



# Report: The persecution of the DCK activists in Kazakhstan

The Kazakhstani court has banned the activities of the new opposition movement 'Democratic Choice of Kazakhstan'. The slightest support of the DCK has been penalised with prison terms. In this regard, the authorities are blocking social networks and subjecting people to criminal prosecution for 'Likes' and 'Shares' as well as for reading the DCK's manifesto online. The police are even detaining people for walking with blue balloons (the colour of DCK symbols).

## 1. Introduction

In March 2018, the Kazakhstani court banned the opposition movement 'Democratic Choice of Kazakhstan' (DCK). Having launched its activities in April 2017, the DCK quickly gained popularity. One of DCK's main channels for disseminating information is Instagram (Ablyazov has 182,000 subscribers) and Telegram ('DCK Activist' has more than 90,000 subscribers, while regional groups of DCK in Telegram have approx. 40,000 subscribers).

One of the founders of the DCK is the opposition politician Mukhtar Ablyazov, whom President Nazarbayev regards as his personal enemy. Ablyazov stated that his goal is to change the authoritarian regime through peaceful mass protests, as well as to build a parliamentary republic. Protest sentiment in Kazakhstan is on the rise, as confirmed by [the recent strikes](#) and protests by oil workers and trade unionists.

In authoritarian Kazakhstan, the DCK has become the only political force that, acting underground inside the country and publicly through social networks, began to advocate a complete change of regime and began to organise the protest forces. Activists of the DCK have been conducting agitation work in the regions of Kazakhstan.

The growing popularity of the opposition movement has begun to seriously exasperate the authorities, which, in response, intensified the fight against the DCK and the oppression of activists. Since 2017, there have been many cases of drops in Internet speed in Kazakhstan during Ablyazov's speeches on Facebook, Instagram or Telegram.

Recently, **the General Prosecutor's Office requested that the court recognise the DCK opposition movement as 'extremist'**. On 13 March 2018, the Yesilskiy District Court in Astana [granted the motion](#) and banned the activities of the DCK in Kazakhstan. The DCK was accused of 'inciting social discord', 'creating a negative image of the state authorities', and 'provoking protest sentiment'. The Kazakhstani court issued a lightning-fast decision behind closed doors and without a court trial.

The court decision provides for **long prison terms (of up to 17 years) for any support of the DCK:** posts, comments and 'likes' in social networks, agitation, participation in rallies, provision of information services, etc. **Supporters of the DCK even began to be prosecuted for simply reading and discussing the DCK's materials on the Internet.** At the moment, approx. eight

people are known to have been prosecuted in connection with the support of the DCK. In addition, activist Ardak Ashim has become a victim of 'punitive psychiatry'.

**The authorities are blocking Facebook, Instagram, Telegram and other social networks in order to remove the DCK's materials.**

**In the period of 21–22.03.2018, the police was stopping people (including families with children) who were walking the streets with blue balloons (the colour of DCK symbols).** The police recorded their personal data from their IDs, threatened them with criminal responsibility 'according to the law'. Several persons were detained.

**Not all the individuals mentioned in this report are activists or supporters of the DCK, and we cannot state which of them are ones. But, having arranged a 'witch-hunt', the authorities are now classifying all inconvenient persons as 'supporters of the DCK'.** Thus, the authorities keep their critics in fear and force them to be silent. The decision to ban the DCK is used with the aim of suppressing any dissent. After all, currently, any human rights, civil, or opposition activities, as well as any expression of dissent against the authorities can be regarded as a 'support for the DCK' and, consequently, punished with long prison terms.

The decision to ban the DCK violates Kazakhstan's basic international obligations under the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and articles 1, 4 and 5 of the Enhanced Partnership and Cooperation Agreement concluded between Kazakhstan and the EU. By their actions, the Kazakhstani authorities are grossly violating the freedom of assembly and association, the freedom of expression, the freedom of the media and the dissemination of information, as well as the right not to be arbitrarily detained or imprisoned.

2. Activists are summoned to police stations and 'informed' about criminal liability for supporting the DCK

According to the information given by the Kazakhstani Prosecutor's Office, **the reason for the court's decision to ban the DCK** was that 'Mukhtar Ablyazov is actively encouraging citizens of Kazakhstan to join the DCK, creating a negative image of the current government and provoking protest sentiment'. The prosecutor's office claims that Ablyazov is engaged in 'agitating a violent change of the constitutional system', 'repeatedly stirs up social strife' and has the goal of 'seizing power'.

To date, the court's decision of 13 March 2018 has not been published on the website of the electronic services of the judicial bodies of Kazakhstan. Representatives of the DCK had not been invited to the court. They are not able to appeal the decision, as the DCK is an unregistered organisation.

Immediately after the court decision was handed down, in various regions of Kazakhstan, activists and journalists were summoned or brought to police stations. This concerns those who had expressed their support for the DCK online, criticised the decision to ban the DCK, or simply put 'likes' under certain posts on social networks.

**More than 16 cases in which police officers at police stations warned people 'of responsibility' were made public. Still, in fact, there were more such cases.** In particular, human rights activists Bakhytzhana Toregozhina, Galym Ageleuov and Yerlan Kaliyev, journalist Akmaral Shayakhmetova and activists Dilnar Insenova, Askar Shaygumarov, Suyundyk Aldabergenov, Kayrat Ismailov, Yergali Kayipnazar, Sergey Izmaylov, Alibek Musauli, Zhasaral Kuanyshalin, Marat Zhanuzakov, Kural Medeuov, Maygul Sadykova and Kenzhebek Sultanbekov were

summoned to police stations in order to be given an 'explanation of legal consequences' of the ban imposed on the DCK. In the case of some of these persons, the police arrived at their houses and handed them 'explanations'. In many cases, at the police stations, police officers videotaped 'conversations' with activists and the moment of handing them 'explanations'.

In the actions of activists, the prosecutor's office noticed '**signs of participation in the activities of an extremist organisation**'. Maygul Sadykova [noted](#) that she had been asked at the police station 'how she dared' support the DCK, and told 'not to believe Abylazov's promises'. According to Askar Shaygumarov, Suyundyk Aldabergenov and Alibek Musauy, at the police station, they were threatened with criminal responsibility for 'extremism', should they continue to click the 'Like' button under the posts of DCK and Abylazov, and support them.

A resident of the Kostanay Province, [Nikolaos Marmalidi](#), was summoned to the police station, where he had a conversation with a prosecutor and a representative of the NSC (National Security Committee). As a result, he had to write an 'explanatory note' in which he declared that he has 'given up his views and ideas'.

In Almaty, policemen threatened Dilnar Insenova that if she does not comply with the decision to ban the support of the DCK, 'it may happen that her daughter will not graduate from the university'.

In the police stations, the persons were 'given an explanation' regarding the legal meaning and consequences of the decision to ban the DCK, and forced to sign a document on 'warning of criminal liability'. At the moment, only the names of some officials who have signed 'explanations', are known: the prosecutor of the city of Astana, Zh. Smatov; the prosecutor of Almaty D. Shuykebayev; prosecutor of Kokshetau T. Ospanov; deputy prosecutor of the West Kazakhstan Province T. Naimanov, the prosecutor of the town of Atyrau, R. Kuttukov.

According to the statements of the General Prosecutor's Office and the content of '[explanations](#)', **under criminal law, Kazakhstan currently bans and punishes the following acts:**

- Promoting the ideas of the DCK and Abylazov, as well as supporting them and approving of them.
- Disseminating any informational materials, including leaflets, as well as posts, 'shares', comments and 'likes' in social networks in support of the DCK and Abylazov. The Prosecutor's Office 'strongly recommends' that people unsubscribe from relevant accounts and public pages on social networks.
- Organising and participating in rallies and protest actions that are connected with the DCK and Abylazov.
- Providing Abylazov and the DCK with material support, as well as 'providing them with information services and other services'.

The prosecutor's office stressed that **these acts entail criminal responsibility under criminal charges** of 'participation in an extremist group' (Article 182 of the CC of the RK), 'complicity in terrorism or extremism' (Article 258 of the CC of the RK) and 'participation in the activities of the organisation following its recognition as extremist' (Article 405 of the CC of the RK). Each of the criminal articles provides for long prison terms (2 to 17 years).

### **3. Detention of people walking with blue balloons**

The leaders of the DCK suggested that their supporters take part in an action: during the celebration of Nauryz (21–22 March), they were to walk through the streets with blue balloons. The symbols of the DCK are blue. In police stations, activists were 'warned' against visiting public

places on weekends.

In the period between 21.03.2018 and 22.03.2018, on the streets in different regions of Kazakhstan, [policemen](#) (many of them wearing plain clothes) were approaching people who were holding blue balloons in their hands. At the same time, there were no symbols on the balloons, or just the flag of Kazakhstan was depicted. **Police officers were also stopping families with young children, causing fright in children.**

The police explained their actions in different ways: they reported that they were carrying out '[operational checking](#)' of persons with blue balloons; they cited the order of the regional police and the Akim [Governor] of the city; they cited the court's decision to ban the DCK; they explained it as 'strengthening measures in connection with the holiday', and so on. One of the video recordings shows **a policeman taking** two blue balloons from a young child, leaving the child with only one orange and one blue.

The people who were holding blue balloons were requested to show their IDs 'for verification'. **The police officers registered their contact data and personal data from the documents**, and, at the same time, were making phone calls. Sometimes, when eyewitnesses were trying to record these actions on video, the police demanded that they delete the recording from the phone. **Some people were put into police buses and cars**, where they were kept for approximately half an hour, while the police officers recorded the detainees' personal data (including IMEI code of the phones) and searching their belongings. According to available information, no reports of detention have been drawn up.

On 21 March 2018, at the square in Almaty, policemen **pushed to the ground and twisted the arms** of a cyclist who was riding with blue balloons.

According to reports on social networks, there were cases recorded in Uralsk and Saran in which **two people were brought by police officers to the police station** where they were held for several hours and forced to write 'explanatory notes'.

It was also reported that in Kokshetau, police officers arrived at an activist's house and, using threats, demanded that he remove from the social networks, pictures with blue balloons which they regarded as an 'advertisement for the DCK'.

According to available information, the police 'hunted' for people with blue balloons **in several cities of Kazakhstan** (the names indicated are the names used by the people on social networks): Almaty (Ildar Nurumov); Atyrau (Azhar Miranbek); Aktau and Mangistau Provinces (Batyr Sarsen, Yergali Kayipnazar); Uralsk (Dauren Bizhanov); Pavlodar (Akbota Amangeldy); Saran (Kayrat Ismailov); and Astana ([Zhanat Surabaldiyeva](#), Kuanysh Bekishev and [a reporter](#) for Kazakhstani Radio Liberty, Yerzhan Amirkhanov, was held in a police bus for a short while).

#### **4. MIA states that local police office is responsible for the persecution of people with blue balloons**

Arbitrary detentions and the 'hunt' for [the blue balloons](#) caused discontent in society. On 26 March 2018, the Ministry of Internal Affairs stated that their department 'did not give any orders' to 'seize blue balloons': 'The local police service is subordinate to the akimats **[local governors' offices]**. They should be held liable".

On 1 January 2016, the Local Police Service launched its operation in Kazakhstan; it was **established within the framework of the implementation of President Nazarbayev's Plan**. Its heads are appointed by akims (heads of local administrations) on the recommendation of the

Ministry of Internal Affairs. [The competence](#) of the new body includes, in particular, 'ensuring the protection of public order during mass events' and 'suppression of illegal forms of protest'. Shortly after that, in April to May of 2016, [mass peaceful protests](#) against the Land Reform broke out and were later dispersed by the police in Kazakhstan, with more than 1,000 people detained.

On social networks a document was posted according to which the Local Police Service of Astana developed 'an algorithm for the actions of operating officers in order to identify activists of the DCK in the period between 21 and 22 March, 2018'. The document (without signatures) stated that policemen should pay special attention to 'persons with blue balloons' or 'with posters, leaflets' and immediately inform the authorities about it, 'establish the personal data' of persons, and that 'if appeals of explicitly extremist nature are revealed', they should 'detain the person'.

MP Magerram Magerramov [stated](#) as follows: "I believe that these people did not just go to the streets with balloons of the colour of our national flag, it has absolutely nothing to do with patriotism! They were warned in advance not to go out with blue and light-blue balloons! [...] It is necessary to understand and get used to the fact that there are certain legal rules that must be observed."

## 5. The criminal prosecution of activists

Following the court's decision to ban the DCK, any activist or supporter of the movement may face a prison term. Other civil society organisations which may fall out of favour with the authorities, will also be at risk of becoming the targets of the fight against 'extremism'.

In various regions of Kazakhstan, special services and the Ministry of Internal Affairs have instituted [several criminal cases](#) with regard to the activity of the DCK (at the moment, there is information about eight people who have been prosecuted for this). Through the social networks, the Open Dialog Foundation received investigative documents referring to several individuals who are being **criminally prosecuted for supporting the DCK or reading the DCK's materials**, in particular: Arsen Zhumatayev, Akmaral Tobylova, Sabyr Kamalbekov, and R. Toychiyev.

According to the notice of suspicion (signed by Investigator of the Almaty Department of Internal Affairs, T. Yerzhanova), which was obtained by the Foundation through social networks, **Arsen Zhumatayev** is accused of 'financing or providing information services to a criminal group' (Article 266 of the CC). The investigative bodies accuse him of being, for a while, one of the administrators of the 'DCK Activist' group in Telegram, and publishing 'voice messages with **Ablyazov's illegal statements urging the group members to distribute leaflets and call for joining the DCK movement**'. The investigative bodies labelled these actions 'a serious crime against public security'.

[Criminal charges](#) under a similar article have been brought against **Akmaral Tobylova** who was detained on 13 March 2018. She noted that she only read information and discussed the DCK's manifesto on social networks. Because she was pregnant, the court only placed Akmaral Tobylova under house arrest. According to her relatives, the court forbade Tobylova from speaking on the phone, using the Internet and leaving the house. The relatives emphasised that **due to her pregnancy, Tobylova needs proper medical care, but the house arrest prevents her from going to the hospital**. Amnesty International recognised Akmaral Tobylova as [a prisoner of conscience](#) who is being persecuted for the peaceful exercise of the right to freedom of expression.

Since November 2017, DCK activist **Almat Zhumagulov** and **Kenzhebek Abishev** have been held in detention on suspicious charges of 'terrorism'. Their [case](#) looks suspiciously like entrapment by the special services in the context of the struggle against the DCK.

Misusing the mechanisms of INTERPOL, Kazakhstan is prosecuting a DCK member and journalist, **Zhanara Akhmetova**. In October 2017, she was arrested in Ukraine at the request of Kazakhstan. The Migration Service of Ukraine refused to grant Akhmetova asylum and failed to inform her about it. The Kazakhstani authorities were aware of her possible address of residence, which can be confirmed by the fact that they carried out operational activities on the territory of Ukraine, as well as by the possible cooperation of the special services of both states.

In November 2017, Akhmetova was released from custody. Human rights organisations, Ukrainian MPs and representatives of the international community issued statements about [the political context](#) of Akhmetova's prosecution; the ombudsman's office also stood in her defence. However, all this was ignored by the Ukrainian court, which on 27 March 2018, rejected Akhmetova's claim to recognise as illegal the denial of the migration service to grant her asylum. Akhmetova is preparing an appeal against the court's decision. When Akhmetova's lawsuit with the migration service comes to an end, the Ukrainian court will resume consideration of Kazakhstan's extradition request. Akhmetova is still at risk of extradition.

In addition, some activists have been threatened with criminal prosecutions. For example, on 21 and 22 March 2018, respectively, **Bekzhan Akhmetov (Atyrau)** and **Kairat Ismailov (Saran)** were detained for several hours in the police station and then released. Akhmetov was told that he had allegedly '[taped pieces of paper](#)' on the street, while Ismailov was told that he allegedly 'may have been carrying drugs'.

With respect to **Maygul Sadykova (Astana)**, a search warrant was issued as part of a criminal case based on a 'statement' by a citizens who reported that some members of 'the Astana DCK' group were engaged in '**inciting social strife through the dissemination of negative materials**' on Telegram.

In February 2018, in the Mangistau Province, **Yergali Kayipnazar** was detained by policemen for putting up leaflets. According to him, the police officers stated that he should 'pay a fine', but did not provide an official decision. Kayipnazar refused to pay the fine and currently, he fears further persecution.

**Following the court's decision to ban the DCK, not only true DCK activists or supporters, but all those people who are simply inconvenient for the authorities, may face prison terms, as the authorities will be able to 'label' them 'involved in the activity of the DCK'**. Similarly, people who do not have anything to do with Mukhtar Ablyazov, have been accused by the authorities of 'collaborating' with him. For example, businessman [Iskander Yerimbetov](#) was subjected to torture in a detention facility, as the special services demanded that he force his sister, Botagoz Jardemali (Ablyazov's counsel) to return to Kazakhstan and give false testimony against Ablyazov. Independent human rights activists who had visited Yerimbetov, confirmed that he had been subjected to torture, but the authorities continue to deny these claims. Businessman Tokmadi was also subjected to [ill-treatment](#) in the detention facility, and then publicly 'confessed' that 13 years before, he had 'committed a murder on the order of Ablyazov'.

## **6. Punitive psychiatry with regard to activist Ardak Ashim**

On 31 March 2018, activist and blogger from Shymkent, **Ardak Ashim** was interrogated at the police station before **being forcibly placed in a mental hospital**. She has been accused of

'incitement of social discord' for publishing '**negative comments against the authorities**' on Facebook; she was also asked about her involvement in the DCK. [According to](#) Ardak Ashim, Investigator Bakytzhan Syzdykov asked her: "**Why are you trying to start a fight with the Old Man (perhaps, Nazarbayev was meant here- ed.)? You are causing harm to society!**".

The activist noted that she had not been handed a court order for forced placement in a mental hospital for a month. This decision was issued by Judge S. Aynabekov **in the absence of the accused, her counsels or relatives**, which violates Art. 67 of the Code of Criminal Procedure of Kazakhstan. It is not known which of the experts or medical doctors, according to Art. 271 of the Code of Criminal Procedure of the Republic of Kazakhstan, stated the need to place Ashim in a mental hospital.

Aynura Ashimova, Ardak Ashim's daughter, reported that the chief doctor of the regional psychoneurological early treatment clinic, Koblanbek Onalbayev had uttered threats against Ashim's relatives and had forbidden them from seeing her. Ashim's daughter fears that she may also be subjected to harassment or placed in a mental hospital.

Ardak Ashim **reported** through her daughter **that they are going to try to give her injections of psychotropic substances in order to make her 'insane'**. Ardak Ashim **believes that one of the masterminds behind her persecution** is Akim of the South-Kazakhstan Province, Zhanseit Tuymebayev. She asserts that she fell out of favour with the akim in connection with her active civic position and opposition activities.

As reported by Ashim's daughter, as of 2 April 2018, law enforcement officers are not permitting anyone to enter the mental hospital.

## **7. Blocking social networks and introducing amendments to legislation with the aim of further pursuit of opposition activists**

In December 2016, the French authorities [recognised](#) the prosecution of the Kazakhstani opposition politician Mukhtar Ablyazov as politically motivated, and refused to extradite him. Subsequently, Ablyazov has become one of the founders of the renewed [DCK](#). The previous DCK was recognised as 'extremist' by the Kazakhstani court in 2005. (Later, the successor of the DCK, the opposition party, Alga!, suffered the same fate.)

On 20 March 2018, Kazakhstan's Ministry of Information [stated](#) that interruptions in the operation of social networks were connected with '**technical works on the removal of illegal materials**' of the DCK. The Ministry stated that, at the moment, DCK materials are not available to users of VKontakte and Odnoklassniki in Kazakhstan, and they were also partially removed from Instagram and Telegram. The authorities of Kazakhstan demand similar actions from the administration of Youtube, Facebook and Twitter.

Since 1 January 2017, amendments to the Law on Communications have come into force in Kazakhstan, giving special services the right to '[block the work of social networks and access to Internet resources](#)' without a court decision. Citing this law, in March 2018, mobile operators sent out [notices](#) to subscribers about the need to provide their identification number and IMEI code of the phone as they should be put into a single state database. This, as well as police officers registering the IMEI-codes of detained activists, means that even more extensive wiretapping and surveillance will be carried out by the secret services.

According to media reports, on 26 March 2018, amendments to the criminal legislation were published; they [introduce an additional basis for the use of military techniques and special means for the purpose of bringing a person to law enforcement bodies](#)

. 'Public discussion' of the draft law is envisaged until 9 April 2018, which can speak of the rush of the state authorities. This law can be used as an additional tool to suppress peaceful assemblies and prosecute individual activists.

In 2017, President Nazarbayev signed a law on [amending](#) the Constitution. Now, Article 10 of the Constitution of Kazakhstan allows for the deprivation of citizenship 'for committing terrorist crimes, as well as for causing other serious harm to the vital interests of the Republic of Kazakhstan'. In this regard, the Ministry of Justice is preparing amendments to the existing articles of the Criminal Code. The ministry [has stated](#) that the notion of 'causing harm to the vital interests of the State' includes, among other things, charges of 'inciting social discord' and 'calling for the seizure or retention of power'. Thus, with the help of this legally unclear concept, the authorities **will be able to subject political opponents to additional punishment in the form of deprivation of citizenship**, as was done in the Soviet Union era.

## 8. Conclusions

The decision to ban the DCK is based exclusively on political rhetoric and constitutes another stage in the process of eliminating the space for free and independent activities by civil society. The authorities legally sanction the oppression of the opposition and civil society.

**The authoritarian regime in Kazakhstan is beginning to show the signs of a totalitarian regime.** The authorities are resorting to mass intimidation and control over society when criminal responsibility is assigned to manifestations of discontent, the expression of disagreement or talking about politics, participating in protest actions, as well as for posts and 'likes' on social networks. These actions are labelled 'extremist' by the authorities, citing the decision to ban the activity of the DCK.

The fact that the authorities of Kazakhstan are using '**punitive psychiatry**' increasingly frequently in the fight against dissent, is particularly concerning. In addition to Ardak Ashim, activists Natalia Ulasik and Zinaida Mukhortova had previously faced 'punitive psychiatry'. It was only due to international political pressure that Mukhortova was released from the mental hospital, and Ulasik was transferred to a less restrictive clinic, located nearer her place of residence.

The Open Dialog Foundation hereby demands that the authorities of Kazakhstan **immediately cancel the decision to ban the DCK and cease the politically motivated persecution of citizens for dissent.**

The Open Dialog Foundation hereby calls on the EU, the UN, PACE, the OSCE PA, as well as the United States, Canada and other governments of democratic states, to condemn the actions of the Kazakhstani authorities, who are grossly and systematically violating their international human rights obligations.

**One of the effective methods which will allow the unprecedented oppression in Kazakhstan to be stopped will be the inclusion of the leaders of the Kazakhstani Ministry of Internal Affairs, the Local Police Service, the General Prosecutor's Office and the National Security Committee in the Magnitsky Global Human Rights Act. In addition, President Nazarbayev, who has single-handedly governed Kazakhstan for 28 years by forceful suppression of any disagreement and dissent, must personally bear responsibility for the oppression.**

**All those willing to support our demands are kindly requested to address the following persons and institutions.**



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