

**«POLITICAL PRISONERS AND POLITICAL PERSECUTIONS IN
THE REPUBLIC OF KAZAKHSTAN» 2019 REPORT**

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POLITICAL PRISONERS

1. In 2019 there were 24 people on the list of political prisoners. 11 of them were released this year: Ablovas Dzhumayev (on parole), Saken Tulbayev (full sentence served), Yaroslav Golyshkin (pardoned by the President Kassym-Jomart Tokayev), Makhambet Abzhan (on parole), Iskander Yerimbetov (due to health condition); and Oksana Shevchuk, Gulzipa Dzhaukeroova, Zhazira Demeuova, Anuar Ashiraliyev, Serik Zhakhin and Bolatkhan Zhunusov, who were convicted for participating in the “Democratic Choice of Kazakhstan” (DCK), an organisation recognised as “extremist” by court.

At the end of 2019, 15 people had the status of political prisoners:

2. **Maks Bokayev** — sentenced to 5 years in prison, a human rights defender and a civil activist from Atyrau. In April 2016 Bokayev was a participant of peaceful protests against amendments to the Land Code. He was accused of “inciting social discord” (Article 174 of the Criminal Code), “dissemination of knowingly false information” (Article 274 of the Criminal Code) and “violation of the procedure of organisation and holding of protests, rallies, pickets, street processions and demonstrations” (Article 400 of the Criminal Code). On 28 November 2016 the court sentenced Maks Bokayev to 5 years in prison and forbade him to engage in social activities for 3 years after release. In 2017 a UN working group on arbitrary detentions demanded his release¹. Unfortunately, Kazakhstan did not implement this decision and currently Make Bokayev is imprisoned in Aktobe.

3. **Mukhtar Dzhakishev** — sentenced to 14 years in prison, imprisoned since 21 May 2009. He had worked as a president of National Company “Kazatomprom”. His case was classified. He had been held incommunicado in a pre-trial detention facility of the National Security Committee of the Republic of Kazakhstan in the city of Astana for 80 days before his lawyer and wife were allowed to visit him. On 12 March 2010, he was sentenced to 14 years of “strict” regime. According to Dzhakishev, he stood against turning Kazakhstan’s uranium industry into a supplier of raw materials for Russia’s nuclear complex. While being under arrest, in his video statement he expressed his concern regarding Russia’s increased influence on “Kazatomprom”. Another reason for his incarceration, also named by him, is “the president’s desire to find a culprit in the case of Ablyazov. Let those who appealed for him go to prison for him”. In 2015 the UN Human Rights Committee issued a decision №2304/2013 recommending his immediate release². In July 2019, a court denied him early release on parole. His health condition is of especially concern, since he suffers heavy diseases of cardiovascular system, suffered 24 hypertensive crises, and in 2018 medical workers of the penitentiary system had to recognise him as a disabled person. At the moment, Dzhakishev has to take 47 pills a day in

¹ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf

² <https://tbinternet.ohchr.org>

order to sustain his life. Kazakhstan's penitentiary system cannot provide adequate health treatment for him, since it lacks necessary experts and medical equipment.

4. **Aron Atabek (Yedigeyev)** — sentenced to 18 years in prison, poet, bard, social activist, participant of the events of December 1986. He was a mediator between the people who lived in the microdistrict "Shanyrak" (the city of Almaty) and the authorities in January 2006 during the clashes with the police. He received the sentence of 18 years of strict regime. Despite the court sentence, Aron Atabek is held in a detention facility in Pavlodar according to a classified special order of the Committee of Criminal-Executive System of the Ministry of Interior of RK. He spent over half of his sentence in a punishment cell and solitary confinement. Despite isolation, Aron Atabek continues to write poetry and articles on the topics of human rights, political regime and the penitentiary system of the Republic of Kazakhstan. In 2018 it was time for his release on parole, but he refused to write pleas, as he considered himself innocent. Due to his age (67 y.o.) and health condition, Atabek asks for a full medical screening for his legs and head, the ache in which intensifies each year, but receives refusals. Atabek is a holder of the international "Freedom To Create" award in the "Creator in Captivity" nomination (2010).

5. **Yerlan Baltabay** — sentenced to 5 months in prison, leader of Kazakhstan's independent trade union in the fuel and energy complex. He was sentenced to 7 years for "appropriation or embezzlement of entrusted funds" (Article 189 of the Criminal Code). An international campaign that followed the trade union leader's arrest led to Yerlan Baltabay becoming suddenly pardoned by President of the Republic of Kazakhstan Kassym-Jomart Tokayev's Decree №95 of 9 August 2019, and the rest of his sentence was changed to a fine. Yerlan Baltabay was released in August 2019. On 7 October 2019, Yerlan Baltabay approached the court with a motion to restore the time allowed for filing an appeal against his sentence of 17 July 2019, but received a rejection and was once again arrested in the courtroom for 5 months. International Confederation of Free Trade Unions is leading a campaign calling on The Executive Office of the President of the Republic of Kazakhstan to release Yerlan and restore him as a trade union activist.³

6. **Igor Sychev** — sentenced to 5 years in prison, blogger, lives in Ridder. He was an administrator of a page on the "VKontakte" social network "Overheard in Ridder". Investigators accused him of allowing the publication of a survey about the possibility of accession of one of the regions of Kazakhstan to Russia. He was accused of "propaganda or public calls for violation of unitarity and integrity of the Republic of Kazakhstan" (Article 180 of the Criminal Code) on the social network "VKontakte". On 18 November 2015, the court sentenced him to 5 years in prison. Igor Sychev is not an author of the survey and deleted it immediately after receiving complaints. He said that he published it by accident, and that the suggestion to publish it came from an unknown user. The mass media defence foundation "Adil Soz" rejects the assumption that Sychev's actions contained separatist propaganda⁴.

7. **Ruslan Ginatullin** — sentenced to 6 years in prison, blogger, lives in Pavlodar, rap artist. He was sentenced to imprisonment for reposting videos that condemned the actions of Russian nationalists. Ginatullin published links to videos about military actions in East Ukraine and nationalists in Russia that were in open access. He was accused of "inciting

³ https://www.labourstartcampaigns.net/show_campaign.cgi?c=4224

⁴ <http://www.adilsoz.kz/about/show/id/179>

national discord” on social media (Article 174 of the Criminal Code) and “participation in the transnational organised group or transnational criminal organization” (Article 174 of the Criminal Code). On 14 December 2016, he was sentenced to 6 years in prison.

8. **Igor Chuprina** – sentenced to 5.5 years in prison, blogger from Sokolovka village of Kyzylzhar district of the North Kazakhstan region. He called on “merging” Kazakhstan and Russia in the comment section on the “VKontakte” social network. He was accused of “inciting national discord” on social media (Article 174 of the Criminal Code) and “propaganda or public calls for violation of unitarity and integrity of the Republic of Kazakhstan” (Article 180 of the Criminal Code). On 5 December 2016, he was sentenced to 5.5 years in prison.

9. **Almat Zhumagulov and Kenzhebek Abishev** — sentenced to 8 and 7 years in prison respectively, opposition activists. On 27 November 2017, they were detained on charges of “inciting social discord” (Article 174 of the Criminal Code) and “propaganda of terrorism” (Article 256 of the Criminal Code). The investigators’ materials have clear signs of fabrication. According to available information, there were attempts in pre-trial detention center to pressure them into giving “confession statements”.

10. **Aset Abishev** – sentenced to 4 years in prison, civil activist and blogger who supported the DCK, a movement banned in Kazakhstan, and its leader Mukhtar Ablyazov. He was detained on 7 July 2018 and then sentenced to 4 years under Articles 266 (“funding activity of a criminal group”) and 405 (“participation in activity of public or religious association or other organization after court decision on prohibition of their activity”) of the Criminal Code. Abishev promoted the ideas of democracy and human rights on Facebook social network, made video statements about the need for political changes, and was an administrator in opposition groups on social media.

11. **Kaiyrly Omar** – sentenced to 2 years in prison, civil activist and the head of FOC (flat owners co-operativ) “Azat Shanyragy”, leader of public association “Zher Tagdyry” (the destiny of the land). In years 2016-2017 he spoke publicly against leasing land to foreign citizens. He was detained on 5 July 2018 on charges of “appropriation or embezzlement of entrusted funds” (Article 189 of the Criminal Code). The investigation lasted for 1 year and 4 months. He was sentenced on 5 July 2018 to 2 years in prison under Article 250 p.1 “abuse of power”, while the embezzlement charges were dropped. The case was opened based on a statement of one of the members of “Azat Shanyragy”.

12. **Yerzhan Yelshibayev** – sentenced to 2 years in prison, an activist from Zhanozen and leader of a group that demanded employment for all unemployed. Activist Yerzhan Yelshibayev raised the issues of unemployment in town and numerously stated that pressure was exerted on him. A closed criminal case against him from 2017 was reopened. On 26 March 2019, he was accused of committing an offence under Article 293 of the Criminal Code “Hooliganism” on the prosecutor’s request. On 17 October 2019 he was found guilty in intentional infliction of serious bodily harm under Article 106 of the Criminal Code and sentenced to 5 years in prison.

13. **Sanat Bukenov** — sentenced to 4 years in prison, a human rights activist from Balkhash. In 2014, while presenting defence in court at one case as a public defender, he stated that police administration, judges, prosecutors and Balkhash town administration were involved in corruption schemes connected with apartment fraud. He was accused of “knowingly false denunciation” (Article 419 of the Criminal Code). On 3 March 2017, the court sentenced him to 4 years of imprisonment.

14. **Amankeldy Batyrbekov** — sentenced to 2 years and 3 months in prison. A well-known journalist, editor-in-chief of the “Saryagash-info” newspaper, chairman of the public association “Saryagash-Adilet”. On 23 September 2019, he was sentenced to 2 years and 3 months under Article 130 of the Criminal Code (“Slander”) on the lawsuit of a government worker, head of the education department of Keles district Bakhtiyar Abdiev. Amankeldy Batyrbekov repeatedly stated that all the data given in his publications are true. The international organisation “Reporters Without Borders” (RSF)⁵ called on Kazakhstan’s authorities to quash the sentence against journalist Amankeldy Batyrbekov. The Committee to Protect Journalists (CPJ)⁶ also called for his immediate release. However, despite the consideration of the case by the court of appeal, new libel suits were filed against Batyrbekov. On 9 January 2020, the appellate court of Turkestan fully acquitted Amankeldy Batyrbekov, but two more criminal lawsuits under the article “Slander” have been filed against him.

15. **Kobeysinov Zhambul** – sentenced to 6 months in prison, a civil activist from Aktau. On 13 December 2019, he was convicted under Article 130 of the Criminal Code (“Slander”) following a complaint filed by the head of the district police department, Rashid Kuandykov. A legal case was also opened against his wife. Zhambul Kobeysinov was taken into custody from the courtroom. Zhambul was persecuted because on his YouTube channel he constantly talked about the problems of the region. Previously, he was repeatedly arrested for 5 to 15 days for peaceful protests. Kobeysinov has six children, the eldest is 14 years old, the youngest is two years old.

PERSECUTIONS FOR RELIGIOUS BELIEFS

16. **The case of «9 Muslims»**. In August 2019 Bolatbek Nurgaliev was sentenced to 8 years in prison, Yernar Samatov and Beket Mynbasov to 7.5 years in prison. Azamat Umbetaliyev, Zhasulan Iskakov, Samat Adilov, Nazim Abdrakhmanov and Yesim Suleimenov were sentenced to 5.5 years in prison on charges of “propaganda of terrorism” (Article 256 of the Criminal Code) and “incitement of religious discord” (Article 174 of the Criminal Code). The ninth defendant, whose case, due to his health condition, was run separately (he was twice in intensive care and was recognised as a disabled person of the 2nd group), Zhuldyzbek Taurbekov was sentenced to 7 years. The court accepted opinion of an expert who was provided by an NSC investigator. In addition to the expert involved by the prosecution, the court also heard the opinion of independent experts, a philologist and an Islamic scholar, who ruled that the presented materials contained no signs of incitement to national and religious discord or propaganda of terrorism, and that the texts only carry informative messages. However, these findings were ignored by the court⁷.

⁵ <https://rus.azattyq.org/a/30230445.html>

⁶ <https://rus.azattyq.org/a/30224684.html>

⁷ https://bureau.kz/novosti/sobstvennaya_informaciya/vyjiganie_kalenym_jelezom/

17. In July, Kazakhstan's court sentenced to prison time in absentia three "New Life" church workers⁸: **Maksim Maksimov** (5,5 years), his wife pastor Larisa Maksimova and a church worker Sergey Zaikin to 4 years. The lawyer and pastors consider this case fabricated. Maksimovs have been in the United States since 2014, Zaikin left the country in 2018. They connect the persecution of the "New Life" also with the fact that hundreds of ethnic Kazakhs attend the church. In their opinion, this is not welcomed by the authorities that support Sunni Islam of the Hanafi madhhab and the Russian Orthodox Church, and in recent years have put pressure on the so-called non-traditional religious groups.

18. Currently, three citizens of Kazakhstan are being tried, as they are accused of participating in the Hizbut-Tahrir extremist organisation and inciting discord: Karlygash Adasbekova, Dariya Nyshanova⁹ and a 1st group disabled person Bekjon Shalabaev¹⁰.

REFUGEES FROM THE PEOPLE'S REPUBLIC OF CHINA

19. In the last two years, the situation with the rights of refugees from the People's Republic of China has become topical in Kazakhstan.

20. A human rights activist and a former head of the Atajurt Eriktileri public association **Serikzhan Bilash** actively raises the problem of oppression of Kazakhs in Xinjiang (PRC).

21. His human rights activity was suspended in March, when he was detained in Almaty on suspicion of inciting discord (Article 174 of the Criminal Code). For the period of investigation, which lasted for more than 5 months, Bilash was under house arrest. In August, at the trial, Bilash signed "a plea agreement", and was sentenced to a fine of \$280 and a ban on heading public associations for 7 years¹¹.

22. Since the end of December 2019, Bilash started to actively engage in human rights activities again and his organisation Atajurt Eriktileri started working again.

23. **Sairagul Sautbay**, an ethnic Kazakh woman, worked in a camp on political re-education in Xinjiang. In April 2018, Sairagul illegally crossed the Kazakh-Chinese border. She was then detained by members of the National Security Committee and placed in a pre-trial detention facility in Taldykorgan. In October 2018, Kazakhstan refused to grant Sairagul a refugee status and she was forced to leave to Sweden¹².

⁸ <https://rus.azattyq.org/a/kazakhstan-new-life-church-pastors-prosecution/30184377.html>

⁹ <https://rus.azattyq.org/a/30305286.html>

¹⁰ <https://rus.azattyq.org/a/30345126.html>

¹¹ <https://rus.azattyq.org/a/30113850.html>

¹² <https://rus.azattyq.org/>

24. Other ethnic Kazakhs were held accountable for illegal border crossing too. **Bagashar Malikuly**, who fled from the Xinjiang camp to Kazakhstan in January 2017, was summoned for questioning in November 2019. Subsequently, a case was opened against him under Article 392 of the Criminal Code of the Republic of Kazakhstan. A month later the case was closed¹³. Bagashar is currently awaiting a response from the Almaty migration police regarding a refugee status.

25. An ethnic Kazakh **Tlek Tabarikuly**¹⁴, who was born in Xinjiang, also faced a similar situation; he is currently in a pre-trial detention facility. According to Malikuly and Tabarikuly, they used to have residence permits in Kazakhstan, but after they crossed the Kazakh-Chinese border, they were detained and their Kazakhstani documents were seized by the Chinese border officers.

26. On 23 December, **Kaisha Akan**, who crossed the border illegally, was sentenced by the Zharkent court to six months of probation without being expelled to the country of origin¹⁵.

27. Two ethnic Kazakh refugees Kaster Musakhanuly and Murager Alimuly who fled in October 2019 from Xinjiang camps were placed in a pre-trial detention facility in Ust-Kamenogorsk. According to Musakhanuly, in Xinjiang he was forcibly held in a political re-education camp where he was tortured. Alimuly was also subjected to pressure and beatings. The refugees are currently being tried, facing up to one year in prison and expulsion back to China¹⁶.

“THE LISTS OF EXTREMISTS”

28. In addition to punishment in the form of a prison sentence, after leaving the places of imprisonment, citizens convicted under articles 174 and 405 of the Criminal Code of the Republic of Kazakhstan are added to the “list of extremists” and remain under scrutiny of the police and national security agencies. Their participation in social and political life is immediately suppressed by summons for interrogation and threats of opening a new criminal case.

29. Those who are on the “list” cannot find employment, they have blocked access to banking services and notarial actions¹⁷. Political prisoner Vladimir Kozlov tried to appeal against this list, but to no avail¹⁸. He was thus forced to leave Kazakhstan, and is now in Kiev (Ukraine). According to the Financial Monitoring Committee of the Ministry of Fi-

¹³ <https://rus.azattyq.org/a/30345660.html>

¹⁴ <https://rus.azattyq.org/a/30360862.html>

¹⁵ <https://rus.azattyq.org/a/30340349.html>

¹⁶ <https://rus.azattyq.org/a/30311302.html>

¹⁷ <https://rus.azattyq.org/a/kazakhstan-spisok-extremism/28946008.html>

¹⁸ <http://tirik.info/v-kozlov-o-chernyh-spiskah/>

nance of the Republic of Kazakhstan, there are 1579 people on the list, 188 of whom were added to the list in 2019¹⁹.

30. Political prisoners who were released “on parole” or received “restriction of freedom” are limited in their rights, because in reality the authorities, having recognised them as convicts and criminal offenders, constantly check them, control them, forbid them to engage in social activities and participate in any kinds of protests. In essence, political persecution continues without imprisonment.

THE RIGHT TO FREEDOM OF EXPRESSION

31. The authorities in Kazakhstan actively monitor social networks and take various measures, including preventive ones, against bloggers and activists. One-person protests with expression of opinion and publications on social networks are the basis for political prosecution and administrative / criminal liability.

32. The city council (akimat) of Uralsk intimidated blogger Askar Shaigumarov and demanded him to "refute the words said in your video from the report meeting of the akim of Uralsk M. Mukaev with the public." This video from akim's report meeting with the public was posted by Shaigumarov on 13 February on his YouTube channel, which was repeatedly subjected to DoS-attacks and was unavailable for viewing²⁰.

33. On 28 February 2019, the Taldykorgan city court convicted 68-year-old Bolathan Zhunusov, who had a status of a political prisoner, for participating in the activities of the banned DCK organization (Article 405 of the Criminal Code) and sentenced him to 1 year of restriction of freedom for making publications on Facebook. The defendant did not admit the charges and stated: “Under the Constitution and international treaties ratified by Kazakhstan, I have the right to freedom of speech and expression. In my publications, I did not call for a violent overthrow of the existing system”.

34. On 21 March 2019, lawyer from Almaty Dzhokhar Utebekov wrote about the lawlessness of renaming the capital into Nur-Sultan, proposed at that time by the then interim president Kassym-Jomart Tokayev on Facebook²¹. The next day he faced a threat of having his lawyer's license retrieved²².

35. On 26 March 2019, a civil activist Raushan Torbayev was arrested for seven days in the capital. He announced on a social network a protest “against renaming” of Astana into Nur-Sultan.

36. On 20 April 2019, Bolatbek Blyalov, an activist from the city of Nur-Sultan, one of the leaders of the “Anti-Heptyl” eco-movement, made a publication about a rally against

¹⁹ <https://kfm.gov.kz/ru/the-list-of-organizations-and-individuals-associations/current.html>

²⁰ <https://www.uralskweek.kz>

²¹ https://www.facebook.com/permalink.php?story_fbid=2337659226492320&id=100007447955436

²² <https://rus.azattyq.org/a/29836252.html>

the construction of a nuclear power plant in Kazakhstan,. For this, he was arrested for 15 days.

37. On 21 April 2019, during the marathon in Almaty civil activists Asiya Tulesova and Beibarys Tolymbekov hung a poster along the road "You can't run away from the truth. I have a choice". They were detained, and later the same day they were arrested for 15 days. Also, those who photographed the banner were fined — Aidos Nurbolatov, Aigul Nurbolatova and Suinbike Suleymenova²³.

38. On 29 April 2019, Roman Zakharov, who posted a banner with the inscription "The people are the only source of state power" in support of Tulesova and Tolymbekov, was detained and arrested for 5 days. After a resonance on social media five days of arrest were replaced with a fine.

39. In April 2019, the Turksib District Court of Almaty heard a lawsuit in protection of the honour, dignity and business reputation of candidates for the maslikhat of Almaty, Stepan Daerbaev and Lyazzat Lapshina, against civil activists Alnur Ilyashev and Marat Turymbetov. The reason for this was Alnur Ilyashev's post on Facebook. The court found Ilyashev and Turymbetov guilty and ordered them to publish a retraction²⁴.

40. On 6 May 2019, Aslan Sagutdinov held a one-person demonstration in Uralsk with a blank placard in order to show to people that Kazakhstan does not have freedom of speech and democracy. The activist was detained by the police 5 minutes later. After this, Aslan was summoned into the army, but due to heart aneurysm, he did not go into military service²⁵.

41. On 18 November 2019, Aibolat Bukenov recorded on a smartphone a police patrol car hitting a girl in Uralsk. Bukenov asked the head of the Police Department, General Makhsudkhan Ablazimov, how it happened that his employee knocked down a pedestrian, after which Ablazimov tried to take his smartphone away and later sue the blogger. The court issued a warning to Bukenov²⁶. The persecution of the blogger did not end there, later he was arrested for 5 days for his attempts to ask inconvenient questions²⁷.

42. On 30 October 2019, Zhanat Nurkishev, an activist from Nur-Sultan, filed a notification statement for a protest to be held on 9 November 2019, of which he made a corresponding publication on Facebook²⁸. On the 2 November, Nurkishev was arrested for 15 days for "calling for an unauthorised rally".

43. On 12 October 2019, three activists from Almaty held one-person demonstrations in support of political prisoners. Activists demanded release of political prisoners in Kazakhstan, which the court regarded as an unauthorised rally and sentenced Askhat

²³ <https://informburo.kz/novosti/arest-aktivistov-v-almaty-sud-otklonil-apellyacionnyu-zhalobu-tulesovoy.html>

²⁴ Monitoring of the International Foundation for Protection of Freedom of Speech "Adil soz", April 2019

²⁵ <http://www.uralskweek.kz>

²⁶ <https://rus.azattyq.org/a/30309725.html>

²⁷ <https://rus.azattyq.org/a/30347969.html>

²⁸ <https://www.facebook.com/groups/998196917007248/permalink/1321344004692536/>

Zheksebaev and Noyan Rakhimzhanov to 10 days of arrest. The third participant, Serik Aitzhanov, was fined 20 MCI (monthly calculation index)²⁹.

THE RIGHT TO INTERNET ACCESS

44. On 8 January 2019, the people of Kazakhstan complained about difficulties with access to the Internet and problems with mobile connection³⁰. Later, the Ministry of Information and Communication of Kazakhstan explained that this was due to a technical malfunction³¹.

45. On 15 February 2019, the website of the Coalition for Security and Protection of Human Rights Defenders pana-defenders.info became inaccessible to the people of Kazakhstan. On this day, the "Manifesto of the People of the Republic of Kazakhstan" was published on the website with the purpose of collecting signatures. By signing it, the signatories protest against the current situation in the country and demand "complete transformation and systemic changes in public administration at all levels and in all spheres of the country's life".

46. In March 2019, the Minister of Information and Social Development of the Republic of Kazakhstan, Dauren Abayev, while answering to a journalist's questions about problems with access to Facebook, YouTube, Instagram and Telegram in the evenings throughout the year (at the times when Mukhtar Ablyazov made live broadcasts), said that sometimes "technical changes, technical issues" arise due to "an increase in the number of users".

47. Instances of mass blocking of the Internet were recorded on 9 May 2019 (on this day marches of the "Immortal Regiment" were organized across the country) and 9 June 2019, the day of the election of the President of the Republic of Kazakhstan.

48. The NetBlocks, a worldwide Internet freedom monitoring group, reported that on the indicated dates there were total Internet blockings in the Republic of Kazakhstan³². On 9 May 2019, several Kazakhstan's online publications were blocked; the websites of Vlast.kz, Holanews.kz, Informburo.kz, Exclusive.kz, Time.kz, regional outlets "Uralskaya Nedelya", "Ak Zhaiyk" and the page of the Kazakhstan International Bureau for Human Rights and the Rule of Law were unavailable³³. Shortly after that, Facebook, Instagram, Telegram social networks and YouTube platform, through which topical information was transferred, turned out to be blocked that day.

²⁹ <https://rus.azattyq.org/a/30229389.html>

³⁰ <https://www.zakon.kz/4953140-sboi-seti-proizoshel-v-kazahstane.html>

³¹ <https://www.zakon.kz/4953233-prichiny-sboya-seti-v-kazahstane.html>

³² <https://rus.azattyq.org/a/29989407.html>

³³ <https://vlast.kz/politika/33132-predotvratit-protest-luboj-cennoj.html>

49. In July 2019, there was mass sending of SMS messages in the city of Nur-Sultan regarding the necessity to install a security certificate on each phone³⁴. This action on the part of the authorities was perceived by the society and the media as an attempt to control the Internet and install total surveillance on citizens. On 6 August 2019, the NSC had to announce the termination of the requirement to install the certificate due to "successful completion of the security certificate application test." "As a result, a system was created to prevent cyberthreats in both cyber and information space," the official NSC statement read³⁵.

THE OBSTRUCTION OF THE PROFESSIONAL ACTIVITY OF JOURNALISTS

50. In 2019, journalists faced the fact that during peaceful protests initiated by the banned DCK, the Internet is often blocked, which prevents journalists from making live broadcasts from the site of events. This is seen by human rights defenders as a form of obstruction of professional activities of journalists, as well as a violation of the right of citizens to information and the right to the Internet.

51. In Kazakhstan, the authorities orchestrated provocations and attacks on journalists. On the 9 January 2019, in Astana, the police detained the reporter Orken Joyamergen and cameraman Yerzhan Amirkhanov while they were carrying out their work³⁶. On 17 and 31 January 2019, Yermurat Bapi, the editor of the newspaper "DAT. The Public Position" stated on his Facebook page that in Almaty and Shymkent some "people in civilian clothes with beards" were buying up fresh newspaper issues in bulk. Bapi writes: "This "akimat operation" was mainly carried out by the staff of the department on internal policy and the NSC"³⁷.

52. In February "Radio Azattyq" journalist Saniya Toiken was detained three times by the police in Astana³⁸. On 27 February, the police detained Toiken and cameraman Sanat Nurbekov in Zhanaozen. They were covering the protests of the unemployed in Zhanaozen. Police officers detained the crew and took them to Aktau, where they were held for more than 5 hours. On 22 March 2019, during a protest against the initiative of the then interim President KJ Tokaev to rename Astana into Nur-Sultan, a group of young people (such provocators are called "nurbots," "titushki") prevented journalists from filming, covering the camera with newspapers and not letting them to broadcast live. The police officers present at the scene refused to intervene and stop the offence. Journalist Svetlana Glushkova was detained, she was convicted and fined 25,250 tenge³⁹.

³⁴ <https://informburo.kz>

³⁵ <https://rus.azattyq.org/a/kazakhstan-security-certificate-reaction/30097562.html>

³⁶ <https://rus.azattyq.org/a/29698853.html>

³⁷ <https://www.facebook.com>

³⁸ <https://rus.azattyq.org/a/29765946.html>

³⁹ <https://www.currenttime.tv/a/glushkova-arrest-kazakhstan-journalist/29856287.html>

Glushkova considered this an order from the authorities, so that she could not make reports and fully carry out her professional activities⁴⁰.

53. On March 23, Kuanyshbek Kari, the head of the Almaty Bureau of “Radio Azattyq”, was urgently summoned to Akimat, where representatives of the city authorities and prosecutors accused “Radio Azattyq” of “one-sided coverage of political events” and of “inciting discord”⁴¹. Acting RFE / RL President Daisy Sindelar called the incident “an overt attempt to intimidate independent journalists and control the way the media cover political events”⁴². The OSCE Representative on Freedom of the Media Harlem Désir also expressed his concern⁴³.

54. Kazakhstan is included in the group of “not free” countries in the reports of Freedom House of previous years as well as of 2019. “Changes in media laws further restricted journalists in Kazakhstan who already work under harsh conditions”⁴⁴. Kazakhstan took 158 place out of 180 countries in the annual press freedom ranking⁴⁵.

55. On 1 May 2019, the day of the proposed rally, unidentified persons broke glass in the car of “Radio Azattyq” cameraman Yerzhan Amirkhanov in the city of Nur-Sultan. On the same day, the car of another cameraman Timur Aitmukhambetov was blocked in a parking lot. On 9 May 2019, unknown people hindered the work of “Radio Azattyq” journalists at a peaceful gathering by blocking cameras with umbrellas⁴⁶.

56. On 9 June 2019, at a protest against the elections of the President of the Republic of Kazakhstan, in addition to the mass detentions of the participants, there were mass detentions of journalists⁴⁷. This way, the journalist of the French outlet “Agence-France-Presse” (AFP) Chris Rickleton, was detained in a rude manner and taken to a police station⁴⁸.

57. On 12 June 2019, in Uralsk, at the site of the alleged protest against the results of the elections of the President of the Republic of Kazakhstan, 4 journalists of the “Uralskaya Nedelya” newspaper were detained: Artyom Bukreev, Raul Uporov, Alexey Vorobyov and Lukpan Akhmedyarov⁴⁹. Later, on 17 June, the editor-in-chief of the “Uralskaya Nedelya” news outlet Lukpan Akhmedyarov received a fine in the amount of 50,500 tenge for “disobeying the demands of the police”⁵⁰.

58. On 5 July 2019, in the city of Nur-Sultan, the police detained the “Current Time” channel’s journalist Zhazgul Egemberdieva, who is from Kyrgyzstan. She was accused of staying in Kazakhstan illegally, forced to leave Kazakhstan immediately and barred from

⁴⁰ <https://www.currenttime.tv/a/glushkova-court-police-journalist-kazakhstan/29853883.html>

⁴¹ <https://rus.azattyq.org/a/29837072.html>

⁴² <https://pressroom.rferl.org/a/rferl-journalists-in-kazakhstan-targeted-while-covering-protests/29836958.html>

⁴³ <https://www.osce.org>

⁴⁴ <https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>

⁴⁵ <https://rsf.org/en/ranking>

⁴⁶ <https://rus.azattyq.org/a/29930520.html>

⁴⁷ <https://vlast.kz/novosti/33769-9-zurnalistov-byli-zaderzany-vo-vrema-mitingov-9-10-iuna-mvd.html>

⁴⁸ <https://vlast.kz/novosti/33652-britanskogo-zurnalista-zaderzali-v-almaty.html>

⁴⁹ <https://rus.azattyq.org/a/29996729.html>

⁵⁰ <https://rus.azattyq.org/a/30003865.html>

entering Kazakhstan for 5 years by court order. During rallies of 6 July, the work of “Radio Azattyq” reporters Orken Joyamerger and Yerzhan Amirkhanov was hindered by masked people, and the police officers that were present at the scene ignored complaints about those people’s actions.

59. On 22 July 2019, in Almaty, a group of women attacked “Radio Azattyq” journalists Nurgul Tapayeva and Tokmoldy Kusainova, who arrived at a press conference at the Kazakhstan International Bureau for Human Rights and the Rule of Law. A cameraman was hit and the camera was broken. Bureau journalists Sergey Duvanov, Andrei Grishin and Dmitriy Tikhonov, as well as some other Bureau employees, were also attacked. Unknown people took away Duvanov’s mobile phone from him, on which he was recording what was happening.

60. The administration of “Radio Azattyq” and the Bureau for Human Rights sent complaints to the Ministry of Interior of Kazakhstan and the Prosecutor General’s Office regarding all the facts of hindering professional activity, but months later the police, according to “Radio Azattyq”, did not find out who committed these attacks⁵¹.

61. On 26 August 2019, in Talgar, an attack with a firearm was carried out against the activist Galina Arzamasova, who arrived in the akimat of the Talgar region to meet with the akim in order to tell him that private cottages are being constructed in the Panfilov rural district at a site that was allocated for the construction of a new school⁵². A criminal case was opened against the former akim of the Panfilov district and his driver. Pre-trial investigation is over and the trial taking place at the moment⁵³.

THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

62. The right to peaceful assembly is guaranteed to the citizens of the Republic of Kazakhstan by the Constitution (Article 32) and the International Covenant on Civil and Political Rights, ratified by the Government of Kazakhstan in 2005. However, as practice shows, these documents are essentially only declarative in nature.

63. Under the Law on the procedure for holding peaceful assemblies citizens are required to submit an application to the akimat asking for permission in order to hold a peaceful assembly. The experience of activists trying to organise a rally or a demonstration suggests that the state does not strive to facilitate these efforts, which forces citizens to break the law and exercise their right without an application to the akimat. These actions are considered by the authorities as a gross violation of the law by citizens and prompt the law enforcement agencies to express aggression in the form of rude detentions with unfounded use of force, preventive detentions, coerced appearance and prosecution of active participants.

⁵¹ <https://rus.azattyq.org/a/kazakhstan-attacks-azattyq-correspondents/30347923.html>

⁵² <https://informburo.kz>

⁵³ <https://informburo.kz>

64. A peaceful assembly, which is not authorized by the akimat, is interpreted by the authorities as an “unauthorised” rally, which in itself contradicts the right to peaceful assembly and the International Covenant on Civil and Political Rights ratified by Kazakhstan.

65. An “unauthorised rally” is a perfect excuse for the authorities not to encourage any manifestations of protest moods, and to consider such protests illegal to legitimise the unfounded use of force and dispersal of peaceful protests.

66. Year 2019 was highly active in the political field. Most of the protesters were supporters of the banned in Kazakhstan movement "Democratic Choice of Kazakhstan" (DCK). The peak of the activity of citizens was at the pre-election period.

67. Early presidential elections were announced on 9 April 2019, followed by an increase in civil activism. The highest number of participants in the rallies against unfair elections was recorded during the early elections of the President of the Republic of Kazakhstan on 9 June 2019. According to official statements from the authorities, about **4,000** people were detained in this period⁵⁴.

68. Any expression of protest on the street in the form of a rally, procession or peaceful assembly relating to the current political situation almost always ends with detentions, and further prosecution and administrative punishment of up to 15 days or a fine. Such punitive measures are taken by the authorities in order to neutralize citizens.

69. From 23 to 25 February 2019, peaceful protests were held in Zhanaozen demanding employment for citizens. Several dozens of people participated in the rallies⁵⁵. On 27 February, 16 people were subjected to administrative arrests of 5 to 7 days for “littering in public places, obscene language and other intentional actions expressing disrespect towards society”⁵⁶. “Radio Azattyq” reporters Saniya Toiken and Sanat Nurbek who were covering the Zhanaozen events, were detained and taken to the Aktau City Police Department⁵⁷.

70. On **27 February** 2019, there was a congress of the ruling party Nur-Otan, dedicated to the 20th anniversary of the party. A couple of weeks before this event, the leader of the banned DCK Mukhtar Ablyazov called for a rally. The peaceful assembly in Astana was held at the square near the Independence Palace, where the event itself took place. There were about 20 participants, citizens did not have posters or any banners, but after a while the assembled people were rudely detained without explanation and sent to the police department.

71. In Almaty, dozens of people came to the office of Nur-Otan; they demanded resignation of President Nursultan Nazarbayev; after this, detentions began⁵⁸.

⁵⁴ https://tengrinews.kz/kazakhstan_news/4-tyisyachi-zaderjali-vremya-mitingov-kazahstane-371609/

⁵⁵ <https://rus.azattyq.org/a/29793966.html>

⁵⁶ <http://mng.prokuror.gov.kz/kaz/baspasoz/akparaty/baspasoz-akparaty-67>

⁵⁷ <https://rus.azattyq.org/a/kazakhstan-zhanaozen-police-detained-rferl-journalists/29793548.html>

⁵⁸ <https://rus.azattyq.org/a/29793172.html>

72. The same month, numerous “protests of mothers” began after the death of 5 children as a result of a fire that happened on 4 February 2019 in Astana⁵⁹. This incident marked the beginning of regular gatherings of single mothers, mothers of children with disabilities, mothers in large families, who faced similar problems with living conditions⁶⁰. These gatherings were closely monitored by the police and The Special Rapid Response Unit officers, while the most active ones were detained and fined⁶¹.

73. On 22 March 2019, peaceful protests were held in Astana and Almaty against the renaming of the capital⁶². The renaming without taking into account the public opinion caused mass protest moods among the population of Kazakhstan, which is proved by the mass petition signed by over 45,000 people⁶³. Around 20 people were detained in Almaty. Around 10 people were detained in Astana, including Svetlana Glushkova, a journalist for the “Current Time” channel⁶⁴. Damir Moldagulov, a 16-year-old rally participant against the renaming of the capital, was expelled from college for participating in the rally. However, after a public outcry in Damir’s defense, he was restored⁶⁵.

74. On the **1 May** 2019, rallies were held in 5 cities of Kazakhstan, which had been announced by the banned DCK and the “Zhusan” movement, with the main demand for fair elections of the President of Kazakhstan. In Almaty, more than 1,000 people attended the rally. People demanded fair voting, chanted the slogans “Nur-Sultan is not my city”, “Tokayev is not my president”, “People are tired” and others. About 1,000 people took part in the procession in the capital; in the remaining cities of Semey, Karaganda and Aktobe, there were a total of 120 people. During the detentions, the police used bats against some - Ermekbol Tleukhan was among them⁶⁶. “Radio Azattyq” reporters also witnessed the way police beat people with batons⁶⁷. According to the Ministry of Internal Affairs, 80 people were detained⁶⁸. According to #IHaveAChoice #ActivistsNotExtremists Facebook group, 36 people were brought to administrative liability, of which 24 were subjected to administrative arrests of up to 15 days⁶⁹.

75. The position of the authorities was expressed in an official statement⁷⁰ of the Ministry of Interior of the Republic of Kazakhstan: “The protesters were given the opportunity to freely and openly express their public position and opinion on social and other problematic issues. However, in the cities of Nur-Sultan and Almaty, some of the participants behaved aggressively, shouted slogans of the banned extremist organisation “DCK”, violated public order”.

59 <https://rus.azattyq.org/a/kazakhstan-astana-v-pozhare-sgoreli-pyatero-detey/29750214.html>

60 <https://informburo.kz>, <https://rus.azattyq.org/a/29754003.html>, <https://www.currenttime.tv>

61 <http://www.exclusive.kz/expertiza/daily/116575/>

62 <https://ru.sputniknews.kz/trend/pereimenovanie-astana/>

63 <https://www.gopetition.com>

64 <https://www.currenttime.tv/a/kazakhstan-detention-astana-almaty/29835801.html>

65 <https://www.currenttime.tv/a/kazakhstan-education-protests/29886604.html>

66 <https://rus.azattyq.org/a/29918820.html>

67 <https://rus.azattyq.org/a/kazakhstan-nur-sultan-almaty-rally-1-may/29914075.html>

68 <https://informburo.kz>

69 <https://ru.odfoundation.eu>

70 <https://www.facebook.com>

76. The main articles of the Code of the Republic of Kazakhstan on Administrative Offenses (Code of Administrative Offenses of the Republic of Kazakhstan), which were used at the specialised inter-district administrative court of the capital, were Article 667 — disobedience to a lawful order or demand of a law enforcement officer and Article 488 — participation in an unauthorised rally.

77. Conscription after participating in a rally is another form of persecution of activists. After serving 15 days of administrative arrest, Beibarys Tolymbekov, who was drafted into the army before the rally, found that his place of service had been changed⁷¹ to one that is notorious for its ‘hazing’. Activists, human rights defenders and Beibarys’s close ones regarded this gesture as a form of repression.

78. Alimzhan Izbassarov, who served 15 days of arrest for participating in a rally on May 1, after making his speech in court, which overnight became “viral” on the Internet, was unexpectedly drafted into the army⁷². Alimzhan is currently undergoing military service. A similar case occurred in December 2019 when a young activist Nurbol Onerhan from a village in the North Kazakhstan region received summons to the army after his call on social networks to come to a peaceful rally. For this, he was held administratively liable, received 10 days of arrest, and was also fired from work⁷³.

79. After the protest of 1 May 2019, the leader of the banned DCK Mukhtar Ablyazov called for a peaceful protest on **9 May 2019**. On the day of the protest, preventive detentions began, some of which took place through the means of coerced appearance⁷⁴.

80. Most of the civil activists were isolated in police departments for several hours due to interrogations, the summons for which the police brought on the very day of the rally⁷⁵. The rest of the activists were waiting for the end of their administrative arrests in detention facilities for participation in the protest of 1 May 2019.

81. Prior to 9 May 2019, the Prosecutor General’s Office of the Republic of Kazakhstan urged the people of Kazakhstan “not to succumb to provocations and not violate the laws of the country”⁷⁶. Such warnings are regularly published by prosecutors. War veterans and well-known media figures called for the rejection of unauthorised rallies and protests that day. This was the first time that the authorities had applied this in Kazakhstan. It was due to the fact that on 9 May 2019 there were processions of the “Immortal Regiment”, in which about 20,000 people took part in Nur-Sultan, and about 130-150 thousand people in Almaty⁷⁷.

82. The rallies planned for the same places did not actually happen — several people were detained in the center of Almaty and Nur-Sultan. According to the Facebook group *#IHaveAChoice #ActivistsNotExtremists*, on 9 May 2019, 41 people were detained across Kazakhstan, of which 18 were detained in Almaty, including Gulzipa Dzhaikerova, Zhazira Demeuova and Oksana Shevchuk, who, after participating in this protest, had criminal

⁷¹ <https://rus.azattyq.org/a/29947046.html>

⁷² <https://pana-defenders.info/publications/monithrd201905/>

⁷³ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2541959392789995/>

⁷⁴ <https://www.youtube.com/watch?v=sCCiNwsnvOo>

⁷⁵ <https://vlast.kz/politika/33132-predotvratit-protest-luboj-cennoj.html>

⁷⁶ <http://prokuror.gov.kz>

⁷⁷ <https://ru.sputniknews.kz/society/20190509/10111004/bessmertnyj-polk-almaty.html>

cases opened against them⁷⁸. It also became known that police officers did not allow 15 people to leave their homes and brought summons for interrogation to them. The detentions of 9 May 2019, as was already mentioned, took place at the same time as mass blockings of popular Internet websites and social networks⁷⁹.

83. The second largest protest took place on 9 June 2019, the day of the early election of the President of Kazakhstan. The civilly active population was divided into three camps - some called for voting, the second to be observers in order to record violations, and the third to boycott the elections through protests.

84. On 10 June 2019, a representative of the Ministry of Internal Affairs of the Republic of Kazakhstan stated that between June 9 and 10 around 700 people were detained across the republic, 550 of whom were held accountable for administrative offences. About 200 detainees were taken out of the city of Nur-Sultan to other towns⁸⁰. Shortly after that, on 18 June Minister Yerlan Turgumbayev stated that about 4,000 people were detained during the protests of the early elections of the President of the Republic of Kazakhstan, stressing the injuries sustained by the police.

85. Preventive conversations were held with 3000 out of 4000 detainees, after which they were released, 677 were subjected to administrative arrests, 305 received administrative fines⁸¹.

86. In the period from June 9 to 11, the identities of 1,100 detainees were established by human rights defenders, of which 628 people underwent administrative arrests of up to 15 days for participating in an unauthorised rally (Article 488 of the Administrative Code of the Republic of Kazakhstan). Of these, 688 people were detained on June 9, 445 of them received administrative arrests⁸².

87. Most of them were detained and arrested on June 9 in the city of Nur-Sultan - 453 detained and 371 arrested, as well as in Almaty - 193 detained and 70 arrested. Among the detainees were 16 journalists, human rights defenders, observers and lawyers.

88. The detention took place in a very rude manner⁸³. Police officers took the detained citizens to the district police departments, where closed court hearings were held. It should be noted that police stations are considered sensitive facilities, and the courtroom was not equipped with means for audio and video recording. Lawyers, human rights defenders, and even international observers from the OSCE election observation mission were not allowed to visit the detainees.

89. According to human rights defenders and activists, such illegal measures were taken in order to isolate detainees from the public, deprive them of legal assistance, as well as to prevent the publicity of illegal actions of police officers and judges. Citizens arriving at the police departments were also detained, as, according to the police, they could also have been participants in the rally.

⁷⁸ <https://www.facebook.com/groups/ActivistsNotExtremists>

⁷⁹ <https://rus.azattyq.org/a/29930648.html>

⁸⁰ <https://www.svoboda.org/a/29993273.html>

⁸¹ <https://ru.sputniknews.kz/incidents/20190618/10584382/zaderzhali-4000-miting-kazakhstan.html>

⁸² <https://ru.odfoundation.eu>

⁸³ <https://rus.azattyq.org/a/kazakhstan-almaty-dozens-of-people-detained/29991335.html>

90. Citizens held accountable for administrative offences with arrests of up to 15 days were taken to special detention facilities in cities, as well as to nearby towns and villages, as the number of convicts was much higher than the number of places available in special detention facilities of the cities. The detentions took place randomly — anyone could have been subjected to them, even journalists and ordinary by-passers. On 10 June 2019, the head of the OSCE PA delegation Margaret Keener Nellen stated that “mass detentions of peaceful street protesters, including journalists, on the day of the presidential election violate constitutional freedom of assembly and expression”⁸⁴.

91. On 24 June 2019, in the city of Arys (Turkestan region) there were explosions of shells at a military base located near the city. Over 41,000 people were evacuated to different cities of the Turkestan region that day. On 27 June 2019, hundreds of evacuated residents of Arys demanded to be relocated to Shymkent, arguing that there was no way for them to live in the city. About 500 people took part in the march⁸⁵, who reached the office of the ruling party Nur-Otan and tore off its flag⁸⁶. There were no detentions. While rally participants are subjected to gross detentions and arrests due to the violations of the law⁸⁷, processions like this are purposefully not punished by the authorities.

92. Throughout this year, many protests were stopped, and participants subjected to arrests and fines, allegedly due to lack of permission. Although authorities constantly urge people to comply with the law and gain permission to hold protests, in practice, local authorities refuse to give permission for far-fetched reasons.

93. Thus, it was only after 32 refusals that a civil activist Alnur Ilyashev managed to obtain permission to hold a rally on 30 June in Almaty⁸⁸. About 100 people participated in the protest.

94. Additionally, in 2019, authorities began to hold alternative protests against unauthorised protests. On **6 July** 2019, the Nur-Otan party held a protest “against provocations and destabilization of society” in Almaty⁸⁹, in which about 2000 people took part. The flip side of the same day — on 6 July (the birthday of Nursultan Nazarbayev), there were mass preventive detentions during other rallies, including those announced by the banned DCK. In addition to the rally participants, mere passers-by and journalists were detained on this day; pepper sprays were used by unknown masked people against journalists, which caused strong burning sensation in the eyes⁹⁰. According to the Ministry of Interior of Kazakhstan, on July 6, over 100 people were detained, 44 were charged with administrative offences, 23 were fined, and 19 were sentenced to administrative arrests.⁹¹

⁸⁴ <https://rus.azattyq.org/a/29991187.html>

⁸⁵ <https://rus.azattyq.org/a/kazakhstan-shymkent-arys-residents-blocked-road/30022989.html>

⁸⁶ <https://www.youtube.com/watch?v=A26o1sDASYw>

⁸⁷ Закон РК о «Порядке организации и проведения мирных собраний, митингов, шествий, пикетов и демонстраций»

⁸⁸ <https://rus.azattyq.org/a/kazakhstan-rallies-in-almaty-and-nur-sultan/30028339.html>

⁸⁹ <https://24.kz/ru/news/social/item/326650-almatintsy-vystupayut-protiv-provokatsij-i-destabilizatsii-obshchestva>

⁹⁰ <https://rus.azattyq.org/a/kazakhstan-antigovernment-protests-day-of-the-capital/30040603.html>

⁹¹ <https://tengrinews.kz/crime/bolee-100-chelovek-zaderjali-za-mitingi-6-iyulya-mvd-373365/>

95. On **25 August** 2019, members of Qaharman human rights initiative were rudely detained for trying to hold a humorous demonstration on the current political situation in the country. Akimat and police officers warned them of liability for holding the demonstration, and the young people took their placards and left. However, 10 minutes later they were detained for “participating in an unauthorised rally” and fined⁹².

96. On 30 August 2019, the day of the Constitution of the Republic of Kazakhstan, a symbolic march was held for political reforms of the youth movement “Oyan, Qazaqstan”⁹³. The march participants demanded a reform of the Constitution, accompanying their march with slogans “Oyan, Kazakhstan” (“Wake up, Kazakhstan”), “For the reform of the Constitution”, “Against authoritarianism”, “I have a choice”, “Parliamentary republic”. The march lasted 40 minutes and ended without detentions. However, during the march, surveillance was carried out by people allegedly from the security forces. The day before the march, members of the youth movement were intimidated and summoned to the police for interrogation⁹⁴.

97. On **September 2** 2019, an “anti-Chinese” protest was held in Zhanaozen when about 100 people demanded not to start the construction of 55 plants with the participation of the Chinese government in Kazakhstan⁹⁵. The next day, about 1000 people gathered in front of the Akimat of Zhanaozen. Protests were also held in Almaty, Nur-Sultan, Shymkent, Aktobe, Karaganda⁹⁶. The protesters were kept under the scrutiny of police officers and the akimat, but there were no detentions. However, the most active participants in these protests were held accountable; they were later convicted.

98. On **21 September** 2019, another rally of the banned DCK’s banned movement against “Chinese expansion” was held. Isolation of citizens in the form of detentions and trials began a few days before the protest⁹⁷. Before the protest, about 50 active citizens were given administrative arrests of up to 15 days for participating in the “anti-Chinese” rallies held two weeks earlier on September 3 and 4⁹⁸. According to the Facebook group # IHaveAChoice #ActivistsNotExtremists⁹⁹, the detentions took place in 8 cities: Almaty, Nur-Sultan, Aktobe, Arkalyk, Shymkent, Pavlodar, Uralsk and Semey with established identities of 120 people¹⁰⁰. According to the Ministry of Interior of Kazakhstan, about 100 people were detained, 15 were charged with administrative offences, 9 were arrested, and 6 were fined¹⁰¹. Detentions of civilians took place in a very rude manner. During the detentions in Nur-Sultan, 4 Special Rapid Response Unit officers seized activist Anna Shukeyeva with a baby in her arms, despite the risk that the child falling, and dragged them into the bus forcibly. A person with disabilities was also subjected to ill-treatment, and his leg prosthesis was taken away by force during detention. The police

92 <https://rus.azattyq.org/a/30129070.html>

93 <https://rus.azattyq.org/a/kazakhstan-rallies-constitution-day/30138140.html>

94 <https://rus.azattyq.org/a/30132901.html>

95 <https://rus.azattyq.org/a/30142833.html>

96 <https://www.currenttime.tv/a/kazakhstan-china-protest/30146156.html>

97 <https://rus.azattyq.org/a/kazakhstan-nur-sultan-almaty-activist-arrests/30169749.html>

98 <https://rus.azattyq.org/a/30174504.html>

99 <https://www.facebook.com/groups/ActivistsNotExtremists>

100 <https://www.facebook.com>

101 <https://www.currenttime.tv/a/kazakhstan-protests-arest/30178699.html>

also detained casual passers-by who appeared at the site of the rally. This way, they detained a young girl who was there with her mother and two younger 7-years-old sisters. Special Rapid Response Unit officers believed that she was a participant in the rally, and forcibly dragged her into a bus¹⁰².

99. On 26 October 2019, a protest of the banned DCK was announced. The day before the protest activists talked about the detentions that had begun; some activists were given summons for questioning that day. The rally participants, who managed to reach the site of the protest, shouted slogans: "Against Chinese expansion!", "Freedom to political prisoners!"¹⁰³. According to the Facebook group *#IHaveAChoice #ActivistsNotExtremists*¹⁰⁴ on 26 October, 104 victims of political persecutions and participants in the peaceful protest were identified. Of these, 79 were detained (34 of them released) in 12 cities (Nur-Sultan, Almaty, Shymkent, Aktobe, Karaganda, Esik, Uralsk, Semey, Kostanay, Zhanaozen, Aktau, Kokshetau).

100. On **9 November**, a rally was held for political reforms by the "Oyan, Qazaqstan" and "Respublika" movements. The political movement "Respublika", which held a rally in Nur-Sultan, had previously submitted an application for an event to be held on the outskirts of the city, to which the akimat responded positively. Activists from the youth movement "Oyan, Qazaqstan" deliberately did not submit applications for permission. The main demands at the political rally were restriction of presidential powers, transition from presidential to parliamentary form of government and other political reforms¹⁰⁵. A protest in Almaty gathered several dozens of people who were surveilled by the police¹⁰⁶. Both rallies in two cities were held without detentions; however, the majority of activists in Almaty and Nur-Sultan were preventively isolated through interrogation calls and administrative detention for participation in past peaceful protests. According to the "Qaharman" Human Rights Initiative¹⁰⁷, on the day of the peaceful protests in Almaty and Nur-Sultan, 30 people were subjected to political persecution, 7 of them were detained and taken to the police department in Almaty, 11 people were detained in the capital. In total, there were 18 detentions. 6 people from Almaty and 7 people from Astana had police officers outside their houses, i.e. 13 people had external surveillance.

101. On **26-27 November**, activists from the capital and Almaty took part in rallies outside of the building of the Embassy of the European Union in order to attract the attention of European delegation, who arrived in Kazakhstan at the time. Activists did not manage to achieve their goal - the members of the delegation refused to meet them due to business and schedule of meetings.

102. It is important to note that the capital police department considered this event an unauthorised rally and prior to the proposed event on the 16 December 2019 most of the protesters outside the EU and US embassies were detained, forcibly delivered to the police station and arrested for 10 to 15 days. 23 people were subjected to administra-

¹⁰² <https://www.currenttime.tv/a/kazakhstan-protests-arest/30178699.html>

¹⁰³ <https://rus.ozodi.org/a/kazakhstan-protests-china/30237532.html>

¹⁰⁴ <https://www.facebook.com/groups/ActivistsNotExtremists>

¹⁰⁵ <https://rus.azattyq.org/a/kazakhstan-rallies-in-cities-demanding-reforms/30261600.html>

¹⁰⁶ <https://rus.azattyq.org/a/30261292.html>

¹⁰⁷ <https://www.facebook.com/qaharman.kz.7/posts/144127903587688>

tive arrests of up to 15 days: Galiya Tamabayeva, Gulmira Kalykova, Zhumamurat Shamshi, Zubayda Seydakhmetova, Fariza Bespayeva, Nursultan Tastayev, Bolatkhan Khamituly, Akmaral Kerimbayeva, Akhat Kapar, Marat Musabaev, Serik Zhakhin, Yerbol Eskhozhin, Aibek Sabitov, Azamat Talgatbek, Aidos Bazarkhanov, Noyan Rakhimzhanov, Alibek Yergaziev, Nurbol Onerkhan, Kairat Seitkaliyev, Amangeldy Jakhin, Askhat Zheksebaev, Ruslan Iminakhunov, Ruslan Nurkanov, and fines were imposed on Dinara Mubarak and Ainura Myrzaliyeva and others.

103. On the **16 December**, Kazakhstan celebrates its Independence Day. But it is also a day of mourning, because in 1986 in Almaty, during the December events, a peaceful protest was brutally suppressed; and in 2011 striking oil workers were shot in Zhanaozen. Every year this day, citizens of the country go to the main squares of their cities with flowers and tell a prayer (Quran) for the dead.

104. The banned DCK once again announced a peaceful protest and called for its supporters to go to the main squares of the country, which led to preventive measures by the police. Arrests of activists and supporters of the DCK began in order to prevent them from attending the rallies. However, it was not possible to isolate everyone; in Almaty and Nur-Sultan, the laying of flowers turned into processions, which later ended with regular detentions, and subsequently with administrative night court hearings.

105. According to the Ministry of Interior of Kazakhstan, 55 people were detained in Almaty and Nur-Sultan alone. About 200 people in total participated in protests in the two cities¹⁰⁸.

106. According to the human rights Facebook group *#IHaveAChoice #ActivistsNotExtremists*¹⁰⁹ Askhat Shiinbekov, Marat Kurbanov, Marat Aitbayev, Kanat Uvaliyev, Bolatbek Bekezhanov, Shalkar Togyzbayev, Zhorabek Saidov, Dulat Agadil, Bolatbek Blyalov, Aidar Syzdykov, Kanat Dzhakupov and Darkhan Valiyev were arrested on the 16 December.

THE RIGHT TO FREEDOM OF ASSOCIATION

107. In Kazakhstan, public and political associations, whose goals and objectives differ from the rhetoric of the authorities, are subjected to political persecution, despite laws and international agreements. In 2019, three new youth associations appeared in the political field: **“Oyan, Qazaqstan”, “Respublika”, “Qaharman”**. Young activists are subjected to pressure and intimidation from law enforcement agencies¹¹⁰, which violates their right to association.

¹⁰⁸ <https://rus.azattyq.org/a/30329781.html>

¹⁰⁹ <https://www.facebook.com/groups/ActivistsNotExtremists>

¹¹⁰ <https://rus.azattyq.org/a/kazakhstan-almaty-activists-about-pressure-16-december/30318175.html>

108. On 12 January 2019 Almaty Sanavar Zakirova submitted documents for the registration of the “Our Right” party. On 21 January, she was informed that a party congress was necessary. On 9 March the venue for the alleged congress was surrounded by police cars, and the party supporters were detained¹¹¹. On 7 September Zakirova again announced the creation of a party, after which a criminal case was opened against her under Article 407 of the Criminal Code of the Republic of Kazakhstan¹¹².

109. On 18 November 2019, the Zhetysu District Court of Almaty satisfied the lawsuit of the ruling “Nur-Otan” party and ordered civil activists Zakirova, Turymbetov and Ilyashev to pay 6,000,000 tenge each in compensation for moral damage to the party due to the accusation of obstructing political competition¹¹³.

110. In September 2019, the founders of the HAQ Foundation (Khalyk Adal Kyzmet) handed in documents for registering the party, but 20 days later a refusal was received. Co-founder of the HAQ foundation, Togzhan Kozhalieva, thinks that the problems with the registration of the party are connected with the updates in the wording of the “rules for the registration of public associations”, which came into force on 26 June 2019¹¹⁴, whereby an initiative group of at least 1000 people is required for the creation of a political party¹¹⁵ (it used to be 10 people previously).

111. After the presidential elections in Kazakhstan on June 9, 2019, the “Alliance of Independent Observers” had been trying to register their association from June to September, but was refused 3 times. Later it turned out that the authorities registered an association with the exact same name - RPO “Alliance of Independent Observers”, the registration of which took only 3 days¹¹⁶. On the October 18, a lawsuit was filed, when it turned out that 3 out of 11 founders of the NGO “Alliance of Independent Observers” were not founders of the association and, moreover, had never heard of it. Yet the court refused the applicants¹¹⁷.

112. An initiative group for holding a referendum on the amendment of the laws of the Republic of Kazakhstan “On Elections” and “On Political Parties” also faced problems with registration¹¹⁸. On 22 November 2019, the Central Electoral Commission refused to register it¹¹⁹. On 4 December, 3 members of the initiative group filed a complaint to the Supreme Court against the decision of the CEC. On 26 December the Supreme Court dismissed the complaint.¹²⁰

111 <https://rus.azattyq.org/a/kazakhstan-almaty-failed-party-congress/29812295.html>

112 Воспрепятствование осуществлению правосудия и производству досудебного расследования.

113 <https://rus.azattyq.org/a/30279554.html>

114 <http://adilet.zan.kz/rus/docs/V1900018916>

115 https://kodeksy-kz.com/ka/o_politicheskikh_partiyah/6.htm

116 <https://rus.azattyq.org/a/30222012.html>

117 <https://rus.azattyq.org/a/kazakhstan-nur-sultan-court-observers-vs-ministry-of-justice/30223817.html>

118 http://referendumkz.org/ru/mainpage_rus/

119 <https://www.election.gov.kz/rus/news/releases/index.php?ID=5410>

120 <http://office.sud.kz/lawsuit/document.xhtml>

113. The “Respublika”¹²¹ movement and the Democratic Party of Kazakhstan (DPK)¹²² also faced obstacles to registration during meetings with their supporters where they were collecting signatures required for party registration.

114. A feminist and sexual minorities rights foundation “Feminita”’s attempts to register, lasting since 2017, came to no avail in 2019 too. After 3 attempts to register the organisation, on 12 March 2019, its founders filed a lawsuit against the actions of the Department of Justice. The court dismissed the lawsuit, as the charter of the organisation provides for changes in the political sphere, which, in the court’s opinion, “is unacceptable for a legal entity with the status of a public foundation”¹²³. Also, an activist from Almaty Amir Shaykezhanov, tried several times to register an LGBT network, but was refused on various pretexts.

115. On 13 March 2018, the Yesil Court of Astana recognised the “Democratic Choice of Kazakhstan” (DCK) movement as an extremist organization¹²⁴. Subsequently, the authorities opened criminal cases against activists supporting the DCK program. In the Resolution of the European Parliament of March 12, 2019, the DCK movement is recognised as a peaceful organisation and it contains demands to end the political persecution of citizens¹²⁵.

116. Anton Fabryy, a lawyer from the capital, attempted to challenge the court’s decision to recognise the DCK as an extremist organisation believing that the court’s decision limits his right to association, and that he does not see extremism in the movement’s activity. The lawyer was not able to win the appeal against the court decision, but he still managed to obtain a copy of this decision, which was carefully hidden from the public¹²⁶. It is noteworthy that there is no information on the ban of the DCK on the official websites of government agencies¹²⁷. Two activists Kanat Abdykarimov and Muratbek Argynbekov from the capital also tried to challenge the decision of the Yesil court. Argynbekov was already convicted of participation in the DCK in November 2018¹²⁸. Activists were refused everywhere¹²⁹, and on 13 May 2019, the Supreme Court issued final refusal¹³⁰. The Bureau for Human Rights and Rule of Law was also denied in their request to receive the decision of the Yesil Court¹³¹.

117. Since the moment the DCK was announced “extremis”, 21 people were convicted, among them those convicted conditionally, and more than 150 people have the status of “witnesses with the right to defense”, and they all continue to be harassed by the authorities. In connection with the ongoing pressure, supporters and activists of the

121 <https://re.org.kz/ru/program/>

122 https://www.facebook.com/story.php?story_fbid=3223502241025173&id=2461156573934340

123 <http://feminita.kz>

124 <https://informburo.kz>

125 http://www.europarl.europa.eu/doceo/document/B-8-2019-0204_EN.html?redirect

126 https://www.facebook.com/permalink.php?story_fbid=391875631296451&id=100014220528095

127 <http://knb.gov.kz>, <http://qogam.gov.kz>, <https://egov.kz>

128 <https://rus.azattyq.org/a/29580661.html>

129 <https://rus.azattyq.org/a/29767547.html>

130 <https://www.facebook.com/photo>

131 <https://bureau.kz>

banned DCK created the KOSHE party (“Street”) and the human rights movement 405¹³², yet this does not stop repressions against them: arrests and fines continue to be imposed.

THE RIGHT NOT TO BE SUBJECTED TO TORTURE AND ILL-TREATMENT

118. The right not to be subjected to torture is enshrined in Article 17 of the Constitution of the Republic of Kazakhstan, guaranteed by the Convention against Torture, as well as the International Covenant on Civil and Political Rights. In 2017, the General Prosecutor's Office of the Republic of Kazakhstan initiated the project “Towards a society without torture”, which is based on the international experience in the fight against torture¹³³. However, human rights defenders note a reverse trend — since the project was launched, the situation with torture has deteriorated, and human rights defenders become subjects to persecution for publicising cases of torture.

119. A human rights activist from Pavlodar, Elena Semenova, has been numerously persecuted for her activities. On 9 October 2018, there was an attempt to set fire to Semenova's house. A few days before the incident, Semenova was not allowed on a flight to Strasbourg, where she was heading to meet with the Members of the European Parliament¹³⁴. On 14 January 2019 employees of the Pavlodar police department used force against Semenova¹³⁵. On 29 January the court ruled on the lawsuit filed by an officer of the correctional institution OV-156/15 Sungat Abraev against human rights defender Semenova. The reason for the lawsuit was her post, published on a Facebook page, in which Semenova talked about the way employees of the correctional institution try to silence torture witnesses and victims¹³⁶. The court found the human rights defender guilty and ordered her to pay moral damage to the prison officer in the amount of 50,000 tenge.

TORTURE THROUGH FAILURE TO PROVIDE ADEQUATE MEDICAL CARE

¹³² <https://t.me/HRmovement405>

¹³³ <http://prokuror.gov.kz>

¹³⁴ <http://www.pravda.info/news/158526.html>

¹³⁵ https://www.youtube.com/watch?v=wEw2Qg9_S_0

¹³⁶ <https://rus.azattyq.org/a/kazakhstan-future-and-current-trials/29698172.html>

120. Proper medical assistance is not provided until the prisoner's health reaches a critical point, which is a gross violation of the Standard Minimum Rules for the Treatment of Prisoners¹³⁷. In the situation of providing medical assistance to political prisoners, the authorities deny the need for treatment of prisoners outside of correctional facilities.

121. Political prisoner Mukhtar Dzhakishev was sentenced to 14 years in prison in 2009, where he became a disabled person of the 3rd group. Despite his very serious health condition and a rare disease that cannot be treated in Kazakhstan, foreign doctors are not allowed to visit him for his examination and proper treatment. Law enforcement officials report normal state of Dzhakishev's health and that he is provided with necessary treatment¹³⁸, while yearly deterioration of his state of health is an irrefutable evidence of the opposite. Further disregard of the UNHCR decision of December 9, 2015 to the release of Mukhtar Dzhakishev by the authorities poses a threat of the prisoner's death.

Other political prisoners also complained about their health conditions.

122. Aron Atabek, aged 66, sentenced to 18 years, spent most of his term in solitary confinement, which negatively affects his health. In addition to poor conditions of the prison, which only add to the progress of his existing diseases, after 8 years of imprisonment, Atabek finally received a CT scan of his left knee joint, which revealed osteoarthritis of the left knee joint of the 2nd degree and a popliteal cyst¹³⁹. MRI of the brain and spine was not performed, despite constant demands for a complete medical examination.

123. **Kayrly Omar**, sentenced to 2 years in prison, was in a pre-trial detention facility during the trial, where his health deteriorated sharply. Omar suffered a stroke, but the court did not deem this a good enough reason for his release¹⁴⁰. Grade 3 hypertension, chronic gastritis, discirculatory encephalopathy and hypertensive crisis were recorded in the prison, resulting in temporary loss of vision and hearing and toothaches¹⁴¹. His complaints about his state of health were disregarded at the trial¹⁴².

124. **Iskander Yerimbetov** has been numerously tortured and ill-treated since his arrest in 2017, due to which he constantly suffered headaches. In addition, his rib was broken and vision deteriorated. No medical assistance was provided¹⁴³. The criminal prosecution for torture was denied. His state of health reached a critical point, and on 27 December 2019, Yerimbetov was released due to his health condition¹⁴⁴.

¹³⁷ Приняты на первом Конгрессе Организации Объединенных Наций по предупреждению преступности и обращению с правонарушителями, состоявшемся в Женеве в 1955 году, и одобрены Экономическим и Социальным Советом в его резолюциях [663 С \(XXIV\)](#) от 31 июля 1957 года и [2076 \(LXII\)](#) от 13 мая 1977 года. <https://www.un.org>

¹³⁸ <https://ru.sputniknews.kz> <https://rus.azattyq.org> <http://tirik.info>

¹³⁹ <https://rus.azattyq.org/a/aron-atabek-lechenie-kuis-askar-aidarkhan/26540977.html>

¹⁴⁰ <https://rus.azattyq.org/a/30086463.html>

¹⁴¹ https://bureau.kz/novosti/sobstvennaya_informaciya/v_bolnom_gosudarstve_na_zdorove_ne_jaluyutsya/

¹⁴² <https://rus.azattyq.org/a/30078216.html>

¹⁴³ <https://polithostage.info/2019/08/27/neokazanie-medicinskoj-pomoshhi-eto-tozhe-pytki/>

¹⁴⁴ <https://rus.azattyq.org/a/30351490.html>

125. Due to his intervertebral hernia, which is exacerbated in the cold, Max Bokayev stated in court that being outdoors in the cold is a form of torture, which is a standard procedure behind the walls of a correctional facility. For refusing to be outside among other inmates in cold weather, Bokayev was moved to facility disciplinary isolation cell, which did not let sunlight through¹⁴⁵.

MASS TORTURE OF INMATES IN PRISONS

126. According to Elena Semenova and the NGO "We Are Against Torture", on 19 April 2019, troops were deployed in the AK-159/6 unit in Dolinka, Karaganda Region¹⁴⁶, of which the head of the correctional facility said that "tactical and special exercises" were held with the participation of the police and the National Guard, and that "the situation in the AK-159/6 institution was stable"¹⁴⁷. However, a few days later several prisoners reported the case of mass torture: they drowned them in buckets of water, twisted their arms, beat them, threatened with sexual violence, forced them to march and walk with a "goose" step. On 27 April 2019, a pre-trial investigation was launched. On 13 September 2019, the head of the operational department of this prison was arrested for 2 months for the period of investigation, but the remaining torture perpetrators were not held accountable¹⁴⁸.

127. On 23 April 2019, troops were brought into the LA-155/14 part of Zarechny, Almaty region. According to the head of the prison, they were brought in for "planned search activities" in which the staff of the prison institution and the National Guard took part¹⁴⁹. On 27 April 2019, news of mass torture appeared in LA-155/14 where political prisoners Iskander Yerimbetov and Aset Abishev were at that time. Abishev received blows to the head with a baton, which resulted in severe trauma to the skull; medical assistance was not provided¹⁵⁰. Mass torture was accompanied with complete isolation of prisoners - payphones were turned off, and relatives and lawyers were not allowed to visit them. Medical workers did not record injuries after torture in the medical units of the prison, and thus did not provide medical assistance. 12 prisoners reported torture. At the moment, the investigation is still ongoing, but delayed¹⁵¹.

128. On 26 July 2019, a video containing a fact of torture of Vyacheslav Zhdanov was published on YouTube¹⁵². The prisoner was beaten in the gym of the LA-155/8 prison with loud music playing to hide his screams. He was hung up on a horizontal bar with his hands turned upside down, presumably by the National Guard, with the participation of prison staff. The prisoner was tortured for his early complaint to the prosecutor's office about torture against him¹⁵³. As a result of the investigation, 7 employees of the prison

145 <https://rus.azattyq.org/a/max-bokaev-interview/29000098.html>

146 <https://rus.azattyq.org/a/29891706.html>

147 <https://www.facebook.com>

148 <https://kokshetau.asia>

149 <https://rus.azattyq.org/a/29900049.html>

150 <https://www.facebook.com/bota.jardemalie.1/posts/428415611277675>

151 <https://rus.azattyq.org/a/30234245.html>

152 https://www.youtube.com/watch?v=N_hmesd2zzA

153 <https://time.kz>

were dismissed, the head of the prison and two of his deputies were also dismissed¹⁵⁴. Three prisoners also reported "search activities" in December¹⁵⁵.

SUMMARY

129. Year 2019 was full of political events. After the resignation of Nursultan Nazarbayev, who had been in power for 28 years, his successor Kassym-Jomart Tokayev came in his place. With the change of power, the civil society had certain hopes and expectations of change. At his inauguration on 12 July 2019, President K-J. Tokayev announced the creation of a new state body of the National Council of Public Trust (NCPT), which announced democratization of political processes, liberalization and revision of 5 laws: on rallies, political parties, the media, elections, and parliament and the status of members of Parliament.

130. The image of the second president is based on reforms, but political persecution of citizens for the exercise of their rights and freedoms continues. On 26 July 2019, the international human rights organization HRW appealed to the President of Kazakhstan, K.J. Tokayev¹⁵⁶, to urgently solve critical problems in the area of human rights and reminded him of his promises given in the inaugural speech on June 12, 2019.

RECOMMENDATIONS

¹⁵⁴ <https://rus.azattyq.org/a/kazakhstan-zarechny-tyurma-pytki-uvolnenie/30082599.html>

¹⁵⁵ <https://rus.azattyq.org/a/30346040.html>

¹⁵⁶

https://www.hrw.org/sites/default/files/supporting_resources/letter_to_president_26jul2019_rus.pdf

131. Release Mukhtar Dzhakishev and Max Bokayev immediately in accordance with the decisions of the UN Human Rights Committee.

132. Review the cases of and release political prisoners Aron Atabek, Aset Abishev, Almat Zhumagulov, Kenzhebek Abishev, Igor Sychev, Ruslan Ginatullin, Igor Chuprina, Kaiyryly Omar, Yerzhan Yelshibaev, Sanat Bukenov, Yerlan Baltabay and Zhambul Kobeisynov.

133. Stop the persecution of citizens for their political, civil, religious or other views, the purpose of which is not violence. Remove those convicted under Articles 174 and 405 of the Criminal Code of the Republic of Kazakhstan from the "list of extremists", which is used essentially as an additional punishment.

134. Stop persecuting citizens for expression of opinions and participation in peaceful assemblies. Stop selective justice and political discrimination.

135. Reverse the court decision recognizing the movement "Democratic Choice of Kazakhstan" as extremist.

136. Stop obstructing the professional activities of journalists, conduct an objective investigation into the attacks on journalists of "Radio Azattyq" and the Bureau for Human Rights and bring the case to trial.

137. Refugees from the People's Republic of China should be provided with guarantees and protection from extradition in accordance with the international obligations of the Republic of Kazakhstan.

138. Remove restrictions on the activities of independent trade unions and stop the persecution of trade union activists.

139. Articles 174, 256 and 405 of the Criminal Code of the Republic of Kazakhstan should be reviewed and should not be used by the authorities to crack down on their political opponents.

140. Stop the practice of blocking the Internet for far-fetched reasons.

141. Allow representatives of civil society and human rights activists into the working group on the development of 5 laws announced by the authorities: Yevgeniy Zhovtis, Zauresh Battalova, Bakhytzhana Toregozhina, Gulmira Birzhanova, Anara Ibraeva, Marzhan Aspandiyarova, Aman Shormanbayev, Lukpan Akhmedyarov, Yerlan Kaliyev and Galym Ageleuov.

The public foundation "Ar.Rukh.Khak" was founded in 1999 in Almaty. The main mission of the foundation is to ensure compliance with the constitutional principles of a secular, legal and democratic state.

The public association "Kazakhstan Bureau for Human Rights and Rule of Law" (KIBHR) was founded in 1993 and is the oldest human rights organization in Kazakhstan, whose mission is to promote compliance with civil and political rights and freedoms, the development of civil society through monitoring, advocacy, education, as well as gathering and dissemination of information.

The public association "We are against torture" was registered in 2019 to protect the rights of convicts against torture and cruel treatment; assistance is provided in the form of immediate response in places of deprivation of liberty (colonies, pre-trial detention facilities and prisons) in the event of the discovery of torture and cruel treatment.

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