



Political Killing in Kazakhstan:

List of persons to be subjected
to sanctions regarding
the case of Dulat Agadil

Published: 1 October 2020



The Open Dialogue Foundation was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. In July 2017 area of interest of the Foundation was expanded due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation has its permanent representations in Brussels, Warsaw and Kyiv.

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Human Rights Protection Foundation Qaharman – a Kazakhstani human rights organisation which was established for the purpose of protecting fundamental human rights in Kazakhstan, in particular, the right to peaceful assembly, right to a fair trial, and right to participation in the management of state affairs, as well as freedom of speech and dissemination of information. As a public initiative, Qaharman began its activities in Kazakhstan in 2019, and in February 2020, it was officially registered. One of its leaders is Dana Zhanay. Qaharman activists monitor politically motivated trials and the right to peaceful assembly.

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The human rights movement '405' is a public initiative founded in 2019. One of its leaders is Anna Shukeyeva. The main goal of the movement is to protect participants of peaceful assemblies and bloggers who are subject to political prosecution under Article 405 of the Criminal Code of Kazakhstan ("participation in the activities of the organisation after its recognition as extremist"). The movement protects the right to peaceful expression, which should not be regarded by the authorities as 'extremism'.

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Sources of photos used in the cover and last page design:

Reuters/Pavel Mikheyev, kaztag.kz, azattyq.org

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1. INTRODUCTION

Dulat Agadil is a well-known human rights activist and blogger who lived in the village of Talapker near Nur-Sultan (Astana). Dulat Agadil was one of the most famous leaders of the protest movement in Kazakhstan (especially in the Kazakh-speaking environment). He took part in rallies and protest of the opposition movements 'Democratic Choice of Kazakhstan' (DCK) and 'Koshe Partiyasy', and was one of the initiators of the opposition movement 'Koshe Partiyasy'. Dulat Agadil posted footage on social networks demanding the release of political prisoners in Kazakhstan. Agadil was known for having publicly defended thousands of Kazakhstani people who have become victims of oppression in China's Xinjiang province, and also criticising the Chinese economic expansion in Kazakhstan. He was 43 years old and the father of six children.



Dulat Agadil and his family

In the evening of 24 February 2020, Dulat Agadil was detained and placed in a pre-trial detention centre, and in the morning of 25 February 2020, the authorities announced that the activist 'died of heart failure'. Agadil's relatives reported that he did not complain of heart problems and did not have bad habits. Rather, they emphasised that Dulat was killed, and that his death was the result of torture and ill-treatment by law enforcement bodies. Dulat Agadil's family members gave to the Open Dialogue Foundation, a power of attorney to protect their interests in the case of the death of the activist.

The death of Dulat Agadil has had a significant impact on political developments in Kazakhstan. Civil society perceived this incident as a demonstrative intimidation of activists, who now risk not only their freedom, but their lives. In response, large-scale anti-government protests were held throughout the country. The Kazakhstani authorities then used this as a pretext for a new wave of oppression. This included the criminal prosecution of activists who had video-recorded evidence of torture on Agadil's body.

The authorities are prosecuting activists who demand an independent investigation of Agadil's death on a massive scale. According to the results of monitoring conducted by Human Rights Protection Foundation Qaharman, the human rights movement '405' and Open Dialogue Foundation, as of 1 October 2020, the authorities of Kazakhstan are criminally prosecuting at least 43 people for participation in ceremonies in honour of Agadil, providing his family with humanitarian assistance, taking part in peaceful rallies, as well as for supporting the peaceful opposition movements of the DCK and "Koshe Partiyasy".

The Kazakhstani authorities have failed to carry out an objective and independent investigation into the reasons for Dulat Agadil's death and have consistently tried to conceal the circumstances surrounding the night of his death. Moreover, they have ignored the multiple abrasions and bruises, indicating the use of torture, on the body of the deceased.

The authors of the report, representatives of civil society in Kazakhstan, as well as Dulat Agadil's family members consider his death a political killing:

- death in the pre-trial detention centre occurred suddenly following his detention in the night;
- family members and activists took a video-recording of multiple bruises and abrasions on the body of Dulat Agadil, which indicates the use of torture and ill-treatment against him;
- the video footage showing the last hours of Dulat Agadil's life in the pre-trial detention centre proves that the centre's employees deliberately failed to provide him with medical assistance;
- In the last two years before his death, Dulat Agadil was systematically persecuted for political reasons; he was subjected to battery at a police station.

By **political killing**, we mean the act of killing a civil society or political figure in order to intimidate members of a social group (for example, the political opposition) of which he is a part, as well as with the aim of taking revenge for his civil society or political activities.

Political killing is the result of systematic political persecution and oppressive policies of the authoritarian state against representatives of civil society and the opposition. Moreover, while an authoritarian state can simulate an investigation into a political killing, however, due to the fact that law enforcement and judicial authorities are controlled, such an investigation cannot be independent and objective.

We hereby request that the information presented in this report be considered **not only by the governments of the United States and Great Britain, but also the competent authorities of Canada, Estonia, Latvia and Lithuania** as part of their sanctions legislation under the Global Magnitsky Act.

This report provides evidence sufficient to impose personal sanctions against senior officials, whose criminal orders led to the death of Dulat Agadil and the large-scale persecution of his supporters. The leaders of the National Security Committee, the Ministry of Internal Affairs, the Security Council and the Prosecutor's Office have direct control over the perpetrators of violations and ensure impunity to those responsible. We also provide a list of law enforcement officers and judges who carried out criminal orders and committed gross violations of human rights in this case.

2. DULAT AGADIL'S PERSECUTION HISTORY

From 2018, Agadil participated in anti-government rallies and criticised the authorities on social media. He also collected and transmitted information to human rights defenders about the illegally detained participants of peaceful protests. Agadil posted a video on social networks in support of political prisoners in Kazakhstan and victims of oppression in China's Xinjiang province. **For these actions, he was systematically subjected to detention and administrative arrest. In June 2019, Agadil was beaten in the police department** - his arm was dislocated and had to be put in a plaster cast. There is reason to believe that due to his opposition activities, Agadil, like hundreds of other activists in Kazakhstan, was constantly under the surveillance of the special services.

In the period between August and December 2019, Agadil spent more than 80 days in detention, having been convicted of 'participation in unauthorised rallies' (Article 488 of the Code of Administrative Procedure (CAP), 'disobedience to a police officer' (Article 667 of the CAP) and 'contempt of court' (Art. 653 of the CAP). In particular, Agadil was accused of comparing the court and the judicial system to clowns

in a circus on 4 November 2019 when leaving the courtroom. Subsequently, after the death of Dulat Agadil, files of the administrative cases in which he was involved, disappeared from the public domain.

Previously, Agadil expressed fears that due to political persecution, his life was in danger. On 23 October 2019, Dulat Agadil filed a complaint with the prosecutor's office of the Tselinograd District, in which he stated that he had gone on an indefinite hunger strike due to the fact that he was being tried on trumped-up charges and was persecuted for his views. Agadil noted in the statement that should something happen to him, it's going to be the fault of Prosecutor of the Tselinograd District, Askar Zharylgapuly, Head of the District Department of Internal Affairs Yerlan Akbarov, Prosecutor B.S. Ashirbekov, Judge Dinara Merzadinova, Akim of the Tselinograd District, Malgazhdar Tatkeev, Police Inspector Medet Zhuparbayev and Criminal Investigator Zharas Kapparov.

In January 2020, Agadil faced criminal charges of 'insulting a judge' (Article 410 of the Criminal Code (CC)) and 'libel against a prosecutor' (Article 411 of the CC). The criminal case was initiated by the police department of the Tselinograd District in connection with an incident that occurred on 17 October 2019. During the announcement of the verdict in one of the administrative cases against Agadil, the activist shouted to Judge **Dinara Merzadinova**: "You better take off your robe and go milk the cow". Agadil's words were

associated with the statement of Nursultan Nazarbayev, who advised Kazakhstanis seeking social assistance from the state to 'rely on themselves' and, for example, 'get two cows'¹. Agadil also allegedly shouted insulting words at Prosecutor **B. Ashirbekov**. **Alimkhan Sagadiyev**, an investigator of the Tselinograd District Police Department, who conducted the pre-trial investigation of the criminal case.

Counsel Galym Nurpeisov, as well as the mother and wife of Dulat Agadil, state that the case of 'insulting a judge and defamation against a prosecutor', initiated against Dulat Agadil was investigated in violation of the norms of the Code of Criminal Procedure. In particular, it was through violations of the law that evidence in a criminal case was obtained and a linguistic examination of Dulat Agadil's statements in court were carried out. Here, the activist wasn't provided with an opportunity to become familiarised with the decision on the appointment of an expert examination, to challenge the expert and apply for the appointment of

Прокурору.
Акимова О.А.
Удостоверения № 1166-19-00-31027.
от Агадил Дулат
идеи 16.02.1977.
и Агадил Акимова
О.А. Удостоверения
по Ташкенту
Удостоверения
78702 560 83 84.

Заявление.
Агадил Дулат идеи 16.02.1977.
Объявляю Беззастенчиво Ташкенту
свои идеи что нарушаются
мои Конституционные права
как Трансдония Республики
Коржастана. Меня нехотят
судить по сордированным
статистикам. Меня преследуют за
мои взгляды и идеи.
Преследуют по политическим
мотивам за мои убеждения.
Если самой этого случилось
прошу Вас выдать в 90-е
Трансдония, Республика
Агадил Дулат. Агадил Дулат
и судью Мерзadinova Д.С. вынесшего
постановление № 1166-19-00-31027.
и Акимова Дулат. Агадил Дулат.
и в том числе инициаторы полиции
Журабаева Медет. 1 Агадил →

Dulat Agadil's statement to the Prosecutor's Office



Dulat Agadil is conducting an action demanding the release of Kazakhstani political prisoners

¹ <https://www.facebook.com/watch/?v=636871030205779>

the persons indicated by him as experts, or to address the expert with additional questions.

On 26 January 2020, a preventive measure was applied against Agadil in the form of a ban on leaving the city. However, due to the absence of Dulat Agadil, **he had no knowledge about the decision**. On 29 January 2020, Agadil was put on the wanted list. On 30 January 2020, the activist was detained in the city of Aktobe and informed about the ban on leaving the city. According to the criminal case file, Agadil refused to familiarise himself with the decision. However, his relatives doubt that the police informed him of the decision in the first place.

On 11 February 2020, in connection with the alleged 'evasion of investigative actions', Judge of the Tselinograd District Court **Zhanat Kulataevich Temirov** sanctioned the change in the preventive measure from a ban on leaving the city to a detention. **At the same time, the judge's decision did not specify the period of detention**. According to Kazakhstan's legislation, a preventive measure in the form of detention is applied to a person suspected of committing a crime which is punishable with imprisonment for a term of at least five years. Moreover, only in exceptional cases can a suspect be taken into custody if the law provides for a punishment in the form of imprisonment for less than five years. Based on the criminal charges brought against Agadil, he was facing up to two years' imprisonment.

According to Kazakhstani activists and human rights defenders, Dulat Agadil was supposed to take part in an informal meeting with members of the European Parliament, who were on a visit to Nur-Sultan on February 25-27, 2020.

3. DETENTION AT NIGHT AND DEATH IN THE DETENTION CENTRE

On 24 February 2020, at about 8:30 p.m., policemen in civilian clothes detained Agadil at his home. The detention was carried out by officers of the Tselinograd District Police Department **Darkhan Baukaev, Kuandyk Apasov, Khangeldy Seidaly, Zharas Kapparov** and investigator **Alimkhan Sagadiyev**. They arrived at Dulat Agadil's house in an ambulance and fraudulently entered the house. Dulat Agadil's son Zhanbolat recorded the developments on his phone. Police officer Zharas Kapparov hit Zhanbolat on the arm, after which the phone fell out of his hands.

Notably, during the arrest, one of the policemen told Agadil that it makes no sense for him to take his personal belongings to the pre-trial detention centre, as they 'will be of no use to him'². Agadil was handcuffed and taken away in a car with civilian plate numbers³.

According to the criminal case file regarding Agadil's death, which was investigated by the Office of Special Prosecutors, at the time of the arrest, the activist was allegedly in a state of alcoholic intoxication. Therefore, after his arrest, at about 9:30 p.m., he was taken for examination to the Tselinograd District Outpatients' Clinic (Tselinograd District, Akmol village, Microdistrict 3, Building 1A), where the narcologist **K. Usenov** determined that Dulat Agadil was 'in the medium degree of alcoholic intoxication'. After that, he was taken to the police department of the Tselinograd District (Tselinograd District, Akmol village, 1A Lineinaya Street) to draw up procedural documents on the detention.

Dulat Agadil's mother Gulbarash Zholmukhambetova, his wife Gulnar Kasymkhanova and son Nurbolat Agadilov insist that the accusations of alcohol intoxication are false, as Dulat did not drink alcohol and did not smoke⁴.

According to the criminal case file, at approx. 10:00 p.m., Dulat Agadil was taken out of the police department and at approx. 11:00 p.m. he was brought to the Institute of Forensic Examination in Nur-

² <https://www.facebook.com/100046530890920/videos/pcb.172727700954925/172727604288268/>

³ <https://www.facebook.com/100006655892207/videos/pcb.2633098956921942/2633098846921953/?type=3&theater>

⁴ https://kaztag.kz/ru/news/dulat-agadil-ne-upotrebyal-alkogol-soratniki-umershego-v-sizo-politaktivista?utm_source=facebook&utm_medium=cpc&fbclid=IwAR1aTdiG8mCghYnp0oSeYDrPvLHLLBZDem19KB39jawOD8tYUX9UWIANPPA

Sultan (Nur-Sultan, 7 Gabiden Mustafin Street). In the Institute, it was determined that Dulat Agadil had two abrasions around the left forearm and right lower leg, which were allegedly formed three to five days before the examination. It is noteworthy that at the time of the examination, the **escort Mukhtar Kashkeпов** was with Dulat Agadil, and in his testimony, he stated that he had not noticed any 'visible injuries' on Agadil's body.

In the testimony of the escort, it is reported that at about 11:50 p.m. he transferred Dulat Agadil to the detention centre in Nur-Sultan (Institution EC-166/1 of the Department of the Penitentiary System of Nur-Sultan at Nur-Sultan, Baikonyr District , 30/1 Alash Shosse).

According to the criminal case file, at 00:25 a.m. on 25 February 2020, the detainee was placed in a cell of the quarantine department, as in the morning he was supposed to be taken to court for 'consideration of the justification for applying a preventive measure against him'. In addition to Agadil, four more people were kept in the cell.

Counsel Galym Nurpeisov and Dulat Agadil's relatives insist that after the arrest, Agadil should have been placed in the temporary detention facility in the Talapker settlement, rather than in the detention centre in Nur-Sultan. According to Art. 148, section 4 of the Code of Criminal Procedure, in cases of detention, the suspect must be brought to the investigating judge for consideration on the validity of the application of the previously chosen preventive measure. However, Agadil was not taken to the judge, but immediately placed in a pre-trial detention centre. Whereas, according to the legislation of Kazakhstan, a suspect can be held in a temporary detention facility in the event that the case must be considered by the court.

According to the official version, at 7:48 a.m. Dulat Agadil's health deteriorated and an ambulance was called for him. The ambulance arrived at 08:16 a.m. and pronounced Dulat Agadil dead.

It is noteworthy that Head of the Internal Security Department of the Ministry of Internal Affairs, **Arman Sadanov** and Deputy Minister of Internal Affairs **Arystangani Zapparov** officially presented different versions, from which it is not clear whether Agadil died before or after the arrival of the ambulance. According to Sadanov, at approx. 7:15 a.m. Agadil felt unwell, and an ambulance was called for him who tried to provide him with first aid. An ambulance arrived at 8:15 a.m., and after 5-10



Arman Sadanov (left) and Arystangani Zapparov (right)

minutes, death was pronounced⁵. Zapparov stated, in turn, that after 7:00 a.m. Agadil felt unwell and fainted. They tried to give him first aid, 'but by the arrival of the ambulance, Agadil was already dead'⁶.

On 24 February 2020, the police of the Baikonyr District of Nur-Sultan initiated a pre-trial investigation into the death of Dulat Agadil. On the same day, the case was transferred for investigation to the Investigative Operations Group under the leadership of the special prosecutor of the Prosecutor's Office of Nur-Sultan **N.S. Nakishev**.

⁵ <https://rus.azattyq.org/a/well-known-kazakh-activist-aghadil-dies-after-day-in-detention/30453107.html>

⁶ https://tengrinews.kz/kazakhstan_news/ozvuchena-hronologiya-prebyvaniya-agadila-v-sizo-392747/

4. WHAT REALLY HAPPENED IN THE DETENTION CENTRE: VIDEO SURVEILLANCE RECORDINGS

It was only on 29 May 2020, three months after Agadil's death, that his mother, widow and counsel Galym Nurpeisov managed to become familiarised with the criminal case file and the recordings from CCTV cameras in the pre-trial detention centre.

The footages show the developments from 6:30 a.m. to 8:00 a.m. on 25 February 2020. At the same time, 'for reasons unknown to investigators', the recording covering the period between midnight and 6:30 a.m. on February 25, 2020 'was not found'.

As stated by Counsel Nurpeisov, the video recordings confirmed that in the morning Agadil had visible signs of a serious deterioration in his health: it was difficult for him to get out of bed, he could hardly move, he staggered. **The detention centre officers entered the cell at least three times. They forced Dulat out of bed and deliberately ignored his poor health condition. No medical doctors were called.** Moreover, the detention centre officers further worsened Agadil's situation by not allowing him to lie on the bed. They also pulled his hands off the support when he was trying to hold onto the door near the toilet. As a result, **Dulat Agadil fell to the floor and was lying motionless in the middle of the cell for 20 minutes. All this time, the employees of the pre-trial detention centre did nothing, stepping over Agadil who was lying on the cell floor, unable to move.**

Only after 20 minutes, the prison officer ordered Agadil's inmates to pick him up, and then called the administration. After that, the administration of the pre-trial detention centre called an ambulance, but, apparently, it was already too late. On 31 May 2020, Dulat Agadil's counsel and relatives filed a complaint about the negligence of the prison staff, which led to the death of the activist⁷.

According to the testimony of the prison guard **M. Sattaev**, at approx. 8:00 a.m., the controller **D. Anarbaev** reported that Dulat Agadil felt unwell and an ambulance should be called. Sattaev called an ambulance and went to the cell where Agadil was 'unconscious'. The detention centre staff performed resuscitation actions (heart massage), which did not bring any results.

On 1 June 2020, special prosecutor **N.S. Nakishev** issued a ruling by which he granted the request for the provision of copies of the footage from the surveillance cameras in the pre-trial detention centre to Dulat Agadil's counsel and relatives. Nakishev also recommended purchasing a hard disk due to the huge amount of information. However, on **3 June 2020, when Agadil's counsel and relatives came to the prosecutor's office to receive the copies, they were handed a decision to revoke the order to provide the copies. The refusal decision was signed by First Deputy Prosecutor of Nur-Sultan Berik Abilov.**

The refusal to provide copies of the footage was justified by the fact that they could be published in the media, which would violate the privacy of other arrested persons who are captured in the footage. However, it is obvious that this is only a pretext for refusal, and the prosecutor's office is doing everything in its powers to prevent the distribution of the footage from the pre-trial detention centre, which indicate that Dulat Agadil was not provided with medical assistance when he was dying. At the same time, the counsel and relatives have not yet been shown the video footage from the police department, where Agadil was taken before being placed in the pre-trial detention centre.

5. AUTOPSY OF THE BODY OF DULAT AGADIL AND PRESSURE EXERTED ON COUNSELS OF THE DEAD ACTIVIST'S FAMILY MEMBERS

Four counsels were involved in the case regarding Dulat Agadil. Counsel Daniyar Aktanov defended the interests of the activist in the case of 'insulting a judge and defamation against a prosecutor.' However, at the time of Agadil's detention, Aktanov did not come to assist the activist and did not answer phone

⁷ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2689430011376265/>

calls. Because of this, the activist's relatives urgently hired another counsel for him - Bauyrzhan Azanov. In fact, Azanov began his actions to defend Dulat Agadil when it became known that the activist had died in the pre-trial detention centre. The authorities began to make attempts to remove Azanov from the case regarding Dulat Agadil's death.

On 25 February 2020, forensic experts began to perform an autopsy on Agadil's body. **For a long time, counsel Bauyrzhan Azanov was prevented from entering the morgue.** There was a special police bus near the morgue building. They let him in at the final stage of the autopsy - Counsel Azanov saw only the internal organs of the deceased, but not the body itself. The counsel demanded that the autopsy be suspended and insisted that independent expert pathologists carry out the autopsy on the body.

On the same day, the human rights organisation 'Kazakhstani International Bureau for Human Rights' (KIBHR), at the request of Counsel Azanov, helped to find two expert pathologists, **Arman Akhanbekov** and **Ruslan Satyvaldiev**, who are not employees of the state expert service. On 26 February 2020, they began to examine the body of Agadil which was already opened. As stated by human rights activist Yevgeniy Zhovtis, in Kazakhstan, *"It is very difficult to find independent experts and guarantee that they don't become scared or careful so as to prevent any conflicts with the authorities,"*⁸. This is especially true of politically motivated cases.

Two days later, the fears of human rights activists were confirmed. On 28 February 2020, the expert pathologists Arman Akhanbekov and Ruslan Satyvaldiev took part in a briefing by the Deputy Prosecutor of Nur-Sultan, **Eldos Kilimzhanov**. Medical specialists, who were supposed to be independent, began to repeat the version of the authorities even before the end of the examination. In particular, Arman Akhanbekov stated that the hematomas and bruises on the body of Dulat Agadil are post mortem stains and no injuries were found on the body of Dulat Agadil.



Experts Ruslan Satybaldiyev (left) and Arman Akhanbekov (right) at a briefing with the Deputy Prosecutor of Nur-Sultan city Eldos Kilimzhanov

Relatives were advised to use the services of Counsel Aiman Umarova, who is a member of the National Council of Public Trust with the President of the Republic of Kazakhstan, and also spoke approvingly of the President on social networks⁹. Umarova demanded that she be the only counsel for Dulat Agadil's family. Thus, Counsel Azanov was, in fact, removed from the case. Counsel Aiman Umarova refused to

⁸ <https://www.facebook.com/eugene.zhovtis/posts/1859714834158928>

⁹ <http://www.akorda.kz/ru/events/glava-gosudarstva-provel-vstrechi-s-chlenami-nacionalnogo-soveta-obshchestvennogo-doveriya>

cooperate with human rights organisations in the case regarding Agadil and sabotaged a public investigation into the death of the activist.

In connection with such actions of the counsel, Kazakhstani activists held a challenge on social networks with a call to strip Aiman Umarova of the US State Department's International Women of Courage Award, which she received in 2018¹⁰.

Dulat Agadil's relatives were forced to address Counsel Galym Nurpeisov, who currently represents the interests of the deceased activist's family members.



Aiman Umarova and Kassym-Zhomart Tokayev
Photo: [akorda.kz](https://www.akorda.kz)



Participants of the challenge calling for the decision to strip Ayman Umarova of the International Women of Courage Award

6. PRESIDENT TOKAYEV NAMED THE CAUSE OF AGADIL'S DEATH BEFORE THE RESULTS OF THE EXAMINATION HAVE BECOME KNOWN

On 29 February 2020, without waiting for the results of the forensic medical examination, President Kassym-Zhomart Tokayev stated as follows: *'I can state with full conviction that, unfortunately, the activist Agadil died as a result of heart failure. Saying otherwise is denying the truth'*.

However, Dulat Agadil's family members and associates do not believe in the official version of his death. Agadil's mother Gulbarash Zholmukhambetova believes that in his statement, President Tokayev exerted pressure on the investigators and pushed the investigation in a specific direction. She labels the death of her son 'a political killing'. *"He's not a criminal. His fault was that he spoke the truth. I believe that*

¹⁰ https://www.facebook.com/permalink.php?story_fbid=570464617191135&id=100026828062397

*[Nursultan] Nazarbayev, [Kassym-Zhomart] Tokayev, [Karim] Masimov, Erlan Turgumbayev are to blame for his death."*¹¹, - Dulat Agadil's mother stated.



Фото : akorda.kz

© 29 февраля 2020, 14:17

В последние дни в стране и за рубежом активно обсуждается смерть в следственном изоляторе активиста Дулата Агадила. В столице прошел митинг протеста. Многие люди сомневаются в официальной версии причин случившегося, говорят о смерти от возможных пыток. Президент Казахстана Касым-Жомарт Токаев прокомментировал смерть активиста в эксклюзивном интервью [Informburo.kz](https://informburo.kz).

“

Учитывая большой общественный резонанс, я внимательно ознакомился с этим делом. С уверенностью могу утверждать, что, к сожалению, активист Агадил скончался в результате сердечной недостаточности. Утверждать обратное – значит пойти против правды. Кем бы ни был покойный, каких бы взглядов ни придерживался, он, прежде всего, человек. Человеческая жизнь уникальна и бесценна. Все мы подчиняемся воле Всевышнего. Иманды болсын, - сказал Президент.

”

Extract from an interview with Kassym-Jomart Tokayev,
commenting on the death of Dulat Agadil

Фото: www.zakon.kz

7. THE AUTHORITIES OBSTRUCT PUBLIC INVESTIGATION INTO THE ACTIVIST'S DEATH

On 27 February 2020, Agadil's funeral took place. Before that, with the consent of Agadil's brother, activists recorded a video footage of his body. On the evening of 27 February 2020, this footage began to spread on social networks. **The footage shows abrasions and bruises on the back, thighs, palm and heels of the deceased Agadil.** The activists passed this information to the members of the European Parliament delegation, one of whom, MP Róza Thun, drew attention to the injuries on the body and published screenshots depicting them¹².

On 28 February 2020, Deputy Prosecutor of the city of Nur-Sultan, Eldos Kilymzhanov held a briefing, where he stated that these were not bodily injuries, but 'post mortem stains'¹³.

Instead of properly checking of the video footage with alleged torture marks, **the authorities initiated a criminal case under the criminal charges of 'dissemination of knowingly false information' (Article 274 of the Criminal Code).** Within the framework of the criminal case, activist Medet Arystanov received the status of a 'witness with the right to defence,' which, in Kazakhstan, is actually tantamount to the status of a suspect. The activists Kairat Seytkaliev, Saltanat Barykbaeva, Askar Kairbek, Asel Onlanbekkyzy, Nagyskhan Tulebaev, Auzhan Ayazbekova, the spouses Darkhan Umirbayev and Dinara Abisheva, human

¹¹ <https://rus.azattyq.org/a/30642850.html>

¹² <https://www.facebook.com/rozathun/posts/2806990576059427>

¹³ https://www.youtube.com/watch?time_continue=621&v=v5JauhnPAPI&feature=emb_logo

rights activist Anna Shukeyeva were also regularly summoned for interrogations¹⁴. They faced up to seven years in prison. The persecution of individuals who testified to the torture of Dulat Agadil received widespread coverage and outrage on social media. Against the backdrop of public pressure, on 19 June 2020, the criminal case for 'disseminating deliberately false information' was closed¹⁵.

The events indicate that the authorities exerted pressure on Dulat Agadil's family members in order to prevent the case from being publicised. On 28 February 2020, Deputy Prosecutor of the city of Nur-Sultan Eldos Kilymzhanov stated at a briefing that Agadil's mother had filed a statement against activists who posted the footage of Agadil's body¹⁶. However, on 10 March 2020, she spoke at a press conference organised by the 'Kaharman' human rights initiative and Dulat Agadil's associates. Agadil's mother stated she withdrew her statement against the activists from the prosecutor's office¹⁷. She also stated that the **activists made the footage upon her consent** and that she has no complaints against them.

The wife of the deceased activist, Gulnar Kasymkhanova, stated that representatives of the Akimat approached her and asked that she and her children abstain from communicating with civil society activists. In return, the Akimat promised assistance in registering a land plot and building a house for Dulat Agadil's family¹⁸.



Bruises on Dulat Agadil's body

8. CLOSURE OF THE INVESTIGATION INTO THE DEATH OF DULAT AGADIL

On 25 May 2020, Head of the Investigative Operations Group, **N.S. Nakishev**, issued a decision to close the pre-trial investigation and close the criminal case regarding the death of Dulat Agadil due to 'the absence of a criminal offence'. According to the official results of the forensic medical examination, Dulat Agadil's death occurred as a result of an acute myocardial infarction. According to the conclusions of the expert of the National Scientific Cardiac Surgery Centre, Marat Aripov, myocardial infarction proceeded in Agadil 'veiledly, secretly'.

Dulat Agadil's family members claim that he never had heart problems and did not complain of pain in the heart area. Therefore, they categorically deny that Agadil died due to heart disease.

Counsel Galym Nurpeisov, Dulat Agadil's mother, Gulbarash Zholmukhambetova and widow Gulnar Kasymkhanova filed several new applications with the prosecutor's office, demanding that Agadil's death be re-investigated and the employees of the detention centre who ignored the critical deterioration in Agadil's health be brought to justice. However, on 24 August 2020, they received a response from the prosecutor of the city of Nur-Sultan **Bauyrzhan Myrzakerov** in which he stated that there were no

¹⁴ <https://rus.azattyq.org/a/30480940.html> ;

¹⁵ <http://tirik.info/ugolovnoe-delo-v-otnoshenii-arystanova-seitkaliyeva-umirbaeva-prekrashcheno/>

¹⁶ https://www.youtube.com/watch?time_continue=621&v=v5JauhnPAPI&feature=emb_logo

¹⁷ <https://rus.azattyq.org/a/30479488.html>

¹⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2706062426379690/>

elements of illegal actions by the employees of the Tselinograd police department, or the employees of the Nur-Sultan pre-trial detention centre (The Institution EC 166/1).

9. LARGE-SCALE PERSECUTION OF ACTIVISTS FOR DEMANDING AN INDEPENDENT INVESTIGATION INTO THE MURDER OF DULAT AGADIL AND HONOURING HIS MEMORY



Dulat Agadil's funeral

The death of the opposition activist triggered further large-scale peaceful protests that were held in the period between 25 February 2020 and 1 March 2020 in 14 cities and towns of Kazakhstan. The protesters demanded an independent investigation into Agadil's death and the resignation of the government. **Within these days, the police detained at least 244 peaceful protesters with the use of brutal force,** of

which more than 20 people were subjected to administrative arrest. One of the activists, Serik Askarov, had his arm broken during the detention. Many activists were injured. Human rights defenders Dana Zhanay and Saltanat Barykbaeva, who collected information for the public about the case of Agadil, were among those detained.

Throughout the summer, activists using the Asar method (a popular Kazakhstani tradition of joint gratuitous work) helped the family of Dulat Agadil to build a house. 24 July 2020, after the completion of the next stage of building the house, a group of activists walked from the house of Dulat Aghadil to his grave, which is outside the village. During the procession, they chanted Dulat Agadil's name, as well as slogans "Forward, Kazakhstan!" and "Police are with the people!". Police officers were watching what was happening and recorded everything on camera, but did not interfere with the procession.

On 8 August 2020, in honour of the completion of a house for the family of the deceased activist, activists from different regions of Kazakhstan held a memorial ceremony in honour of Dulat Agadil in Talapker village, where he lived. The preparation for the ceremony



Activist Serik Askarov

was carried out with the active participation of civil activists, who donated money and provided other necessary assistance.

In fact, the activists, as part of Kazakhstani tradition, provided humanitarian assistance to the family of Dulat Agadil. Now the authorities are trying to represent the events of 24 July 2020 and 8 August 2020 as an "unauthorized meeting" and "participation in the activities of the organization after its recognition as extremist". 94 activists were subjected to administrative arrests for a period of five to 15 days, while at least 36 activists were fined, having been convicted of 'violating the order of organising and holding a rally'. Some trials were carried out at night (at midnight) and in a rush. In total, at least 183 people were prosecuted for taking part in memorial ceremonies in honour of the Dulat Agadil (arrests, detentions, interrogations, intelligence pressure)¹⁹.



Police detain a woman who participated in a protest after the funeral of Dulat Agadil, Almaty

Additionally, so far, criminal proceedings have been initiated against at least 43 opposition activists. They are prosecuted for their participation in ceremonies in honour of Agadil, for providing his family with humanitarian assistance, for taking part in peaceful rallies, as well as for supporting the peaceful opposition movements DCK and "Koshe Partiyasy". Most of them have been charged with "participation in the activities of the organisation after it was declared extremist" (Article 405 Part 2 of the Criminal Code)²⁰.



Participants of a procession in memory of Dulat Agadil 24 July 2020, Talapker village

The charge under Article 405 of the Criminal Code is related to the fact that, on 19 May 2020, the Kazakhstani authorities recognised the peaceful opposition movement "Koshe Partiyasy" as "extremist".

¹⁹ <https://www.facebook.com/qaharman.kz.7/posts/331944268139383>

²⁰ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2797139543938644>

The decision was taken secretly, without the participation of the defense²¹. On 13 March 2018, the Kazakhstani authorities also recognised the opposition movement DCK as "extremist". At the same time, the European Parliament stressed that the DCK is a peaceful movement²². Now activists are criminally prosecuted for "positive approval" of the ideas of the DCK and "Koshe Partiyasy", as well as for participating in peaceful rallies organised by these movements. Citing decisions to ban the DCK and the "Koshe Partiyasy", over the past 2.5 years the authorities have arbitrarily detained more than 7000 peaceful protesters in various regions of Kazakhstan. On 25 September 2020, another peaceful rally resulted in mass detentions. Human rights defenders managed to identify at least 162 activists, who were detained on the day of the rally on 25 September 2020. On the threshold of the rally 16 activists were arrested and 7 were fined.

It is worth noting that the authorities are now making additional accusations against activists for "establishing, leading or participating in an extremist group" (Article 182 of the Criminal Code). In particular, this article incriminates activists Ninagul Dzhumaniyazova and Dametkan Aspandiyarova from Almaty. The article provides a prison term ranging from 8 to 17 years. The absurdity of this charge is that it contradicts the position of the authorities themselves. The General Prosecutor's Office believes that "DCK was transformed into the 'Koshe Partiyasy' movement" and that DCK and Koshe "became one extremist organisation"²³. However, according to this logic, if the DCK and "Koshe Partiyasy" is "one organization", then activists cannot be their organizers, because the founder of the DCK is the opposition politician Mukhtar Ablyazov²⁴.

Among those criminally persecuted:

- 5 activists who have the status of suspects are under pre-trial arrest in the pre-trial detention facility: Askhat Zheksebeyev, Kairat Klyshev, Abai Begimbetov (*Almaty*), Askar Nurmaganov (*Karaganda*) and Marat Duysenbiyev (*Turkestan region*);
- other suspects include Galiya Aminova, Roza Bekesheva, Alibek Moldin, Bauyrzhan Sarkulov (*Aktobe*), Aigul Utepova, Anna Shukeyeva, Yerbol Yeskhozhin, Aibek Sabitov (*Nur-Sultan*), Aigul Akberdiyeva (*Aktau*), Nurbol Onerkhan (*Birlik village*); Murat Sapiyev (*Aksakai village*); Kanat Dzhakupov (*Almaty*); Ruslan Nurkanov (*Kasym village*); Kanchay Shermakhanbetova (*Saryagash city*);
- the investigation of the criminal cases against the remaining activists are ongoing: Gulzipa Dzhaukerova, Ninagul Dzhumaniyazova, Ermek Koziyev, Noyan Rakhimzhanov, Marat Kurbanov, Dana Kaliyeva, Marat Turymbetov, Anton Budarov (*Almaty*); Nazym Serikpekova, Altyn Bazarbay (*Nur-Sultan*); Shakizada Mustafayev, Karzhau Torekuly (*Kyzylorda*); Aklima Tuksikova, Berik Nogayev (*Aktobe*); Baghdad Baktybayev (*Shu*); Orynbai Okhasov; Kuat Uvaliyev (*Semey*); Murat Baidauletov (*Shymkent*); Kairat Sultanbekov (*Turkestan region*); Omyrbai Sabyrov (*Taraz*); Aizhan Akisheva (*Ereimentau city*); Daulet Zylgarin (*Akmol*); Ruslan Toleu (*Kokshetau city*); Almira Suleimenova (*Ust-Kamenogorsk city*), Murat Baimaganbetov (*Kyzylorda*).

On 9 September 2020, activist Murat Abdrakhmanov from Taldykorgan was sentenced to 1 year of restriction of liberty for supporting the DCK and "Koshe Partiyasy".

²¹ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

²² https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

²³ <https://www.gov.kz/memleket/entities/prokuror/press/news/details/o-dvkkoshe-partiyasy?lang=ru>

²⁴ <https://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov/>

UN Special Rapporteur Fionnuala Ní Aoláin expressed concern about Kazakhstan's practice of “the use of extremism laws against political groups and critical voices”²⁵.



Participants of the memorial As in honour of Dulat Agadil 8 August 2020, Talapker village

10. LIST OF PERSONS WHO SHOULD BE SUBJECTED TO SANCTIONS IN THE CASE OF DULAT AGADIL

Police officers systematically subjected Dulat Agadil to politically motivated detentions, and also initiated a politically motivated criminal case against him. In addition, Kazakhstani courts issued politically motivated decisions to arrest Dulat Agadil for his public activities. Such unjust court decisions resulted in the criminal prosecution and death of Dulat Agadil.

Dulat Agadil openly supported the opposition movements ‘Democratic Choice of Kazakhstan’ (DCK), and was also one of the founders of the ‘Koshe Partiyasy’ movement. For this reason, he was closely watched by the special services, as evidenced by many incidents of detentions and surveillance in the period between 2018 and 2020.

Police officers, prosecutors and judges who were directly involved in the politically motivated persecution of Dulat Agadil, also sabotaged the investigation into the causes of the activist’s death, and should be held personally accountable for their criminal actions. Also, responsibility should be borne by the judges who issued politically motivated decisions against the participants of the memorial ceremony in honour of Dulat Agadil.

In addition, the leadership of the Ministry of Internal Affairs, National Security Committee and the prosecutor’s office bodies, as well as Nursultan Nazarbayev as Chairman of the Security Council of Kazakhstan, should bear responsibility for the criminal actions of employees of these departments.

²⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24620&LangID=E>

Dulat Agadil's family, representatives of Kazakhstani civil society and the Open Dialogue Foundation believe that it is necessary to impose personal sanctions against the following persons:

Kazakhstani government officials whose employees commit serious human rights violations:



Nursultan Abishevich NAZARBAYEV – Lifetime Chairman of the Security Council of Kazakhstan. In 2019, Nursultan Nazarbayev resigned from the post of President of Kazakhstan. Although he is not a representative of the executive or legislative branch, Nazarbayev has leverage and control over the activities of all key state bodies, including control over the heads of the Ministry of Internal Affairs, the General Prosecutor's Office and the NSC.

The Security Council, headed by Nazarbayev, is a constitutional body that has broad control over the activities of all state bodies. The Council coordinates the activities of state security agencies and central and local executive bodies, as well as analysing draft laws and controlling the implementation of regulatory documents. The Council is engaged in the discussion of candidates recommended for appointment as heads of state bodies subordinate and accountable to the President (including the heads of the NSC, the Ministry of Internal Affairs, the Prosecutor's Office). Government bodies and officials of Kazakhstan are legally obligated to execute decisions taken by the Security Council or by the Chairman of the Security Council.



Yerlan Zamanbekovich TURGUMBAYEV - Minister of Internal Affairs of Kazakhstan. In Kazakhstan, the police and the Committee of the Criminal Executive System (CCES) are part of a single system of internal affairs bodies. Detention centres and prisons are under the control of the CCES. According to the legislation of Kazakhstan, the minister manages the system of internal affairs bodies, appoints employees to positions, imposes disciplinary sanctions on them, controls their work, including the work of the head of the CCES and his deputies (Article 9 of the Law 'On Internal Affairs Bodies'). Article 18 of the Regulation "On the Ministry of Internal Affairs of Kazakhstan"²⁶ provides that the Minister of Internal Affairs "shall bear personal responsibility for the performance of the tasks and functions of the Ministry".



Karim Kazhimkanovich MASIMOV - Chairman of the National Security Committee (NSC) of Kazakhstan. The work of the NSC is determined by a rigid top-down command structure and centralised approach in decision-making. According to the legislation, the NSC manages a unified system of national security bodies and, in turn, is subordinate to the President of Kazakhstan. Its extensive powers allow the NSC to intervene in various areas of society and the state. In particular, the NSC "facilitates the work" (in fact, participates in the work) of law enforcement agencies and other state bodies in cases which, according to the NSC, are related to national security or national interests of the state.

²⁶ <http://adilet.zan.kz/rus/docs/P050000607>

One of the real functions of the NSC is to fight critics and political opponents of the authorities. Both from the institutional point of view and from the point of view of actual practice, the Chairman of the NSC is responsible for systematic violations by the NSC.

Paragraph 14 of the Regulation on the NSC states that the Chairman of the NSC “shall bear personal responsibility for the performance of the tasks and functions of the National Security Committee”. He is also personally responsible for any cases of corruption in the national security bodies (paragraph 16 of the Regulation on the NSC).



Samat Satybaldyuly ABISH - First Deputy Chairman of the National Security Committee. According to available information, as of September 2020, due to Karim Masimov's illness, the NSC is, in fact, under the control of Samat Abish. Samat Abish is the nephew of Nursultan Nazarbayev (son of Nazarbayev's younger brother) and one of the most influential people in Kazakhstan. According to our information, since February 2020, it is Abish who has been in charge of the political persecution of civil society activists and has given orders regarding arbitrary detention of activists by force, exertion of torture and ill-treatment against them²⁷.



Gizat Daurenbekovich NURDAULETOV - General Prosecutor of the Republic of Kazakhstan. According to the law on the prosecutor's office²⁸, the department oversees the observance of the rule of law in Kazakhstan, is responsible for criminal prosecution and represents the interests of the state in court. Therefore, the General Prosecutor bears personal responsibility for fabricating politically motivated cases against participants in peaceful protests, opposition politicians, and activists.

In the prosecutor's office, there is a strict subordination of subordinate prosecutors to higher ones. The General Prosecutor's Office, regional prosecutor's offices, district and equivalent city, inter-district, as well as specialised prosecutor's offices form a single system of prosecution bodies in Kazakhstan. The heads of all prosecution bodies are subordinate to the General Prosecutor.

Executors of criminal orders who are directly or indirectly involved in crimes, include:



Alimkhan SAGADIYEV - an investigator of the Tselinograd District police department, who was investigating a criminal case of ‘insulting a judge and defamation against a prosecutor’ against Dulat Agadil. Participated in the night detention of the activist on 24 February 2020.

²⁷ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2766213323697933>

²⁸ Here and in other places, the law in question is the Law of the Republic of Kazakhstan dated 30 June 2017 No. 81-VI ‘On the Prosecutor's Office’: https://online.zakon.kz/Document/?doc_id=31690116#pos=5;-106

Darkhan BAUKAYEV, Kuandyk APASOV, Khangeldy SEIDALY, Zharas KAPPAROV - officers of the Tselinograd District police department who took part in the detention of Dulat Agadil on 24 February 2020.



Left to right: Kuandyk Apasov, Darkhan Baukayev, Khangeldy Seidaly, Zharas Kapparov

M. SATTAYEV, D. ANARBAYEV - employees of the detention centre in Nur-Sultan (Institution EC-166/1 of the Department of the Criminal Executive System). Due to his negligence, the dying Dulat Agadil was not provided with timely medical assistance.



Eldos KILYMZHANOV - Deputy Prosecutor of Nur-Sultan. In the first days after the death of Dulat Agadil, Kilymzhanov played the role of the spokesman of the authorities. On 28 February 2020, he held an official briefing, during which he stated that abrasions and bruises on the body of Dulat Agadil were 'post mortem stains', and also threatened activists with criminal liability for distributing a video footage showing abrasions and bruises on the body of the deceased activist.

N.S. NAKISHEV - Special Prosecutor of the Prosecutor's Office of Nur-Sultan, Head of the Investigative Operations Group to investigate the death of Dulat Agadil. Nakishev sabotaged an objective investigation into the causes of the death of Dulat Agadil and closed the criminal case due to 'the absence of a criminal offence'. Also, Nakishev failed to transfer the video recordings from the surveillance cameras in the pre-trial detention centre to Dulat Agadil's counsel and relatives, although before that, he had granted the request for copies of the video recordings.



Berik ABILOV - First Deputy Prosecutor of Nur-Sultan. Abilov issued a decision to cancel the decision to issue copies of video recordings from surveillance cameras in the detention centre to Dulat Agadil's counsel and relatives.



Bauyrzhan MYRZAKEROV – he sent a reply to Dulat Agadil’s counsel and relatives, stating that there were no elements of illegal actions in the actions of the police officers and the pre-trial detention centre workers.

B. ASHIRBEKOV - the prosecutor who represented the state prosecution at the court hearing against Dulat Agadil on 17 October 2019 and who was allegedly slandered by Dulat Agadil.



Dinara Stalbekovna MERZADINOVA - Judge of the Tselinograd District Court of Akmola Province. On 17 October 2019, Judge Merzadinova issued a politically motivated decision to incarcerate Dulat Agadil for 15 days. During the trial, the activist allegedly insulted Judge Merzadinova, after which a criminal case was initiated against him. In the period between 30 August 2020 and 4 September 2020, Judge Merzadinova conducted legal proceedings against participants in the funeral feast organised in memory of the deceased activist Dulat Agadil. By the decisions of Judge Merzadinova, 36 activists were incarcerated or sentenced to a fine.



Zhanat Kulataevich TEMIROV - Judge of the Tselinograd District Court. On 11 February 2020, he sanctioned the change in the preventive measure for Dulat Agadil from a ban on leaving the city to detention. In his decision, Judge Temirov did not indicate for what period of time Agadil’s detention was authorised. In the period between 30 July 2020 and 23 August 2020, Judge Temirov carried out court trials against participants of the memorial ceremony in honour of Dulat Agadil. By the decision of the judge, 21 activists were incarcerated or sentenced to a fine.



Aigul Kalidulovna AKHMETOVA - Judge of the Tselinograd District Court of Akmola Province. In the period between 30 July 2020 and 7 September 2020, Judge Akhmetova carried out court trials against participants of the memorial ceremony in honour of Dulat Agadil. By the decision of the judge, 34 activists were incarcerated or sentenced to a fine.



Tolegen TURGAMBAYEV - Chairman of the Tselinograd District Court of Akmola Province. In the period between 24 August 2020 and 29 August 2020, Judge Turgambayev carried out court trials against participants in the funeral feast in memory of the deceased activist Dulat Agadil. By the decision of the judge, 4 activists were incarcerated for ten days.

Valentina Vitalievna VALITOVA - Judge of the Tselinograd District Court of Akmola Province. In the period between 24 August 2020 and 1 September 2020, Judge Valitova carried out court trials against participants in the funeral feast in memory of the deceased activist Dulat Agadil. By the decision of the judge, 9 activists were incarcerated or sentenced to a fine.

11. CONCLUSIONS AND RECOMMENDATIONS

The facts indicate that Dulat Agadil was subjected to torture following his detention at night, after which he died in the detention centre in Nur-Sultan, where he was not provided with adequate nor timely medical assistance. The death of the activist was due to the criminal actions of the police officers and the subsequent negligence of the detention centre workers.

The death of Agadil is a consequence of the systematic politically motivated persecution and arrests to which he had been subjected. This political killing is a direct consequence of the oppressive policy of the Kazakhstani authorities against protesters and opposition, and once again exposed the systemic problem of torture in Kazakhstan. Civil society perceives this event as a demonstrative intimidation of activists, who now risk not only their freedom, but also their lives.

Shortly after the death of Dulat Agadil, two more activists were killed in Kazakhstan, and their deaths also bear signs of political killing. On 28 March 2020, a 32-year-old woman, Amanbike Hayrolla (last name according to documents is Meirkhanova) was found dead after repeated incidents of harassment and threats from the special services. On 15 May 2020, 68-year-old man, Serik Orazov, died after a police officer grabbed him by the neck during an attempted detention. These cases have shown that the impunity of law enforcement and special service officers leads to more tragic events.

Torture in Kazakhstan and impunity for its use are widespread and systemic^{29,30}. The Coalition of International NGOs Against Torture records approx. 200 cases of torture in detention centres and prisons in Kazakhstan every year³¹. According to statistics, on average, only 2% of torture cases in Kazakhstan reach the stage of consideration in court³². Most torture cases are closed 'due to the lack of evidence' or 'elements of crime'. The case of Dulat Agadil is yet another tragic example of this statistic.

The Bureau of South and Central Asia with the US Department of State³³, the British Embassy in Kazakhstan³⁴, Director of the OSCE Office for Democratic Institutions and Human Rights Solrun Gisladdottir³⁵, Members of the European Parliament Isabel Santos, Petras Austrevicius, Róža Thun, as well as member of the Belgian Senate Marc Demesmaecker expressed their concern over the death of Dulat Agadil in the detention centre. They called for a public and thorough investigation into the death of the activist, which was ignored by the Kazakhstani authorities.

²⁹ <https://www.amnesty.org/en/documents/eur57/3345/2016/en/>

³⁰ <https://undocs.org/A/HRC/WG.6/34/KAZ/3>

³¹ <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=6872&file=EnglishTranslation>

³² <https://www.notorture.kz/spravka-koalitsiyi-protiv-pytok-po-ekstraditsiyi-tungishbayeva/>

³³ https://twitter.com/State_SCA/status/1232399059194929152

³⁴ <https://twitter.com/UKinKZ/status/1232667173115617282>

³⁵ <https://twitter.com/ODIHRdirector/status/1232678048476037121>

On 30 April 2020 U.S. Ambassador to the OSCE James S. Gilmore in his appeal to the Head of the OSCE Programme Office in Nur-Sultan stated: *“The death in police custody of human rights activist Dulat Agadil in February and subsequent detentions of protesters peacefully demanding answers from the government regarding the cause of his death underscore that the Nur-Sultan Office should prioritize its work in the field of judicial and police reform”*.³⁶

In connection with the political killing of Dulat Agadil, the Open Dialogue Foundation supports the demands of the civil society in Kazakhstan on the need to impose personal sanctions against violators of human rights.

We hereby call on the government of the United States and other democracies to impose personal sanctions against law enforcement and judicial officials, as well as against senior officials of Kazakhstan, who are responsible for political killings, torture, large-scale and systematic persecution of participants in peaceful protests, human rights defenders and journalists in the country. Specifically, we urge the US government to include human rights violators in the US visa ban list and to freeze their assets and bank accounts.

We hereby call on democratic states to demand from the authorities of Kazakhstan that they cease their large-scale persecution of activists for demanding punishment of those responsible for the murder of Agadil and for honouring his memory. We also consider it necessary that, within the framework of the US-Kazakhstan working group on political prisoners, a demand for the immediate release of all political prisoners and putting an end to politically motivated persecution in the country should be clearly stated.

³⁶ <https://osce.usmission.gov/on-the-report-by-the-osce-programme-office-in-nur-sultan/>