



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE UPDATE: PROSECUTING ONLINE RELIGIOUS ACTIVITY IN KAZAKHSTAN

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USCIRF's Mission

*To advance international
freedom of religion or
belief, by independently
assessing and unflinchingly
confronting threats to this
fundamental right.*

By Mollie Blum, Researcher

Overview

Under the guise of combating “extremism,” the Kazakh government tightly surveils and restricts religious activity. While Kazakhstan’s violations of religious freedom impact all religious groups, individuals who are imprisoned related to their religious activity are all Muslim. Authorities systematically target Muslims, especially those who deviate from the state-sanctioned version of Islam and conduct religious activities—largely online—that are not authorized by the government. This report details the cases of eight known religious prisoners of conscience in Kazakhstan.

Background

Since 2013, USCIRF has [recommended](#) Kazakhstan for inclusion on the U.S. Department of State’s Special Watch List for engaging in or tolerating severe violations of religious freedom. Following the passage of the 2011 religion law, religious freedom conditions in Kazakhstan have deteriorated significantly. The state heavily restricts all religious activities and targets those who do not adhere to religions officially deemed to be “traditional” to the country through widespread surveillance, administrative fines, and prison sentences. Muslims who do not subscribe to the Kazakh government’s preferred version of Islam are particularly targeted by the state.

In May 2023, a [USCIRF delegation](#) traveled to Kazakhstan and engaged with government officials, religious communities, human rights defenders, and other members of civil society. The visit largely [confirmed](#) USCIRF’s monitoring of religious freedom conditions in Kazakhstan. For example, the registration process for religious organizations remains arduous and some religious groups fear that a registration attempt will also bring on increased government monitoring. Additionally, the Muftiate essentially maintains a monopoly on the practice of Islam and Islamic religious education, and reportedly restricts students who want to study religion abroad or who have returned from studying religion abroad. Furthermore, schoolgirls are prohibited from wearing the hijab to schools outside of Astana. Thousands of girls reportedly want to wear a hijab to school, but authorities regularly send girls home for wearing one. While the Kazakh government largely supports ethnic minority communities, including a large Uyghur community, the government also restricts certain aspects of those minorities’ religious activities. As an example, the Muftiate requires sermons to be conducted in Kazakh and has warned imams against preaching in other languages such as Uyghur, even if the majority of worshipers are Uyghur. While Kazakhstan has quietly worked to repatriate some ethnic Kazakhs detained by the People’s Republic of China in Xinjiang, the Kazakh government nonetheless has surveilled and harassed Uyghurs and other Turkic Muslims, including ethnic Kazakhs, who have moved to Kazakhstan. Additionally, the Kazakh government

regularly prevents protests against the detention of family members who remain in China.

Despite a regular willingness to engage with the U.S. government on these issues, the Kazakh government has consistently failed to introduce meaningful reforms to the religious freedom landscape. For example, through a series of U.S.-Kazakhstan Religious Freedom Working Group meetings over several years, the U.S. Commission on International Religious Freedom (USCIRF) has repeatedly raised concerns about the restrictive religion law and suggested amendments that would bring the law closer in line with international human rights standards. Despite Kazakhstan's engagement, the amendments adopted in December 2021 did not *include* any substantive changes. USCIRF raised concerns regarding the religion law and other religious freedom issues in meetings with government officials in Astana during the May 2023 delegation visit. Officials were largely dismissive and often deflected questions regarding the religious freedom situation in the country.

The Targeting, Prosecution, and Punishment of Muslims

Monitoring and Targeting of Online Religious Activity

While Kazakh authorities monitor and surveil all religious activity in Kazakhstan, the government disproportionately interferes in the activities of pious Muslim men who practice Islam outside of government-approved channels. These individuals are typically targeted and prosecuted for their peaceful religious activities, which they often conduct online, and are penalized with administrative fines. For example, in 2022, 43 Muslims were *found* to have violated the administrative code by posting religious materials online without state permission and received fines and bans on certain activities. In other cases, the same "violations" are penalized with prison sentences, demonstrating the Kazakh government's arbitrary application of an already problematic law.

Charges and "Expert" Analyses

Religious prisoners of conscience typically face charges under Articles 174 and 256-2 of the Kazakh Criminal Code. Article 174 penalizes the "incitement of social, national, ethnic, racial, class or religious discord." Those charged under this article related to their religious beliefs or activity are typically accused of inciting religious discord. According to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, the provision is overly broad and

does not *provide* protections for those with minority or dissenting beliefs. As a result, authorities can broadly interpret minorities' or dissenters' religious activities as "inciting religious discord" to justify the targeting and imprisonment of those who express unpopular religious viewpoints.

Article 256-2 penalizes the "promotion of terrorism or public calls for making the act of terrorism...with use of mass media or networks of telecommunications." Authorities have used this provision to target the peaceful activities of individuals whose religious views or practices differ from the government's interpretation, even though there is no evidence that any of the individuals charged under this article who are discussed in this report have committed, planned to commit, or funded terrorist activities. Authorities conflate "terrorism" with the government's understanding of "extremism," which perceives all unregulated religious activity as threatening and "extremist." As a result, the individuals outlined in this report are not penalized for the promotion of violent, terrorist activities, but instead are targeted for independently practicing their religion.

The Kazakh government often uses state-appointed "experts" to justify arbitrary prison sentences based on religion. These "experts" are tasked with analyzing religious materials for signs of "extremism," incitement of religious discord, or the promotion of terrorism. Whether used during an investigation or trial, "expert" reviews are typically essential to the criminal proceedings of those who are targeted due to their religious activity and are often the only evidence that the prosecution relies on to demonstrate guilt. There are different types of "experts," such as theological, sociological, and political. At times, multiple "experts" may analyze an individual's case and often come to different conclusions. In these instances, the presiding judge will typically follow the analysis of the "expert" who affirms the prosecution's argument, even if it does not constitute the majority opinion. Moreover, it is unclear what qualifications are required to become a state-approved expert, leading many observers to argue that such "experts" are unqualified to make determinations regarding religion. At the end of the trial, defendants typically must pay for the analyses used against them in their prosecution.

Post-Prison Restrictions

Individuals released from prison, including religious prisoners of conscience, face a probationary period that often entails a range of restrictions on their daily activities. Authorities subject former religious prisoners of conscience to additional punishment by placing them on the Financial Monitoring Agency list, which restricts

persons allegedly implicated in financing terrorism from accessing their bank accounts.

Religious Prisoners of Conscience in the Frank R. Wolf Freedom of Religion or Belief Victims List

There are at least eight individuals imprisoned in Kazakhstan due to their peaceful religious activities. The following individuals have been detained for sharing religious texts or other religious materials to social media accounts.

Anatoli Zernichenko

Anatoli Zernichenko was targeted for posting unauthorized religious texts to his personal social media accounts in 2020. In October 2021, local authorities in the southern town of Arys arrested Zernichenko on accusations of promoting terrorism and confiscated his phones and religious books. While prison authorities permit Zernichenko to pray in prison, they allegedly deny him access to the Qur'an.

Zernichenko's social media posts included quotes from the Qur'an that were included in a religious book, did not include any calls for violence and were never banned. Nonetheless, during Zernichenko's trial, state commissioned "experts" concluded that the confiscated texts included "signs of the propaganda of terrorism, as well as extremism." A third expert found no evidence of such signs. In June 2022, Judge Saparkhan Umarov found Zernichenko guilty of violating Criminal Code Article 256-2 and sentenced him to seven years in a medium-security labor camp. Zernichenko additionally had to pay a fine amounting to 926,460 tenge (\$2,275) for contribution to the "Victims' Fund" and for the "expert" analyses used during the trial. Yet, incongruently, Judge Umarov also ruled that the religious texts and phones confiscated and found to promote terrorism should be returned.

Dadash Mazhenov

In 2015, Dadash Mazhenov posted on his social media Islamic talks by Muslim teacher Kuanysh Bashpayev, which he later deleted in August 2017, before authorities imprisoned Bashpayev and banned his talks as "extremist" that September. Despite the fact that observers largely considered Bashpayev to be wrongly imprisoned for his independent religious activity and none of the content that Mazhenov posted included calls to violence, authorities commissioned three "experts" to analyze Mazhenov's online activity in March 2018. Of the three, only one concluded that the activity included "extremist" content, but authorities nonetheless

arrested Mazhenov in April 2018. In November 2018, Judge Zhanna Salykbayeva found Mazhenov guilty of promoting terrorism under Criminal Code Article 256-2 and sentenced him to seven years and eight months in a labor camp with a 60,790 tenge (approximately \$130) fine. In January 2019, Mazhenov appealed his case to the Akmola Regional Court, and although the court reduced his fine, it left his sentence unchanged.

In January 2020, the Supreme Court found that the state-appointed "expert" who concluded the activity was "extremist" was not qualified to provide an analysis for the court, annulled Mazhenov's conviction, and ordered a new trial, which led to the same conviction. In October 2020, the judges sentenced Mazhenov to seven years and eight months in a medium-security labor camp with an increased fine of 134,599 tenge (about \$300) to cover the costs of the "expert" analysis.

Galymzhan Abilkairov

In 2015, Galymzhan Abilkairov posted talks from imprisoned Muslim teacher Kuanysh Bashpayev two years before the content was banned. None of the recordings that Abilkairov posted to his social media included calls to violence.

In early April 2018, a team of state-appointed "experts" completed an analysis of Abilkairov's social media posts. While two "experts" did not find that the content incited religious hatred or violence, a third reviewer came to a different conclusion and found that the social media posts promoted terrorism and violence. Late April 2018, authorities arrested Abilkairov based on the third reviewer's conclusion. In October 2018, Judge Salykbayeva sentenced Abilkairov to seven years and seven months in a medium-level labor camp and ordered him to pay 61,137 tenge (approximately \$135) for the "expert" analyses. In December 2018, the Akmola Regional Court rejected Abilkairov's appeal even though the Supreme Court subsequently disqualified the third reviewer, whose analysis formed the basis for his conviction, as an "expert."

Whatsapp Group Prisoners

In December 2013, Bolatbek Nurgaliyev started a WhatsApp group chat to discuss Islam and dissuade other Muslims from engaging in terrorism. In August 2018, the National Security Committee began an investigation into the group and singled out nine individuals for their peaceful religious activities with the assistance of four state-commissioned "expert" analyses. None of the targeted individuals used the group chat to propagate violence or terrorism, but instead limited

their involvement to sharing excerpts of Islamic texts. Nonetheless, in October 2018 authorities arrested the following nine individuals: [Nazim Abdrakhmanov](#); [Samat Adilov](#); [Ernar Samatov](#); [Zhasulan Iskakov](#); [Beket Mynbasov](#); [Bolatbek Nurgaliyev](#); [Esim Suleimenov](#); [Zhuldyzbek Taurbekov](#); and [Azamat Umbetaliyev](#). The men were held in pre-trial detention until their trial commenced in March 2019. A few months into the trial, Zhuldyzbek Taurbekov was separated from the rest of the group to finish his trial individually due to poor health. In August and October, respectively, Judge Imankulov [sentenced](#) the eight men and Taurbekov to prison sentences ranging from five and a half to eight years on incitement charges under Criminal Code Article 174. Four individuals were also charged with terrorism under Article 256-2.

In December 2020, Freedom Now and the Kazakhstan International Bureau for Human Rights and the Rule of Law [sought](#) an opinion from the United Nations Working Group on Arbitrary Detention on behalf of eight of the prisoners (Suleimenov chose not to participate). In September 2021, the Working Group [released](#) its opinion that Kazakhstan's detention of these men was arbitrary and violated freedom of religion or belief as protected under international law. The opinion called for the immediate release of all detained individuals with compensation, reparations, and investigations into their detentions with repercussions for those responsible. Between October 2020 and April 2022, authorities released Suleimenov, Taurbekov, Umbetaliyev, and Iskakov under probation and restricted freedom. In June and July 2023, respectively, authorities released [Abdrakhmanov](#) and [Nurgaliyev](#) on probation. The remaining three men—Adilov, Mynbasov, and Samatov—are still imprisoned. For more details regarding the individuals imprisoned for discussing their religious beliefs over WhatsApp, please listen to USCIRF's Spotlight "[Religious Prisoners of Conscience in Kazakhstan](#)."

[Abdukhaliil Abduzhabbarov](#)

Abdukhaliil Abduzhabbarov had been living and working in Saudi Arabia as an imam for ten years when Saudi authorities [extradited](#) him to Kazakhstan, where he was arrested in February 2017 for allegedly "inciting religious discord" in sermons. While in pre-trial detention, Abduzhabbarov spent over a week in a punishment cell for observing Ramadan.

The indictment claimed that the sermons, which were given between 2004 and 2006, included calls for a "jihad" and for Muslims to avoid buying meat from "kafirs,"

or non-Muslims. Abduzhabbarov did not advocate for or incite violence, but [expressed](#) an opinion that differed from the state's interpretation of Islam. His trial was closed to the public and the Prosecutor's Office questioned over 25 "witnesses." In August 2017, the court [found](#) Abduzhabbarov guilty of inciting religious discord and sentenced him to eight years in a mixed regime prison in Kyzylorda and to pay a fine. In November 2018, the Supreme Court [rejected](#) Abduzhabbarov's appeal. Abduzhabbarov was reportedly [kept](#) in solitary confinement for at least a year, with limited opportunities for exercise or to read the Qur'an.

[Dilmurat Makhamatov](#)

For nearly two decades, Dilmurat Makhamatov lived and worked in Saudi Arabia. While there, many individuals consulted Makhamatov about Islam, recorded his commentary, and posted it publicly on the internet. Between 2016 and 2018, Kazakh authorities [commissioned](#) a series of "expert" analyses of these recordings, claiming that Makhamatov was providing unauthorized Islamic lectures. By the end of the investigation in December 2018, Kazakh authorities [forced](#) Makhamatov to return to Kazakhstan under false pretenses in order to arrest him. Even though none of the recordings included calls for terrorism, in May 2019, a court in Shymkent [sentenced](#) Makhamatov to eight years in prison for inciting religious discord and promoting terrorism and froze his bank accounts, penalizing him for practicing Islam independently from the state. In June 2019, the Shymkent City Court [rejected](#) Makhamatov's appeal.

Conclusion

The Kazakh government continues to promote a singular version of Islam and apply overly broad incitement and terrorism charges against individuals who choose not to adhere to the state's preferred religious practices. In this way, the government has created an environment of anxiety and fear that individuals practicing peaceful religious activities could be prosecuted at any time.

The cases of religious prisoners of conscience in Kazakhstan require increased international attention and pressure. USCIRF recommends that the U.S. government call on Kazakhstan to immediately release all those imprisoned due to their religious activities or beliefs, permit all incarcerated individuals to practice their religion, and investigate and cease all torture. USCIRF also recommends that Kazakhstan cease instituting post-prison bans on religious and other activities on former religious prisoners of conscience, including placement on the Financial Monitoring Agency list.



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.