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KAZAKHSTAN: Released prisoner banned from attending mosque

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

An official banned a released prisoner from attending mosque, threatening punishment for doing so or congratulating fellow Muslims after Friday prayers. The individual is the only one Forum 18 has found specifically banned from visiting places of worship. However, bans on "membership or participation in" religious organisations are common. Officials have not explained whether such bans include attending places of worship. Muslim prisoners of conscience Dadash Mazhenov and Abdukhhalil Abduzhabbarov have completed jail terms. After 16 months, Almaty Police closed its criminal investigation into anti-war Orthodox priest Fr Yakov (Vorontsov).

Soon after a Muslim prisoner was released from prison, an official told the individual verbally that among the post-prison restrictions was a ban on visiting a mosque for Friday prayers. Attending mosque could lead to punishment. "They even told me that giving others the customary congratulations after Friday prayers – saying 'Juma mubarak!' – could also lead to punishment," the former prisoner told Forum 18.

The former prisoner – who was released in recent years and asked not to be identified – is also under the usual post-prison restrictions, with restrictions on travel and a ban on visiting public places (see below).

The former prisoner is the only one Forum 18 has found who has specifically been banned from visiting places of worship. Other unknown former prisoners could also be under such bans. However, bans on "membership or participation in" social and religious organisations are common. Officials have not explained whether such bans include attending places of worship. Attendance at burials and weddings is usually specifically allowed (see below).

A former Muslim prisoner of conscience, jailed for exercising freedom of religion or belief, twice faced problems for talking to others in the mosque immediately after Friday prayers. The former prisoner was under the usual post-prison restrictions. "Going to Friday prayers is OK, provided you leave immediately afterwards," the former prisoner – who asked not to be identified for fear of state reprisals – told Forum 18. "If you stay and talk to anyone, it is dangerous." The National Security Committee (NSC) secret police twice summoned and threatened the former prisoner for speaking to others at the mosque after Friday prayers (see below).

Zhanibek Baimaganbetov, Deputy Chair of the Interior Ministry's Criminal Implementation System Committee, refused to explain what the ban means. He insisted that his Committee does not make such determinations, but refused to identify the Interior Ministry entity that does (see below).

Forum 18 asked Zhanar Bigaliyeva, head of the Department of Human Rights in Criminal Justice in the office of the regime-appointed Human Rights Commissioner (Ombudsperson) Artur Lastayev, what specific exercise of freedom of religion or belief is banned under such provisions. Forum 18 received no response (see below).

Courts can impose bans on "membership or participation in" social and religious organisations as part of a verdict in restricted freedom sentences, where individuals live at home while serving their sentence. A satirist, Temirlan Ensebek, had such a ban in his restricted freedom verdict in April. So too did a woman given a restricted freedom sentence for fraud (see below).

Courts can impose such bans on prisoners as they reach the end of their prison term or probation officers can do so once a prisoner has been released. They are common in cases where an individual has been jailed on extremism charges. "Extremism" charges have often been used to punish individuals – mostly Muslims – for exercising freedom of religion or belief (see below).

"Participation" can be understood in different ways, one legal scholar told Forum 18. "Someone thinks that this is membership, leadership or active involvement in a religious association's activity. Others think this is any activity connected with a religious association - even one-time attendance at a religious event. This is usual for legal regulations: the legal definitions and provisions can be ambiguous" (see below).

"Laws usually give no clarity," human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18. "So determining what is included in such a ban is impossible." He added: "I believe that visiting

mosques or churches is allowed, but participating in the activity of religious or social organisations is not" (see below).

Two prisoners of conscience jailed for exercising freedom of religion or belief - both Sunni Muslims - have been freed from prison after serving their full sentences. Both remain under restrictions and their bank accounts remain blocked for 8 years after completing their prison terms:

- Dadash Mazhenov, who is now 34, completed his jail term after 7 years and was freed from a labour camp on 14 March;

- Abdukhaliil Abduzhabbarov, who is now 50, completed his jail term after 8 years and was freed from a labour camp on 24 October 2024 (see below).

Meanwhile, on 22 April, after nearly 16 months, Almaty City Police's Investigation Department finally closed its criminal investigation into anti-war Orthodox priest Fr Yakov (Vorontsov) on incitement charges "because of the absence in the actions of the substance of a criminal offence". Fr Yakov had become increasingly disillusioned with the Russian Orthodox Church Moscow Patriarchate because of its support for Russia's war against Ukraine. He hopes to create an Orthodox parish under the Ecumenical Patriarchate (see below).

Others jailed on "incitement" charges

The regime has used "incitement" charges (Criminal Code Article 174) to jail many individuals for exercising freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2862). Almost all have been Muslims.

The regime has also used Criminal Code Article 256 ("Propaganda of terrorism or public calls to commit terrorism" - which includes the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or other communication networks, or with foreign support, or in a group").

Bans on "membership or participation in" religious organisations

Criminal Code Article 50 allows courts to impose specific bans on activity as an additional part of a sentence. Some individuals – including those sentenced for exercising freedom of religion or belief, as well as others sentenced for political activity – have bans on "membership or participation in" social and religious organisations specified in their verdicts.

These bans can be imposed either in the years after an individual has completed the prison part of a sentence, or while an individual is at home serving a restricted freedom sentence.

A satirist, Temirlan Ensebek, had such a ban on "membership or participation in" social and religious organisations in his restricted freedom verdict in April (see below).

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law notes a case where a woman convicted of fraud was similarly given such a ban as part of her restricted freedom sentence.

Others – including those jailed for exercising freedom of religion or belief or for political activity - are handed such bans on "membership or participation in" social and religious organisations once they complete prison terms. A court specified such a ban for former political prisoner Maks Bokayev when he completed his prison term in 2021 (see below).

Those convicted on terrorism or extremism related charges are also added to the Financial Monitoring Agency's List of individuals "connected with the financing of terrorism or extremism" (https://www.forum18.org/archive.php?article_id=2753). They remain on the List for up to 8 years after the prison part of their sentence is completed as they are deemed still to have a criminal record.

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) 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.

Article 20, Part 3 of the Non-Commercial Organisations Law bans individuals on the List from being a "founder or participant" of a non-commercial organisation. This includes religious organisations.

What does "membership or participation in" religious organisations ban mean?

No law appears to specify what a ban on "membership or participation in" social and religious organisations means.

Zhanibek Baimaganbetov, Deputy Chair of the Interior Ministry's Criminal Implementation System Committee, refused to explain

by telephone what the ban means. He insisted that his Committee does not make such determinations, but refused to identify the Interior Ministry entity that does. He asked Forum 18 on 15 May to send its question to the Interior Ministry in writing. Forum 18 sent the question in writing the same day. It received no immediate response.

On 13 May, Forum 18 asked Zhanar Bigaliyeva, head of the Department of Human Rights in Criminal Justice in the office of the regime-appointed Human Rights Commissioner (Ombudsperson) Artur Lastayev, what specific exercise of freedom of religion or belief is banned under such provisions. Forum 18 had received no response by the end of the working day in Astana of 15 May.

"Participation" can be understood in different ways, one legal scholar told Forum 18. "Someone thinks that this is membership, leadership or active involvement in a religious association's activity. Others think this is any activity connected with a religious association - even one-time attendance at a religious event. This is usual for legal regulations: the legal definitions and provisions can be ambiguous."

Human rights defender Yevgeny Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law also points to the lack of clarity. "Laws usually give no clarity," he told Forum 18 on 8 May. "So determining what is included in such a ban is impossible. Therefore usually it is the courts which determine this, as in the case of Maks Bokayev, where the court issued a special explanation or determination setting out what Maks was not able to do. This is all a question of interpretation. There is no principled determination and no foreseeability."

"I believe that visiting mosques or churches is allowed, but participating in the activity of religious or social organisations is not," Zhovtis added. "The police themselves interpret these bans, but sometimes those sentenced appeal to the court themselves with a request to clarify what is entailed. There have even been cases where it was explained to them that attending weddings and burials is allowed, but attending other gatherings is not because of the ban on participating in peaceful gatherings."

Banned from attending mosque

A Muslim former prisoner, freed in recent years, is under the usual post-prison restrictions, with restrictions on travel and a ban on visiting public places. An official told the individual verbally after release that the ban included visiting a mosque for Friday prayers. Attending mosque could lead to punishment, the official added.

"They even told me that giving others the customary congratulations after Friday prayers – saying 'Juma mubarak!' – could also lead to punishment," the former prisoner – who asked not to be identified – told Forum 18.

The former prisoner is the only one Forum 18 has found who has specifically been banned from visiting places of worship. Other unknown former prisoners could also be under such bans.

"Going to Friday prayers is OK, provided you leave immediately afterwards"

A former Muslim prisoner of conscience, jailed for exercising freedom of religion or belief, twice faced problems for talking to others in the mosque immediately after Friday prayers. The former prisoner was under the usual post-prison restrictions. "Going to Friday prayers is OK, provided you leave immediately afterwards," the former prisoner – who asked not to be identified for fear of state reprisals – told Forum 18. "If you stay and talk to anyone, it is dangerous. If they see you on the mosque surveillance cameras talking to anyone, the next day there'll be problems. You could be sent back to prison."

"Soon after my release I stayed in the mosque after Friday prayers to talk to another attendee," the former prisoner said. "The imam saw us talking, though he didn't know what we were talking about."

The next day the National Security Committee (NSC) secret police summoned the former prisoner. "My NSC overseer [kurator] asked me whether I have rectified my 'mistakes', how I pray the namaz, whether I am in contact with other religious figures. He threatened to take me back to prison." The imam, not the NSC secret police, spoke to the person the former prisoner had been talking to.

The same thing happened to the former prisoner several months later.

Sentenced satirist banned from participating in, founding religious organisation

On 11 April, Nauryzbai District Court in the southern city of Almaty convicted Temirlan Ensebek under Criminal Code Article 174 (https://www.forum18.org/archive.php?article_id=2753), Part 1. This 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" with a maximum 7-year jail term.

Judge Beinegul Kaisina punished Ensebek, a satirist, for a post online. She handed him a five-year restricted freedom sentence, with compulsory labour of 100 hours a year, according to the decision seen by Forum 18. The decision has not entered legal force as Ensebek's lawyer has submitted an appeal.

Judge Kaisina also imposed wide-ranging restrictions during the five-year sentence on Ensebek's "rights to be involved in social/political activity". These include a ban on "membership or participation in the activity of social organisations", specifically including religious organisations (but excluding commemorations of the dead).

Similar earlier ban

The wording in Temirlan Ensebek's verdict echoes the ban imposed post-prison on former political prisoner Maks Bokayev. He left his prison in Atyrau on 4 February 2021 after completing a five-year term to punish him for planning to hold demonstrations to protest against proposed changes to the Land Code which would have allowed the sale of farmland to foreigners.

On 2 February 2021, in a decision seen by Forum 18, Atyrau City Court No. 2 ruled that Bokayev is banned from taking part in a wide range of public activities (https://www.forum18.org/archive.php?article_id=2743), 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)".

Bokayev – who describes himself as "not a religious person" – told Forum 18 on 11 April 2025 that he is not banned from attending places of worship, such as a mosque or prayer house. "But I can't be a founder or participant." He said the ban is due to last until 2030, when his criminal record expires.

Mazhenov: Freed after 7 years

Sunni Muslim prisoner of conscience Dadash Temirgaliyevich Mazhenov (born 28 September 1990) completed his jail term and was freed from a labour camp on 14 March. He is now home with his family in the northern city of Shchuchinsk in Akmola Region.

Mazhenov was serving a term of 7 years and 8 months in a general regime labour camp handed down in a second trial in October 2020 (https://www.forum18.org/archive.php?article_id=2608) for posting online four talks by Muslim teacher Kuanysh Bashpayev years before the talks were banned as "extremist". An "expert analysis" was used to convict him, as is often the case with prosecutions for exercising freedom of religion and belief (https://www.forum18.org/archive.php?article_id=2753).

The NSC secret police arrested Mazhenov in April 2018. He endured a first trial that ended with the nearly eight year prison term, torture for praying while in prison, and a second trial on the same charges after the first verdict was overturned. Even after the first verdict was overturned by the Supreme Court in January 2020, he was not acquitted and continued to be held in detention (https://www.forum18.org/archive.php?article_id=2608).

Mazhenov had been held for most of his term in labour camp in the southern city of Kyzylorda. However, for the final part of his sentence he was transferred to Labour Camp No. 7 in Akmola Region near his home. He was released from there.

Mazhenov was among at least three Sunni Muslim men known to be serving jail terms to punish them for exercising freedom of religion or belief to have been repeatedly refused transfer to conditional early release (https://www.forum18.org/archive.php?article_id=2862) or at least to a labour camp nearer home.

Mazhenov is under supervision for two and a half years after completing his prison term. The local police officer and officials from the NSC secret police have visited him three times since his release, his family told Forum 18 on 9 April. He is allowed to attend mosque. He is not allowed to travel outside his home town.

Mazhenov's bank accounts remain blocked. He is due to remain on the Financial Monitoring Agency List of individuals "connected with the financing of terrorism and extremism" for up to 8 years after completing his prison term.

Abduzhabbarov: Freed after 8 years

Sunni Muslim prisoner of conscience Abdukhalil Abdukhamidovich Abduzhabbarov (born 6 April 1975) completed his jail term and was freed from a labour camp on 24 October 2024. He is now home with his family.

The NSC secret police arrested Imam Abduzhabbarov, extradited from Saudi Arabia at Kazakhstan's request, as he arrived at Almaty Airport in February 2017. Oral City Court in West Kazakhstan Region jailed Abduzhabbarov in August 2017 (https://www.forum18.org/archive.php?article_id=2311) for 8 years on charges of inciting religious discord "with serious consequences" in recordings of his sermons and talks.

Abduzhabbarov was tortured from October 2017 by being held in solitary confinement. In July 2021, his 82-year-old father died and

the regime barred him from attending the funeral (https://www.forum18.org/archive.php?article_id=2742).

Officials repeatedly refused Abduzhabbarov's requests to be granted conditional early release (https://www.forum18.org/archive.php?article_id=2862) or a transfer to a lesser form of punishment.

Abduzhabbarov is under supervision for three years after completing his prison term. He must report once a week. He must be at home overnight and is not allowed to travel outside his home town. "He was given nothing in writing. He was never given the court decision outlining the restrictions," his family told Forum 18 on 9 April.

Abduzhabbarov's bank accounts remain blocked. He is due to remain on the Financial Monitoring Agency List of individuals "connected with the financing of terrorism and extremism" for up to 8 years after completing his prison term.

Fr Yakov (Vorontsov)'s 16-month criminal investigation closed

On 22 April, after nearly 16 months, Police Investigator Samat Atakhan of Almaty City Police's Investigation Department finally closed his criminal investigation into anti-war Orthodox priest Fr Yakov (Vorontsov) on incitement charges. The 5-page decision to close the case – seen by Forum 18 – declares that "the criminal case is subject to closure because of the absence in the actions of the substance of a criminal offence".

Investigator Atakhan did not impose any restrictions on Fr Yakov while the investigation dragged on. However, it could have affected any application Fr Yakov might have made for a job, such as in teaching. "I could get a job as a lorry driver perhaps, but not as a teacher," Fr Yakov told Forum 18 in April (https://www.forum18.org/archive.php?article_id=2969). "I would have to reveal that I am under criminal investigation."

Fr Yakov was a priest of Kazakhstan's Orthodox Church under the Moscow Patriarchate, serving in his native city of Almaty, including at the city's Ascension Cathedral. In July 2023, the Diocesan Council ruled to defrock him. He hopes to create an Orthodox parish under the Ecumenical Patriarchate.

In August 2023, Fr Yakov wrote a 104-word post on Facebook complaining that the Russian Orthodox Church Moscow Patriarchate – with which he was increasingly disillusioned because of its support for Russia's war against Ukraine – "has long had nothing in common with Christianity". After an anonymous denunciation, Almaty Police summoned him for questioning (https://www.forum18.org/archive.php?article_id=2969). He deleted the post in late 2023.

On 27 December 2023, Almaty City Police opened the investigation into Fr Yakov (https://www.forum18.org/archive.php?article_id=2969) under Criminal Code Article 174, Part 1 over the Facebook post, according to case materials seen by Forum 18.

Article 174 (https://www.forum18.org/archive.php?article_id=2753), Part 1 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" with a maximum punishment of a 7-year jail term.

On 28 December 2023, Investigator Atakhan, who was leading the investigation, commissioned a "psychological/philological expert analysis" (https://www.forum18.org/archive.php?article_id=2969) of Fr Yakov's 2 August 2023 Facebook post from Lazzat Sansyzbai, Chief Expert of the Criminal Investigation Service of Almaty's Judicial Expertise Institute.

Sansyzbai completed her analysis (seen by Forum 18) on 22 February 2024. She concluded that Fr Yakov's Facebook post did not contain incitement of hatred, propaganda of superiority or calls for hostile action against individuals. However, Investigator Atakhan did not close the case (https://www.forum18.org/archive.php?article_id=2969).

On 19 December 2024, Investigator Atakhan informed Fr Yakov that he had commissioned a second "expert analysis" (https://www.forum18.org/archive.php?article_id=2753) of his August 2023 Facebook post. Although such analyses should be completed within 30 days, Fr Yakov said in early April 2025 that he had not been given the text of the second analysis (https://www.forum18.org/archive.php?article_id=2969), nor even been informed whether the analysis had been completed. "They are dragging their feet," he complained.

Fr Yakov's lawyer told him in mid-April that the second "expert analysis" had not been completed. "The expert wrote a reasoned refusal, citing the conclusion of the previous expert analysis, and returned the material to the investigator," he told Forum 18 on 8 May. (Atakhan's 22 April ruling to close the case makes no mention of any second "expert analysis". Nor does it mention an "expert analysis" commissioned by the Russian Orthodox diocese (https://www.forum18.org/archive.php?article_id=2969).)

"Of course, you could say that 16 months of my life was stolen," Fr Yakov wrote on Facebook on 8 May. "It's difficult to say how

much in nerves all this cost me and those close to me. And no one will compensate me for this. But I hold no grudge against anyone."

Investigator Atakhan refused to discuss anything with Forum 18 on 9 December 2024. He asked Forum 18 to call back the following day. However, he did not answer his phone then, in early April 2025 or on 8 May 2025.

Investigator Atakhan's boss at Almaty Police, Lieutenant-Colonel Irina Litvinenko, refused absolutely to discuss the criminal investigation into Fr Yakov. "I can't give any information," she told Forum 18 on 9 April (https://www.forum18.org/archive.php?article_id=2969). She then put the phone down. She did not answer her phone on 8 May 2025. (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)

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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