking services to New Life Church in Talgar and, earlier, to numerous Jehovah's Witness communities comes despite the fact that the Justice Ministry has not gone to court to seek their liquidation as registered religious organisations, and they do not appear on the public Financial Monitoring Agency lists of organisations "connected with the financing of terrorism and extremism". It appears impossible for organisations on such lists to challenge their inclusion on the secret "high-risk" and "suspicious" lists circulated to banks.

It appears that "high-risk" or "suspicious" organisations can be added to the secret lists either on the Financial Monitoring Agency's own initiative, or after a bank reports an allegedly suspicious transaction to the Financial Monitoring Agency.

For example, at least some Jehovah's Witness organisations ended up on the list when an unknown official decided that the 2017 Russian ban on their activity ([https://www.forum18.org/archive.php?article\\_id=2297](https://www.forum18.org/archive.php?article_id=2297)) meant that Kazakhstan's Financial Monitoring Agency should include them on a secret list circulated to banks. New Life Church in Talgar may have ended up on the list after its bank questioned a transaction, and remained on the list after a court order freezing its accounts.

In October 2018, Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law pointed out ([https://bureau.kz/publ-all/sobstvennaya\\_informaciya/zapreshennye\\_lyudi\\_ostayutsya\\_zapreshennymi/](https://bureau.kz/publ-all/sobstvennaya_informaciya/zapreshennye_lyudi_ostayutsya_zapreshennymi/)) that the regime often claims that the International Convention for the Suppression of the Financing of Terrorism (<https://www.unodc.org/documents/treaties/Special/1999%20International%20Convention%20for%20the%20Suppression%20of%20the%20Financing%20of%20Terrorism.pdf>) legitimises blocking of bank accounts.

Zhovtis noted that in translating the Convention into domestic law, in the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism, Kazakhstan uses "an expansive interpretation of the concept of terrorism. They arbitrarily added to it the concept of 'extremism', which is not legally defined at all."

However, Zhovtis noted, "this Convention clearly states that this fight should not concern the legitimate movement of capital. According to the Convention, the governments of the member states must monitor suspicious money transfers," yet Zhovtis noted, "only if this monitoring reveals that the money is used to finance terrorism must they stop the movement of such funds."

Similarly, Fionnuala Ní Aoláin, UN Special Rapporteur for Protecting Human Rights while Countering Terrorism, noted in her January 2020 report on Kazakhstan ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)) (A/HRC/43/46/Add.1) that "the counter-terrorism and extremism regimes provide excessive leeway to the authorities to target and silence those who peacefully question the established order, including various civil society actors, human rights defenders, trade unionists, journalists, bloggers, and members of marginalized communities or of communities legitimately exercising their religious freedoms. The overwhelming focus on extremism has no justification under international law".

Talgar's New Life Church: Banking problems return in 2021

The July 2020 court decision was not the end of the Talgar New Life Church's banking problems. On 9 April 2021, Kaspi Bank's Taldykorgan branch wrote to New Life Church cancelling its bank accounts in that branch. This appears to be related to the Church being placed on a Financial Monitoring Agency secret list of "high-risk" or "suspicious" organisations, which are circulated to banks for them to block the accounts of these organisations.

Kaspi Bank's Taldykorgan branch told New Life Church that, under Article 13 of the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism, the Bank can "halt business relations with a client if there are suspicions that the client is using these business relations with the aim of legalising (laundering) income received by means of crime or financing of terrorism".

The Bank gave the Church 30 days to remove its remaining funds from the accounts before they were closed, according to the letter seen by Forum 18.

"From 2021 and up to the present, for reasons completely incomprehensible to us, we continue to remain in the category of 'suspicious' organisations," the Church complained to Kaspi Bank, "and are faced with the unwillingness of banks to serve us, as well as with the unilateral termination of customer service agreements with us, with reference by banks to the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism."

In further responses to the Church in 2022, Kaspi Bank merely repeated its insistence that it was following the law. "The Bank's

decision is at present not subject to review," it wrote on 8 July 2022.

On 27 May 2022, Forte Bank in Talgar wrote to New Life Church (in a letter seen by Forum 18) cancelling the Church's account opened in 2020. The Church was told verbally that this was on the instructions of Forte Bank's head office. Forte Bank also cited the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism.

On 22 June, the Church complained to the Almaty Economic Investigations Department of the Financial Monitoring Agency. Its Deputy Head Talgat Tanatarov responded on 27 June, saying that as no proof of a crime had been given in the Church's letter, he was passing it on to the Agency for Regulation and Development of the Financial Market.

In June 2022, the Church complained about the enforced closure of its accounts to the Almaty Regional Department of the Agency for Regulation and Development of the Financial Market. After seeking information from Kaspi Bank and Forte Bank in early July, the head of the Department, Baglan Dikhanchinov, told the Church that banks are obliged to check their customers.

In his 7 July response, seen by Forum 18, Dikhanchinov said that the banks had closed the accounts not only on the basis of the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism, but on information from the Financial Monitoring Agency. He suggested that the Church take its questions to the Agency.

Meanwhile, the Church's attempts to open accounts at several other banks failed. On 9 June 2022, the Talgar branch of Tsentrikredit Bank confirmed that it had refused to open an account for the Church. It explained that it had the right to do so under the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism. "We hope for your understanding and the correct evaluation of the situation that has arisen," the Bank concluded in its letter, seen by Forum 18.

### Targeting New Life Church

New Life Church and its branches have long been targeted by the regime. On 25 March 2016, as the Church was commemorating Good Friday, police launched simultaneous raids on five church-owned buildings and the homes of six pastors and church workers ([https://www.forum18.org/archive.php?article\\_id=2163](https://www.forum18.org/archive.php?article_id=2163)). During the raids, police seized 54 computers, as well as financial documents and 94,650 Tenge of church money.

In July 2019, Almaty's Specialised Inter-District Court for Minors convicted the three by now former and exiled pastors, Maxim Maximov, Larisa Maximova and Sergei Zaikin. The Court handed down jail terms of between four and five years on each ([https://www.forum18.org/archive.php?article\\_id=2521](https://www.forum18.org/archive.php?article_id=2521)). New Life Church was told its problems would end if it paid money to officials or collaborated with the National Security Committee (NSC) secret police. Should the three pastors return to Kazakhstan they expect to be arrested and jailed.

Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law dismissed the case against the three as "complete drivel".

In August 2022, Protestants stated that the NSC secret police encouraged a former New Life Church member to lodge a suit against the Church ([https://www.forum18.org/archive.php?article\\_id=2767](https://www.forum18.org/archive.php?article_id=2767)), claiming back pay and compensation for moral damages for volunteer work in a rehabilitation centre. "This is not a state campaign against the Church," a local religious affairs official claimed, though the individual met officials and a state-backed "anti-sect" centre. Jehovah's Witnesses are also facing similar cases.

### Talgar's New Life Church: No answers from state religious affairs official

"We've written more than 10 letters to various state agencies, including the Prosecutor's Office and the Financial Monitoring Agency," New Life's Pastor Shelepanov told Forum 18 from Talgar on 8 November. "But we've had no real answer." The Church described the blocks on its bank accounts and subsequent denials of banking services as "incomprehensible".

Telephones at the Information and Social Development Ministry's Religious Affairs Committee in Astana – whose role includes restricting freedom of religion or belief – were not answered each time Forum 18 called on 16 and 17 November.

Pastor Shelepanov told Forum 18 that among officials he had asked to help solve New Life Church's bank account problems was Almaty Regional Religious Affairs Department. "I told them that we want to be good citizens. They said that there are no problems from their side."

Bauyrzhan Niet, head of Almaty Regional Religious Affairs Department, repeatedly put the phone down when Forum 18 called him, including on 17 November. Forum 18 repeatedly asked him in writing between 21 July and 17 November why New Life Church cannot have a bank account and whether any other religious communities in his Region were also blocked from having bank accounts. He did not reply to these questions

### Jehovah's Witnesses: Four years of banking denials over

In late 2022, Jehovah's Witnesses finally succeeded in regaining access to bank accounts and services for their headquarters in Almaty (registered as a regional religious organisation) and 12 local branches. All of these have the compulsory state registration as religious organisations.

The Financial Monitoring Agency informed Jehovah's Witnesses that, as of 16 September 2022, their associations were no longer included on a list of "high-risk entities", Jehovah's Witnesses told Forum 18.

Jehovah's Witness communities began facing what they described as "insurmountable difficulties in obtaining basic banking services" in 2018. Banks initially refused service to the local Jehovah's Witness communities in Almaty and Shymkent. In November 2021, First Heartland Jusan Bank terminated banking service agreements with their Regional Religious Association and religious communities in Semey, Taldykorgan and Abay, as well as in the capital Astana.

First Heartland Jusan Bank "inexplicably" cited the Law on Combating Legalisation (Laundering) of Illegally Gained Income and Financing of Terrorism. "Bank representatives tied the denial of service to the 2017 ban on Jehovah's Witnesses in neighbouring Russia," Jehovah's Witnesses added. Three appeals submitted to the bank's management yielded no results.

"The banks' discriminatory actions thus constitute a direct attack on Jehovah's Witnesses' religious rights," they stated at the time. "Complaints to government agencies have gone unanswered."

The Agency for Regulation and Development of the Financial Market informed Jehovah's Witnesses that their regional association and 12 local branches appeared on a list of "high-risk entities" for second-tier banks (all banks except the National Bank of Kazakhstan central bank).

People sentenced for exercising human rights also denied access to bank accounts

As of 14 November 2022, there were 1,536 people on the Financial Monitoring Agency list of individuals "connected with the financing of terrorism or extremism" ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)). These include prisoners of conscience and others convicted and sentenced for exercising their freedom of religion or belief, including Muslims, Jehovah's Witnesses, and a Seventh-day Adventist.

Being added to the List means that any bank accounts an individual may have are blocked ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)) 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.

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. "The Financial Monitoring Agency List says it relates to finance, but it's in fact about everything," Zhasulan Iskakov (a Muslim convicted for joining an online Islamic discussion group) told Forum 18 in May 2022 ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)). "When you want to get a job or open a bank account, indeed to avail yourself of your rights, there's a block everywhere!"

Jehovah's Witness cancer sufferer Teymur Akhmedov was in May 2017 jailed for five years with a ban on "ideological/preaching activity" for three more years ([https://www.forum18.org/archive.php?article\\_id=2409](https://www.forum18.org/archive.php?article_id=2409)). His "crime" was to discuss his faith with NSC secret police informers. He was amnestied and released from prison in April 2018, and in May 2018 managed to have his name removed from the list after submitting a formal application for this soon after his release.

Forum 18 knows of another individual, not jailed for exercising freedom of religion or belief, who was able to get his name removed from the list in summer 2021.

Even when jail sentences are complete, punishment does not stop ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)). Many individuals who have completed prison terms or restricted freedom sentences are still under often vague post-jail bans on specific activity. These can include visiting specific places or sharing faith. For those convicted of "extremism" for exercising their freedom of religion or belief and other human rights, 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.

"An extra criminal punishment not envisaged in the Criminal Code"

In October 2018, Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law observed ([https://bureau.kz/publ-all/sobstvennaya\\_informaciya/zapreshennye\\_lyudi\\_ostayutsya\\_zapreshennymi/](https://bureau.kz/publ-all/sobstvennaya_informaciya/zapreshennye_lyudi_ostayutsya_zapreshennymi/)) that the regime uses "an expansive interpretation of the concept of terrorism. They arbitrarily [in domestic law] added to it [the International Convention for the Suppression of the Financing of Terrorism] the concept of 'extremism', which is not legally defined at all." He observed that, in

Kazakhstan, "the concept of 'extremism' has been made a means to limit the rights of people".

Similarly, Fionnuala Ní Aoláin, UN Special Rapporteur for Protecting Human Rights while Countering Terrorism, noted in her January 2020 report ([https://www.forum18.org/archive.php?article\\_id=2753](https://www.forum18.org/archive.php?article_id=2753)) (A/HRC/43/46/Add.1) the regime's "subjectivity in determining what can be considered extremist." She stated that she "fully concurs" with the 2016 UN Human Rights Committee Concluding Observations (CCPR/C/KAZ/CO/2) that "the broad formulation of the concepts of 'extremism', 'inciting social or class hatred', and 'religious hatred or enmity' in national law are used to unduly restrict freedoms of religion, expression, assembly and association".

Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law also noted that "in a rule of law state, a guilty verdict, including one involving imprisonment, is considered a necessary and sufficient punishment, excluding any additional punishment". He stated that, "instead of preparing a prisoner for socialisation, upon release from prison, an additional punishment is imposed in the form of deprivation of financial rights and thereby once again isolating them from society after their release".

In May 2018, the Almaty lawyer Inara Masanova lodged a suit to court on behalf of four individuals on the Financial Monitoring Agency list to challenge the 2016 regulations establishing the procedure for adding individuals to the list. On 3 July 2018, Yesil District Court in the capital Astana refused to accept her suit, a decision upheld by Astana City Court on 7 August 2018 and by the Supreme Court on 24 September 2018.

"We argued that 'extremism' Criminal Code Articles should not lead to such penalties, only 'terrorism', as is envisaged in international standards," the lawyer Masanova told Forum 18 from Almaty on 17 November 2022. "We also argued that, in practice, this constitutes an extra criminal punishment not envisaged in the Criminal Code." (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 freedom of religion or belief survey ([https://www.forum18.org/archive.php?article\\_id=2753](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](https://www.forum18.org/archive.php?article_id=1351))

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Forum 18  
Postboks 6603  
Rodeløkka  
N-0502 Oslo  
NORWAY