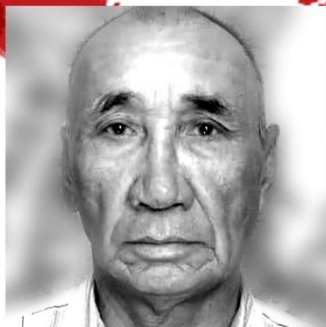


OPPOSITION THEREFORE EXTREMIST

Political
killings and
persecutions
of opposition
and human
rights activists
before the
parliamentary
elections in
Kazakhstan



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.

Website: <https://odfoundation.eu/> ; e-mail: odfoundation@odfoundation.eu

Twitter: [@ODFoundation](https://twitter.com/ODFoundation)

The Italian Federation for Human Rights (Federazione Italiana Diritti Umani - FIDU) is active since 1987 as Italian Helsinki Committee. FIDU promotes the protection of human rights as enshrined in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, the Charter of Fundamental Rights of the European Union of 2007 and in other relevant international documents.

Website: <https://fidu.it/> ; e-mail: info@fidu.it

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.

Twitter: [@qaharman_kz](https://twitter.com/qaharman_kz) ; e-mail: qaharman.hr@gmail.com

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'.

Twitter: [@hr405kz](https://twitter.com/hr405kz) ; e-mail: movement405hr@gmail.com

Freedom Kazakhstan Foundation was founded on 13 July 2020 by a Kazakhstani businessman and philanthropist Barlyk Mendygazyev. The aim of the Foundation is to provide financial and legal assistance to victims of political repression in Kazakhstan - political prisoners, participants of peaceful protests, civil activists and human rights defenders. The Foundation supports the creation of a sanctions list of Kazakhstani officials who are involved in gross human rights violations. The leader and founder of the Foundation is Barlyk Mendygazyev.

Facebook: [Barlyk Mendygazyev](https://www.facebook.com/Barlyk.Mendygazyev) ; e-mail: barlyk69@gmail.com



The Bostandyq Kz human rights movement intends to fight for the observance of the constitutional rights and freedoms of the citizens of Kazakhstan, and to inform about human rights violations in the country. The movement was founded on 14 September 2020 and its leaders are Daryn Khassenov, Berik Mustagulov, Kaliaskar Amrenov and Lyazzat Anafina.

Facebook: [Bostandyq Kz](#)



The human rights movement Veritas was established on 17 September 2020. The aim of the movement is to protect human rights in Kazakhstan, with special attention to freedom of speech, peaceful assembly and peaceful association. The movement monitors the implementation of Kazakhstan's commitments in the areas of human rights, environment, health and anti-corruption, and informs the EU, the UN, PACE, the OSCE, GRECO and the governments of democratic states about the results of the monitoring. Veritas conducts public campaigns to protect politically persecuted activists, political prisoners and victims of torture. The leaders of the movement are: Aliya Zhakupova, Alma Nurusheva, Gulzhanat Temirkhan, Nazym Serikpekova, Roza Musayeva.

Facebook: [Veritas human rights movement](#) ; e-mail: veritas15.09.20@gmail.com



The "Femina Virtute" human rights movement, was established on 4 November 2020, and aims to combat discrimination against women in Kazakhstan and to document violations of women's, civil and political rights. The members of the movement conduct solidarity actions in defence of human rights and train citizens to defend their rights. Based on the monitoring results, the movement provides information to the European Parliament, the European Commission, the UN, the OSCE, the Council of Europe, governments and politicians of the EU states, as well as the USA, Canada, Australia, the UK, Norway and Switzerland. The leaders of the movement are Aizhan Ismakova, Ulbolsyn Turdiyeva and Sholpan Dzhanzakova.

Facebook: [Femina Virtute](#) ; e-mail: ulbolsynturdieva@gmail.com



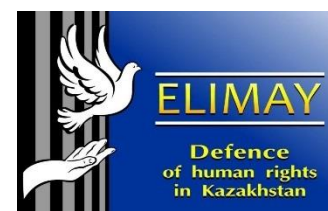
Human rights movement "Article 14" was established on 5 November 2020 with the aim of monitoring the right to fair justice in Kazakhstan. The members of the movement inform citizens of Kazakhstan and the international community about violations of the right to a fair trial, fight for greater transparency in the justice process, and draw public attention to violations during trials. The leaders of the movement are: Abaibek Sultanov, Almas Nurlybayev, Saule Aimukhametova, Bibigul Imangaliyeva.

Facebook: [Article Hrm](#) ; e-mail: article14hrm@gmail.com



The Human Rights movement Elimay was established on 17 October 2020. The movement aims to protect civil and political rights and freedoms in Kazakhstan. The movement calls to put an end to all forms of political repression and release of political prisoners in Kazakhstan. The movement's leaders are: Raigul Sadyrbayeva, Aliya Issenova, Bayan Akberdinova, Tlegen Zhubanov and Serik Chalabayev.

Facebook: [ELIMAY ~ defence of human rights in Kazakhstan](#) ; e-mail: elimayfreedom@gmail.com



Public association 'We are Against Torture' was founded in 2019. The head of the association is Elena Semenova. The organisation defends the right to protection from torture and other inhuman or degrading treatment. The association's activities are aimed at providing an immediate response in the event of torture or ill-treatment in Kazakhstan's places of detention (colonies, pre-trial detention facilities and prisons).

Facebook: [Родственники против пыток](#) ; e-mail: onk.pavlodar2@gmail.com

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1. SUMMARY

On the eve of the parliamentary elections, which will be held on 10 January 2021, the authorities of Kazakhstan have intensified political persecution. Political killings and mass criminal prosecutions of regime critics on charges of "extremism" are taking place in the country.

It seems that the Kazakhstani authorities are 'taking into account' the experience of Belarus and Kyrgyzstan, where recent massive election fraud led to large protests. Calling the protests a "contagion", on 13 November 2020 the self-proclaimed President of Belarus Alexander Lukashenko said in an interview to a journalist from Kazakhstan: *"You have experienced this more than once in Kazakhstan, it's just that the media didn't highlight it that much ... Therefore you should not relax in any way. May Belarus be a very serious lesson for you"*¹.

At the moment, the authorities of Kazakhstan are "acting proactively" and by means of repression are trying to neutralise the most active part of society - participants in peaceful protests, activists and human rights defenders. At the same time, the governments of the EU Member states, the USA and the international media are turning a blind eye to the massive repressions in the country.

One of the triggers of increased repressions was the recognition by the Kazakhstani authorities of **opposition movements of DCK and "Koshe Partiyasy"** ("Party of the Street") as "extremist". At secret trials, they were accused of "inciting social discord" and "provoking protest sentiments". In March 2019 a Resolution of the European Parliament² noted the peaceful character of DCK activity. In October 2020, 24 Members of the European Parliament expressed a similar position with regard to "Koshe Partiyasy"^{3,4}.

The authorities in Kazakhstan are suppressing peaceful protests through a systematic and violent fight against freedom of peaceful assembly and association. The ban on peaceful opposition movements "Koshe Partiyasy" and DCK triggered a wave of repressions. This was followed by massive arbitrary detentions, politically motivated criminal prosecutions, torture and political killings.

Over the last 2.5 years, the authorities of Kazakhstan have arbitrarily detained **over 7,000 peaceful protesters**, which is an unprecedented amount in the history of the country. The police used excessive force, including pain grips and asphyxiating techniques. During interrogations, detainees are asked about their support for the opposition movements "Koshe Partiyasy" and DCK, and asked to publicly refuse to support Mukhtar Ablyazov, leader of DCK, the main opponent of the Kazakhstani regime.

On 29 September 2020 the National Asylum Court of France granted a refugee status to **Mukhtar Ablyazov**. The French court noted that the fraud-related criminal charges against Ablyazov in the case of BTA Bank are politically motivated and are used as a weapon to retaliate against his opposition activities. The Kazakhstani authorities continue to exert the unlawful extrajudicial influence on French justice with the aim of conducting criminal proceedings against Ablyazov in France.

In Belgium, as part of the Ablyazov case, abusing interstate legal assistance, Kazakhstan secured the search and questioning of a lawyer and political refugee **Botagoz Jardemalie**. She has been under surveillance and was subjected to an attempted abduction, for which three perpetrators of the crime have already been convicted by a Belgian court. In October 2020 the Italian court sentenced to prison six Italian law-enforcement officers for helping the Kazakhstani authorities abduct Ablyazov's wife **Alma Shalabayeva** and their six-year-old daughter from Italy.

¹ <https://tengrinews.kz/sng/lukashenko-sobyitiya-belarusi-serezneyshiy-urok-kazahstana-420264/>

² https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

³ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2819727411679857/>

⁴ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2814841118835153>

Activists who are demanding a peaceful change of power and a change of political regime are accused of supporting Mukhtar Ablyazov, as well as the opposition movements of DCK and “Koshe Partiyasy”.

At the time of the ban, these opposition movements had over 277,000 supporters in their Telegram chats.

Now, all these people are at risk of being sentenced on extremism charges.

The Kazakhstani authorities accuse the activists of such "crimes" as “reposting publications from the DCK and "Koshe Partiyasy" pages”, “shouting out ideas that form a negative image of authorities”, and “discussion of the need of changing the government in Kazakhstan”. For these actions the activists are charged with "participation in the activities of the organisation after it has been declared extremist" (**Article 405 of the CC**) and "creation of an extremist group and participation in its activity (**Article 182 of the CC**)”.

There are currently **at least 28 political prisoners** in Kazakhstan who are being held in prisons or pre-trial detention facilities. Most of them are imprisoned for supporting DCK or “Koshe Partiyasy”.

- **Activists, who are under pre-trial arrest on charges of supporting the “Koshe Partiyasy” opposition movement:** Askhat Zheksebayev, Kairat Klyshev, Abai Begimbetov, Askar Nurmaganov, Marat Duysenbiyev, Baghdad Baktybayev, Murat Baimagambetov, Noyan Rakhimzhanov, Ulasbek Akhmetov, Askar Azhguzhinov, Daryn Khasenov, Nurgul Kaluova, Zhanat Zhamaliyev, and Kaliaskar Amrenov.

At the same time, Rakhimzhanov faces from 8 up to 12 years of imprisonment (Article 182, Part 2 of the Criminal Code), but Zheksebayev, Klyshev, and Begimbetov face from 10 up to 17 years of imprisonment (Article 182, Part 1)

- **Activists, who are serving prison sentences on charges of supporting the DCK opposition movement:** Asset Abishev, Almat Zhumagulov, Kenzhebek Abishev, Serik Idyryshev, Medet Yeseneyev and Askar Ibrayev (the last three activists were thrown into prison in 2020 - the authorities replaced the restriction of liberty for imprisonment). The victims of ill-treatment Kenzhebek Abishev, Almat Zhumagulov, and Aset Abishev were mentioned in a Resolution by European Parliament dated 14 March 2019.
- **Persons who are serving their prison sentences because of their social activities or because of their publications on social networks,** mainly in Facebook: Aron Atabek, Max Bokayev, Yerzhan Yelshibayev, Ruslan Guinatullin, Igor Chuprina and Igor Sychev, Sanavar Zakirova (the last one was sentenced in 2020). The European Parliament Resolution adopted on 14 March 2019 called for the release of Atabek, Bokayev, Guinatullin, Sychev⁵, and Chuprina.
- Activist and blogger Aigul Utepova became the victim of punitive psychiatry. The court granted the request of the investigation to send Utepova to a psychiatric hospital "to examine her mental activity". On 23 November 2020, the police took Utepova to the psychiatric centre, where she will be forcibly held until 11 December 2020. Utepova is accused of "extremism" for publications in social networks that are critical of the authorities.

The list of political prisoners may be further extended, as several persons are **under imminent threat of arrest and detention**.

In total, there are a minimum of 91 civil society activists who are subjected to politically motivated criminal proceedings.

⁵ There is no accurate information on Igor Sychev at the moment. It is possible that his sentence has already come to an end.

- Among them at least 57 people are being prosecuted for supporting “Koshe Partiyasy” and for taking part in a Kazakhstani sacred tradition of the commemoration (As in Kazakh) and collection of humanitarian aid (Asar in Kazakh) for the family of the killed in the pre-trial detention facility activist Dulat Agadil.
- In particular, activists Dametkan Aspandiyarova, Yerkin Sabanshiyev, Kairat Sultanbekov, Kanat Dzhakupov, Alibek Moldin, Zhanmurat Ashtayev, Aizhan Ismakova, Yerlan Faizulayev, Abzal Kanaliyev are under house arrest.

At the same time Dametkan Aspandiyarova and Gulzipa Dzhauberova face from 8 up to 12 years of imprisonment under Article 182 Part 2 of the CC, and Bolat Smagulov faces from 10 up to 17 years of imprisonment (Article 182, Part 1 of the CC)

In the period from February to November 2020, **five opposition activists have died**. They were systematically persecuted, arrested and monitored by the security services in retaliation for participating in rallies and supporting the DCK and “Koshe Partiyasy”. These political killings were the result of illegal actions and political repression by law enforcement and intelligence agencies. This is direct consequence of the oppressive policy of the Kazakhstani authorities against protesters and opposition.

- In February 2020 a famous human rights activist and blogger **Dulat Agadil was killed**. He was one of the founders of “Koshe Partiyasy”. Agadil died in Nur Sultan pre-trial detention facility a few hours after his night arrest.

There were signs of torture on his body. Cameras in the pre-trial detention facility recorded how staff of detention facility intentionally deprived the dying Agadil of timely medical care.

- One of the important witnesses in the case of Agadil's murder was his 17-year-old son **Zhanbolat Agadil**. On 10 November 2020 Zhanbolat was killed. The authorities have launched a propaganda campaign claiming that Zhanbolat died as a result of a domestic conflict. But the facts indicate that intelligence agencies may be involved in the murder.
- Impunity for law enforcement officers and special services officers leads to new tragic events, as confirmed by the deaths of opposition activists **Amanbike Khairolla, Serik Orazov, and Garifulla Embergenov**.

The Kazakhstani authorities are openly sabotaging the investigation of political killings. The facts indicate a deliberate policy of the authorities to conceal crimes by law enforcement agencies and to cover up those who are responsible.

The authorities prosecute **Kazakhstani human rights activists** who monitor violations of Kazakhstan's human rights obligations and demand personal sanctions against those responsible for political killings and torture.

- Kazakhstani human rights activists Dana Zhanay, Altynay Tuksikova, Zuhra Nariman, Anna Shukeeva, Alma Nurusheva, Nazym Serikpekova, Roza Musayeva, Aliya Zhakupova, Ulbolsyn Turdiyeva, Aizhan Ismakova, Sholpan Zhanzakova, Gulzhanat Temirkhan, Daniyar Khassenov, Nurgul Kaluova, Daryn Khassenov are being subjected to detentions, interrogations, threats, administrative and criminal prosecutions. Daryn Khassenov and Nurgul Kaluova from the Bostandyq Kz human rights movement are under pre-trial arrest.
- Human rights activist Abaibek Sultanov reported that police officers tried to poison him with gas during detention in the rented apartment.

- Human rights activist Elena Semenova faces systematic lawsuits from prison authorities for informing the public about systematic torture in detention facilities.
- Kazakhstani authorities are prosecuting a philanthropist Barlyk Mendygaziev, who pays politically motivated administrative fines and hires lawyers for persecuted peaceful protesters and also helps families of political prisoners.

In addition, in the run-up to the parliamentary elections, **bot farms attacks** on the accounts of human rights defenders, human rights movements and opposition bloggers in social networks have also intensified since September 2020. In this way, the authorities are trying to block, delete or use shadow banning on the accounts of human rights movements Qaharman, Veritas, "405", opposition media «1612», account of the opposition politician Mukhtar Ablyazov, and also the account of the President of the Open Dialogue Foundation Lyudmyla Kozlovska. These actions are an attempt to prevent the dissemination of information about human rights violations and corruption.

Moreover, under the pretext of the COVID-19 pandemic, Kazakhstani authorities have further intensified political repression.

Following the example of China, the Kazakhstani authorities resorted to censorship of information about the scale of infection and problems in the medical sphere.

In March-May 2020 the authorities enacted a new law on peaceful assembly during strict quarantine and a state of emergency. This law fundamentally does not meet international standards and excessively restricts the right to peaceful assembly, thus the authorities ignored the recommendations of the UN, the EU and the OSCE.

As Kazakhstan's main importer, largest investor and lender, the EU cannot continue to remain silent about gross and systematic human rights violations. The “economy first” approach has contributed to the near complete destruction of the opposition and dissent, which has taken place in Kazakhstan. **The lack of proper attention and pressure from the EU has led to a strengthening of Kazakhstan's authoritarian regime and an increase in the number of political prisoners in the country.**

The strengthening of the authoritarian regime leads to the growth of social tensions and an increase in the number of possible hotbeds of radicalisation in country and region, which, in turn, pose direct threats to the EU in matters of security, and the protection of investments.

Criteria for inclusion in the list of political prisoners and politically persecuted persons

Although Kazakhstan is not a member of the Council of Europe, it has ratified four Council of Europe conventions and signed a declaration expanding cooperation with the organisation. Kazakhstan has been an observer in the Council of Europe bodies at various times. Since March 2012, Kazakhstan has been a member of the Venice Commission and joined the Group of States against Corruption (GRECO) in 2020.

Therefore, when we talk about Kazakhstani political prisoners, we use the PACE criteria. The PACE resolution dated October 2012⁶ defined the term “political prisoner”. In particular, a person is considered a political prisoner if:

- Detention violates fundamental rights and freedoms, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association.
- The detention is imposed for purely political reasons.
- For political motives, the length of the detention or its conditions are clearly out of proportion to the offence.

⁶ <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150&lang=en>

- For political motives, he or she is detained in a discriminatory manner as compared to other persons.
- The detention is the result of judicial proceedings that are clearly unfair and connected with the political motives of authorities.

In accordance with the above-mentioned criteria, in this report we provide information on persons who are subjected to politically motivated persecution and on those, who remain in prisons or pre-trial detention facilities – about political prisoners.

The Kazakhstani authorities prosecute and torture civil society representatives **for expressing opinions, participating in peaceful rallies, supporting peaceful opposition movements, disseminating information about corruption and human rights violations, and peacefully criticizing the authorities through social networks**. These actions are the basis for accusations of "extremism". In fact, the authorities equate fundamental criticism towards them with "extremism".

UN Special Rapporteur Fionnuala Ní Aoláin expressed concern about Kazakhstan's practice of "the use of extremism laws against political groups and critical voices"⁷.

In Kazakhstan politically prosecuted persons are prosecuted under both general criminal articles and "political" articles of the Criminal Code. The latter include charges of "inciting social discord" (Art. 174 of the CC), "participation in the activities of the organisation after its recognition as extremist" (Art. 405 of the CC), "disseminating of deliberately false information" (Article 274 of the CC), "creation of an extremist group and participation in its activity (Article 182 of the CC)", "Propaganda or public calls for seizure or retention of power" (Article 179 of the CC). Kazakhstan refuses to implement the recommendation of the European Parliament resolution about abolition of politicized and textually ambiguous articles 174 and 274 of the Criminal Code.

Also, the Kazakhstani authorities refuse to implement the UN recommendations on review of cases and on compensation to former political prisoners and torture victims Iskander Yerimbetov⁸ and Mukhtar Dzhakishiev⁹, as well as on the release of political prisoner Max Bokayev¹⁰.

Kazakhstan rejects practically all the fundamental remarks of the UN and the EU on violations of freedom of assembly, freedom of opinion, as well as regarding the need of justice reform and review of the anti-extremism legislation.

2. MASS PERSECUTION OF OPPOSITION ACTIVISTS AND PEACEFUL ASSEMBLY PARTICIPANTS ON CHARGES OF "EXTREMISM"

In March 2019, Nursultan Nazarbayev, who had been a President for 30 years, announced his resignation. His successor Kassym-Jomart Tokayev is a person from the system who guaranteed the status quo for the ruling elites. *"Three and a half years ago, Nursultan Nazarbayev told me that "you will be the next President". It's a matter of time. We were choosing the moment"* - Tokayev said in an interview after the election¹¹.

After stepping down as President, Nursultan Nazarbayev has remained a key figure in the power system in Kazakhstan. Nazarbayev was given the right to govern the country for life as President of the Security Council of the Republic of Kazakhstan. Not being formally a representative of the executive or legislative power, Nursultan Nazarbayev has levers of influence and controls the activities of all key government bodies, including control over the heads of the Ministry of Internal Affairs, the General Prosecutor's Office

⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24620&LangID=E>

⁸ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf

⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en

¹⁰ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf

¹¹ <https://ru.euronews.com/video/2019/06/15/tokayev-i-am-not-going-to-change-direction>

and the National Security Committee. Tokayev continues Nazarbayev's policy and strengthens the authoritarian regime.

2.1. Mass arbitrary detentions of peaceful protesters and interrogation for political views

From May 2018 to November 2020, peaceful anti-government rallies with thousands of protesters have taken place in various regions of Kazakhstan. The protesters demanded a change of political regime, democratisation, release of political prisoners, stopping of torture and political persecution of opposition activists, increased social guarantees, spoke out against falsification of elections, against the renaming of Astana to Nur-Sultan after Nazarbayev, against Chinese expansion, against corruption, demanded punishment for the political murder of opposition and human rights activist Dulat Agadil, and expressed dissatisfaction with the ineffective state policy to counteract the coronavirus infection.

The last detentions of peaceful protesters were recorded in August 2020 (mass persecution for taking part in the memorial ceremony in honour of the murdered Dulat Agadil) and also in connection with the rally on 25 September 2020 (at least 162 people who were detained on the day of the rally, and 16 activists arrested on the eve of the rally). Asylzhan Asabayev, one of the activists detained at the rally on 25 September 2020, was tortured¹².

To disperse the rallies, the authorities involved police officers, special police units and internal troops, as well as internal troops equipment.

Police officers rudely grabbed the protesters, twisted their arms and legs and dragged them to the prisoner transport vehicles, partly dragging them along the asphalt. At the same time, the police used forceful grips and suffocating techniques¹.

In police stations many detainees were not allowed to drink or use the toilet for several hours, which amounts to ill-treatment. Lawyers were not allowed to visit them and they were deprived of the right to call their relatives.

Court sessions in the case of detained peaceful assembly participants almost always end with convictions. For example, due to the non-adversarial courts, which were held at night and lasted from 3 to 15 minutes, dozens of activists were sentenced to arrests and fines for their participation in the memorial ceremony in honour of the murdered activist Dulat Agadil.

The police take away the detainees' phones and check whether they are subscribed to the pages of opposition movements "Democratic Choice of Kazakhstan" or "Koshe Partiyasy" on social networks. In police stations detainees were subjected to **illegal interrogations about their political views**¹³. During interrogations, detainees are being asked whether they support opposition politician Mukhtar Ablyazov and are also demanded to publicly refuse to support Mukhtar Ablyazov.

2.2. The National Asylum Court of France granted refugee status to opposition politician Mukhtar Ablyazov

Mukhtar Ablyazov is an opposition politician and former political prisoner who has been persecuted by the Kazakhstani authorities for many years¹⁴. For the past 11 years, Kazakhstan has been abusing the

¹² Asabaev was held for 24 hours at the Kazygurt District Police Department. There the police took him to the basement of the gym, where they beat him on his kidneys and ribs, demanding that he no longer go to rallies. The activist was threatened that they would put a bag over his head and strangle him. Asabayev's relatives receive threats that he could go to prison. - <https://www.facebook.com/groups/2613737598955074/permalink/2644177715911062/>

¹³ <https://en.odfoundation.eu/a/8949.collective-complaint-be-quiet-or-be-charged-with-extremism/>

¹⁴ <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2>

Interpol system and interstate legal assistance, seeking the extradition from the EU of its main political opponent, Mukhtar Ablyazov, as well as his family members and associates.

On 9 December 2016, the French Council of State stressed the political nature of the case against Ablyazov and refused his extradition¹⁵. In July 2017, Interpol reported on the removal of Mukhtar Ablyazov from the wanted list.

On 29 September 2020, the National Asylum Court of France granted refugee status to Mukhtar Ablyazov. *"Mr. Ablyazov rightly fears, within the meaning of the aforementioned stipulations of the Geneva Convention, being persecuted in the event of return to his country because of his political opposition commitment. ... the political engagement of Mr. Ablyazov is still relevant and that his movement is prohibited in Kazakhstan",* - noted in the decision.



Mukhtar Ablyazov

Besides, French judges stressed the unlawful, extrajudicial attempts by Kazakhstani authorities to interfere with the British and French judiciary as well as extrajudicial means aimed at targeting Mukhtar Ablyazov^{16,17}. *"...Kazakhstan is ready to divert powerful legal means, including in its international relations, in order to suppress a political opponent",* - underlined National Asylum Court of France.

The Court also underlined that *"arbitrary arrests, extrajudicial detentions and the torture of opponents in prison are in fact methods commonly practised by the Kazakh authorities. ... use of the law as a weapon against opposition leaders has long been the preferred mode of operation of the Kazakhstani regime, in order to maintain a semblance of legality and lessen criticism from the international community."*

Failing to obtain Ablyazov's extradition, **the Kazakhstani authorities, with the help of abusive mutual legal assistance, succeeded in initiating criminal investigations against him in France.** The investigation is based on the Kazakhstani criminal case of BTA Bank, which was found to be politically motivated by French courts. Ablyazov learned about it on 5 October 2020 when, having already received refugee status, he was arrested. Two days later, he was released on bail of 500,000 euros. According to the bail terms, Ablyazov must pay 50,000 euros each month for 10 months. The defence side notes that Mukhtar Ablyazov does not have these funds. Currently, Ablyazov has appealed the terms of the bails, requesting to change the pre-trial restrictive measures. There is still a risk that Ablyazov will be arrested again.

Mukhtar Ablyazov's assets remain under arrest in the context of civil suits brought by the nationalised Kazakhstani BTA Bank in the UK. At the same time, the National Asylum Court of France stressed: *"the mere reference to the British civil decisions (...) is not sufficient to establish the existence of serious reasons to believe that Mr. Ablyazov is the author of a serious crime of common law committed in his country of origin ... all of the facts and accusations imputed to Mr. Ablyazov concerning alleged massive fraud committed to the prejudice of the BTA bank come from or are based on criminal proceedings opened in Kazakhstan or in the Russian Federation, the political motive of which was established in France by the Council of State and by Interpol and therefore emanate from the agent of persecution.*

... there are serious reasons to believe that the civil and criminal proceedings brought against Mr. Ablyazov under cover of the action of the BTA in Kazakhstan or in other foreign jurisdictions are in fact motivated by political aim".

¹⁵ <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/ce-9-decembre-2016-m.-o>

¹⁶ <https://en.odfoundation.eu/content/uploads/2020/10/court-decision-ablyazov-mukhtar-english-final.pdf>

¹⁷ https://www.lemonde.fr/international/article/2020/10/05/la-france-accorde-l-asile-politique-au-principal-opposant-kazakh_6054817_3210.html

As it was reported to the media, in October 2019 the President of Kazakhstan in a letter to the President of France requested the arrest and extradition of Ablyazov.

At the end of November 2020, it was reported that Kazakhstan had brought charges against oligarch Bulat Utemuratov as part of the civil lawsuits against Mukhtar Ablyazov filed by the nationalised BTA Bank in the UK. Utemuratov is accused of allegedly helping Mukhtar Ablyazov to conceal "stolen assets". Utemuratov, meanwhile, is probably being held under arrest in Kazakhstan. Mukhtar Ablyazov quotes a lawsuit in which a Kazakhstani representative claims that Utemuratov *"is the nominal owner of assets of at least one very famous Kazakh (former President Nazarbayev)"*¹⁸. Thus, the Kazakhstani authorities have effectively recognised that Nursultan Nazarbayev's foreign assets are secretly registered on Utemuratov.

The charges against Utemuratov reveal a conflict between Kazakhstani elites, and the case against Mukhtar Ablyazov is being used by Kazakhstani authorities as a tool in this conflict. According to Mukhtar Ablyazov, this is how NSC Head Karim Massimov intends to eliminate his potential political rival for power in the state¹⁹. After Mukhtar Ablyazov provided this information, Utemuratov's company confirmed that Utemuratov is indeed the defendant in the BTA Bank lawsuit²⁰.

It is noteworthy that earlier in the BTA case, the Kazakhstani authorities persecuted Mukhtar Ablyazov's relatives and his former colleagues, and since 2018 they have been accusing and torturing people who had nothing to do with Mukhtar Ablyazov (Iskander Yerimbetov, Muratkhan Tokmadi). The authorities are using the BTA Bank case as a tool to seek freezing and confiscation of assets of their political competitors in courts of other countries. The French courts stressed the political nature of the BTA Bank case. It should be noted that Kazakhstan annually spends about 13 billion tenge (25.5 million euro) on legal services abroad²¹.

Earlier, in May of 2013, Ablyazov's spouse **Alma Shalabayeva**, along with her six-year-old daughter, **was kidnapped** in Italy and taken to Kazakhstan (they were detained at the request of Kazakhstani authorities). Due to the intervention of human rights organisations²², the UN²³ and the European Parliament, in December 2013 the Kazakhstani authorities allowed Shalabayeva and her daughter to return to the EU. Italy granted them refugee status. On 14 October 2020 the criminal court of Perugia, Italy, delivered decision on Alma Shalabayeva's case. The court **sentenced to prison six Italian law-enforcement officers on 'abduction' charges** and one justice of the peace for 'forgery'.²⁴.



Alma Shalabayeva

Botagoz Jardemalie was also subjected to regular surveillance and attempted abduction in Belgium. She was a lawyer for Mukhtar Ablyazov and other persons prosecuted for political reasons by Kazakhstani authorities. According to a Belgian prosecutor, the perpetrators of the crime are likely to be associated with the Kazakhstani authorities. On 29 November 2019, the Brussels Court sentenced three persons who had been spying on Jardemalie to two years' imprisonment, partly with suspended sentences²⁵.

¹⁸ <https://www.facebook.com/mukhtar.ablyazov/posts/2103706219763927>

¹⁹ <https://www.facebook.com/mukhtar.ablyazov/posts/2103617929772756>

²⁰ <https://informburo.kz/novosti/vernvy-kapital-isk-v-otnoshenii-bulata-utemuratova-po-delu-bta-osnovan-na-lozhnyh-dokumentah.html>

²¹ <https://kaztag.kz/ru/news/do-t13-mlrd-ezhgodno-tratit-minyust-kazakhstana-na-yuridicheskie-uslugi-za-rubezhom-beketaev>

²² <https://www.amnesty.org/en/latest/news/2013/07/italian-government-must-ensure-accountability-illegal-expulsion-kazakhstan/>

²³ <https://unwatch.org/un-rights-experts-urge-italy-to-seek-return-of-illegally-deported-kazakh-mother-and-daughter/>

²⁴ <https://www.lastampa.it/cronaca/2020/10/15/news/condannati-due-super-poliziotti-per-il-sequestro-di-shalabayeva-1.39417340>

²⁵ <https://www.lecho.be/economie-politique/belgique/general/deux-ex-agents-de-la-stasi-condamnes-a-bruxelles/10186717?fbclid=IwAR3tOZ0ymEtFa3cmldW16pvddkABH5yeetxbiTOaZsVMe8erGsK3xmotQi0>

Kazakhstan accused Jardemalie within the framework of the Ablyazov case. In October 2013, the Belgium authorities granted Jardemalie political asylum. The Kazakhstani authorities sent two requests for the extradition of Jardemalie to Belgium but they were denied. By misusing interstate legal assistance mechanisms, Kazakhstan obtained confidential information about political refugee Jardemalie, and also brings about her interrogation. In October 2019, at the request of Kazakhstan, the Belgian police searched Jardemali's flat and questioned her about her legal and human rights activities. Jardemalie had computers, mobile telephones, and information storage media seized, as well as documents containing confidential and privileged attorney-client information. She demands that these things be returned, and her request has been submitted to the Constitutional Court of Belgium for a review on the subject of discriminatory treatment against the refugee and the lawyer.



Botagoz Jardemalie

On 30 July 2020 the Observatory for the Protection of Human Rights Defenders, a partnership of International Federation for Human Rights and the World Organisation Against Torture, underlined: *"Kazakhstan has been persecuting Ms. Jardemalie in Belgium in order to force her to stop defending dissidents and opponents of the Kazakh authorities, to obtain information on Kazakh political opponents, victims of human rights violations and human rights activists, but also to force her to return to Kazakhstan and testify against the main political opponent of the current authorities, Mr. Mukhtar Ablyazov."*²⁶

Kazakhstani authorities are persecuting all undesirable opposition activists, who seek the resignation of the government and a peaceful change of power, on charges of "cooperation with Mukhtar Ablyazov", as well as supporting the movements DCK and the "Koshe Partiyasy".

2.3. The authorities labelled peaceful opposition movements as "extremist"

The DCK opposition movement started its activity in April 2017. The purpose of the DCK was to change the authoritarian Kazakhstani regime through peaceful protests and to build a parliamentary republic.

On 13 March 2018, the Yesilskiy District Court in Nur-Sultan on the base of application of prosecutor's office issued a ruling declaring DCK an "extremist" organization and banning its activities in Kazakhstan. The court's decision states that DCK and its leader Mukhtar Ablyazov "incites social discord", "forms a negative image of the authorities", "provokes protest sentiments", "stirs up social tensions" and "encourages political disobedience"²⁷.

In its resolution on the human rights situation in Kazakhstan dated 14 March 2019, the European Parliament noted the peaceful nature of the DCK²⁸.

The "Koshe Partiyasy" opposition movement was established in February 2020 and it proclaimed the goal of building a democratic legal parliamentary republic. On their Telegram chat, activists peacefully criticized the government's actions to keep silence on the real scale and consequences of the pandemic in Kazakhstan, which was one of the main reasons for their persecution.

On 19 May 2020, the Yesilsky District Court of Nur-Sultan, at the request of the General Prosecutor's Office, recognised "Koshe Partiyasy" as an "extremist" organisation and banned its activities in Kazakhstan. The public learned about the court's decision banning "Koshe Partiyasy" from a press release from the General Prosecutor's Office, which states that *"DCK was transformed into the 'Koshe Partiyasy' movement"*, and that DCK and "Koshe Partiyasy" *"became one extremist organisation"*. The non-legal and

²⁶ <https://www.fidh.org/en/issues/human-rights-defenders/belgium-kazakhstan-judicial-harassment-against-ms-botagoz-jardemalie>

²⁷ <https://www.facebook.com/gulnara.iu/posts/1549569151855938>

²⁸ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

obscure nature of the term “transformation” should be considered. Activists note that “Koshe Partiyasy” is an independent organisation.

On 16 October 2020, 24 members of the European Parliament pointed in their letters to the peaceful nature of the "Koshe Partiyasy" and criticized the decision of the Kazakhstani authorities to recognise the movement as "extremist"²⁹.



Activists, who are under pre-trial arrest on charges of supporting the “Koshe Partiyasy” opposition movement:

Top row: Baghdad Baktybayev, Abai Begimbetov, Noyan Rakhimzhanov, Ulasbek Akhmetov, Askar Nurmaganov, Murat Baimagambetov, Nurgul Kaluova.

Bottom row: Askar Azhguzhinov, Kaliaskar Amrenov, Zhanat Zhamaliyev, Askhat Zheksebeyev, Daryn Khasenov, Marat Duysenbiyev, Kairat Klyshev.

At the time of the ban, the DCK and "Koshe Partiyasy" opposition movements had over 277,000 supporters in their Telegram chats. Decisions to ban were **made secretly, and investigative actions and courts were held without the participation of the DCK and "Koshe Partiyasy" representatives.**

The authorities prosecute activists for "positive approval" and support of the DCK and its leader Mukhtar Ablyazov on social networks, as well as for support of the “Koshe Partiyasy” movement. In their indictments in the DCK and Koshe Partiyasy cases, investigators accuse activists with such “criminal actions” as *“reposting materials from the pages of the DCK and "Koshe Partiyasy”, “posts in social networks that discredit the Head of State and the current government”, “discussion of the need of changing the government in Kazakhstan”, “shouting out ideas at rallies that form a negative image of authorities”, “publishing a brochure with a picture of Mukhtar Ablyazov on Facebook”.*

Currently, at least 91 activists are subjected to politically motivated criminal prosecutions (of which 28 are kept in detention - political prisoners). A list of those arrested and convicted for supporting the DCK and Koshe Partiyasy can be found in Summary. In addition, it should be noted that more than 25 activists in Kazakhstan have already been sentenced to **restriction of liberty** for supporting the DCK. **Thus, at least 116 people have already been politically prosecuted, most of them for supporting the DCK and Koshe Partiyasy.**

Additional restrictions have been imposed on them, including a ban on going to meetings and using social networks. Thus, the authorities are blocking their public activities. In 2020, Murat Abdrakhmanov, Nurbol

²⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2819727411679857/> ;
<https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2814841118835153>

Onerkhan, and Ruslan Nurkanov were sentenced to restriction of liberty for their support of DCK, and Bauyrzhan Sarkulov, Murat Baidauletov – for their support of “Koshe Partiyasy”. Kanchay Shermakhanbetova, who was subjected to battery during her detention at a peaceful rally, was also sentenced to restriction of liberty on charges of "use of force in relation to representative of authority".



Activists who are under house arrest for supporting "Koshe Partiyasy" and participation in a memorial ceremony in honour of the murdered Dulat Agadil: Zhanmurat Ashtayev and Abzal Kanaliyev stand with posters.

Top row: Dametkan Aspandiyarova, Kanat Dzhakupov, Aizhan Ismakova

Bottom row: Alibek Moldin, Yerkin Sabanshiyev, Kairat Sultanbekov, Yerlan Faizulayev

3. THE DEATHS OF OPPOSITION AND HUMAN RIGHTS ACTIVISTS, WHICH HAVE THE CHARACTER OF POLITICAL MURDER

Political murder is considered to be the act of killing a public or political figure in order to intimidate members of a social group (e.g. political opposition) of which he/she is a part and also in order to take revenge for his public or political activities. Political murder is the result of systematic political persecution and repressive policies of the authoritarian state against members of civil society and the opposition.

3.1. The case of Dulat Agadil

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 the DCK and ‘Koshe Partiyasy’, and was one of the initiators of the opposition movement ‘Koshe Partiyasy’.

He collected and transmitted information to human rights defenders about the arbitrarily detained participants of peaceful protests. Agadil publicly defended thousands of Kazakhs who have been victims of repression in China's Xinjiang province and also criticised China's economic expansion in Kazakhstan³⁰. He was 43 years old and the father of six children.



Dulat Agadil

³⁰ <https://www.facebook.com/photo.php?fbid=614382729060960&set=a.101229717042933&type=3&theater>

On the evening of 24 February 2020, Dulat Agadil was detained and placed in a pre-trial detention centre, and on the morning of 25 February 2020, the authorities announced that the activist 'died of heart failure'. 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.

Agadil's relatives reported that he did not complain of heart problems and did not have bad habits.

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**:

- In the last two years before his death, Dulat Agadil was systematically persecuted for political reasons. In the period between August and December 2019, he 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 June 2019 Agadil was detained and beaten in the police department - his arm was dislocated.
- 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. Agadil had repeatedly stated that for his civil position and opposition views he could be killed, but he was not afraid of it. He emphasised that he did not drink alcohol, smoke or had other bad habits, so if something bad would happen to him, the Kazakhstani security services would be involved in that.
- His death in the pre-trial detention centre occurred suddenly following his arbitrary detention the previous night.
- 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'*. 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.
- 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. MEP Róza Thun, drew attention to the injuries on the body and published screenshots depicting them³¹. The Kazakhstani authorities have ignored this fact.
- Instead of properly checking of the video footage with alleged torture marks, the authorities initiated the criminal prosecution of activists who had video-recorded evidence of torture on Agadil's body.
- 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 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.
- 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

³¹ <https://www.facebook.com/rozathun/posts/2806990576059427>

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.

- The authorities exerted pressure on Dulat Agadil's family members in order to prevent the case from being publicised.

The Kazakhstani authorities have consistently tried to conceal the circumstances surrounding the night of Dulat Agadil's death.

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.



Dulat Agadil's funeral

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. On 8 August 2020 activists from different regions of Kazakhstan held a memorial ceremony in honour of Dulat Agadil. Civil activists donated money and provided other necessary



8 August 2020, the Asar and memorial ceremony in honour of Dulat Agadil

assistance to Agadil's family. In response to this action, 96 people were subjected to administrative arrest and 38 to fines, and **criminal proceedings have been initiated against more than 55 activists.**

In doing so, Kazakhstan is sabotaging calls of Members of the European Parliament^{32, 33}, OSCE^{34, 35}, US Department of State³⁶, the British Embassy in Kazakhstan³⁷ for a proper investigation of Dulat Agadil's death.

More detailed information on the fabrication of the political case against Dulat Agadil, details of his arbitrary arrest, sabotage of the investigation into his murder, pressure on his family, as well as a list of those involved in his murder can be found in a separate joint report of the Open Dialogue Foundation³⁸, Human Rights Protection Foundation Qaharman, and the human rights movement '405'³⁸.

3.2. The case of Zhanbolat Agadil

Zhanbolat Agadil was the son of the murdered human rights activist Dulat Agadil, one of the important witnesses in this case. Zhanbolat Agadil was 17 years old. It was Zhanbolat who videotaped Dulat's arbitrary detention at night, after which he died in a pre-trial detention facility. The policemen forced Zhanbolat to stop filming. Zhanbolat also filmed how during the arrest, one of the policemen told Dulat 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'.

Zhanbolat Agadil sought a proper public investigation into his father's death and called for the imposition of personal sanctions against those responsible for his murder. Zhanbolat also supported the politically persecuted activists, in particular by transferring food and supplies to the arrested.



Zhanbolat Agadil

Zhanbolat Agadil has repeatedly pointed out that he is under constant surveillance. In particular, he was followed through the city by a car that took his brother, Nurbolat, home after questioning at the police station.

The Kazakhstani authorities stated that on 10 November 2020, late in the evening, a fight took place in Nur-Sultan, "resulting in the death of activist Zhanbolat Agadil from stab wounds". From the very beginning, the management of the Ministry of Internal Affairs started to present what had happened as a domestic conflict³⁹.

On 12 November 2020, the Head of the Investigation Department of the Ministry of Internal Affairs, Sanzhar Adilov, announced the version of the investigation according to which Zhanbolat Agadil was involved in a conflict between the residents of Talapker village and the workers of one of the Nur Sultan companies. *"Three participants of the fight, including a directly suspected murderer, were brought to the pre-trial detention facility of Nur-Sultan Police Department"*, stated an Interior Ministry representative⁴⁰.

Several facts seriously question the version of the authorities and also point to the planned nature of the murder of Zhanbolat Agadil with the involvement of intelligence agencies.

³² <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2814841118835153>

³³ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2819727411679857>

³⁴ <https://twitter.com/ODIHRdirector/status/1232678048476037121>

³⁵ <https://osce.usmission.gov/on-the-report-by-the-osce-programme-office-in-nur-sultan/>

³⁶ https://twitter.com/State_SCA/status/1232399059194929152

³⁷ <https://twitter.com/UKinKZ/status/1232667173115617282>

³⁸ <https://en.odfoundation.eu/a/32138.political-killing-in-kazakhstan/>

³⁹ <https://tengrinews.kz/crime/massovaya-draka-v-stolitse-umer-syin-dulata-agadila-419774/>

⁴⁰ <https://tengrinews.kz/crime/ubiystvo-syina-dulata-agadila-zaderjan-podozrevaemyiy-419908/>

- On 12 November 2020, a video was sent out through the WhatsApp Messenger, in which one of the detained suspects, 21-year-old Omirzhan Rakhmet, "confessed" in killing Zhanbolat. On the video-confession he says that he "did not know Agadil", that he *"had no intention of hitting or killing anyone"* and that he *"accidentally stabbed Zhanbolat as he was running away"*. According to the investigation, Zhanbolat was stabbed several times. Tanat Agadil, a relative who was present at body identification, reported three stabbings, one of which was in the heart area. None of this is consistent with the version about the "accidental" nature of the knife strike. Inabat Abdiyeva, the detainee's mother, claims that her son was forced to testify under pressure.
- On 16 November 2020, Omirzhan Rakhmet said that the video with "confession" was filmed after he had been questioned at the police station. According to him, the investigators forced him to say the words on camera, promising to release him in return. According to Rakhmet, he did not know at the time that Zhanbolat was dead⁴¹.
- The authorities ignore requests as to why they allowed this video to be distributed and thus deliberately disclosed the secret of the investigation. In addition, a document similar to the police report with the data of the suspects was leaked to the pro-government media.⁴²
- Psychological pressure was exerted on another suspect in this case, Madiyar Sydykov. His lawyer said that Sydykov was interrogated without a lawyer, held without food for 24 hours and demanded to give the necessary testimony to the investigation.
- The management of the Ministry of Internal Affairs states that "suspects are fully identified" and "their guilt has been proven". At the same time, nothing is known about the other two detained suspects and whether the other participants in the fight, who according to various sources were over 25, were questioned. Also, according to the investigation, another person was injured, but nothing is known about him.
- According to relatives, in the evening of 10 November 2020, Zhanbolat Agadil was at home and was not going anywhere. But someone called him and forced him to leave the house. At the same time, the special services conducted regular surveillance of his family and had to know about Zhanbolat's movements.
- Several activists reported that the police did not let them into Nur Sultan to attend the funeral of Zhanbolat Agadil. On 13 November 2020 the NSC employees monitored the funeral and memorial ceremony and were making video recordings. On this day, several activists were detained, in particular Zhanmurat Ashtayev, Yerlan Faizullayev and Nurzhan Abildayev from Shymkent.



Zhanbolat Agadil's funeral. Photo: RFE/RL.

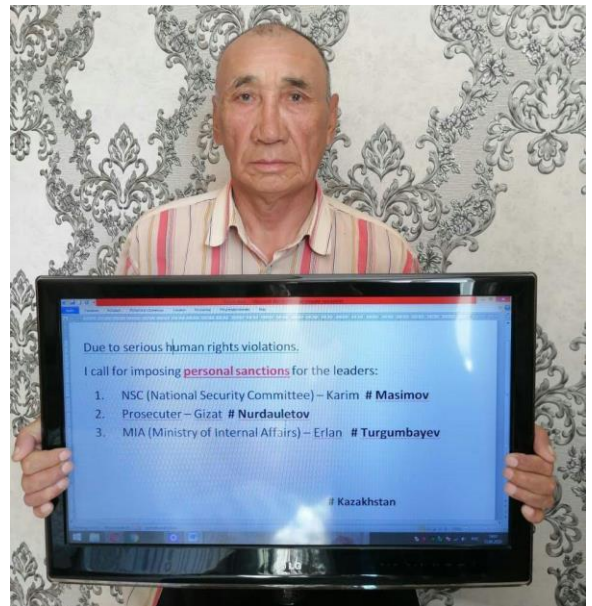
⁴¹ <https://rus.azattyq.org/a/zhanbolat-agadil-death-suspect-claims-to-be-fooled-by-police-11172020/30955110.html>

⁴² <https://kaztag.kz/ru/news/poyavilas-dannye-o-vozmozhnykh-ubiysakh-zhanbolata-agadila-politsiya-ikh-ne-kommentiruet>

3.3. The case of Serik Orazov

Serik Orazov was an opposition activist from Aktobe. He participated in meetings and actions called for by the opposition movement DCK and “Koshe Partiyasy”. Orazov recorded and published video messages on social networks criticizing the authorities, demanding respect for the rights to freedom of assembly and freedom of speech, participated in peaceful meetings, and attended politically motivated trials against activists. He also publicly opposed Chinese economic expansion and the construction of 55 Chinese plants in Kazakhstan⁴³.

Orazov was repeatedly detained by force for participation in peaceful rallies. In particular, the police detained him on 19 September 2019, 16 December 2019 and 1 March 2020. Serik Orazov reported that during his detention on 1 March 2020, the police officers hit him and twisted his arms, after which his blood pressure rose, his heart rate increased and he **lost consciousness** in a police car.



Serik Orazov

According to Berik Orazov, Serik Orazov's son, since 10 April 2020 their family has observed regular round-the-clock surveillance of their house.

On 15 May 2020, police officer Ramazan Kaliyev tried to detain 68-year-old Orazov, held him by force, pushed him away and prevented him from entering his house⁴⁴. Judging by the conversation, the policeman probably had questions for Orazov about his participation in the rallies⁴⁵.

The son of the victim reported that when Serik Orazov tried to get into the building, the policeman grabbed him by the neck using a suffocating technique.

Immediately afterwards, Orazov fell and died, not even making it to the flat^{46,47}. The State Medical Examiner concluded that Orazov's cause of death was cardiovascular failure.

Relatives are demanding that police officer Ramazan Kaliyev, who used force on Orazov, be brought to justice. The police opened a criminal case under Article 362 of the Criminal Code, "Excess of powers or official authorities", although relatives demanded that an investigation into torture be opened.

However, on 26 June 2020 the investigator Bauyrzhan Dzhumashev "did not find any elements of a crime" and closed the criminal case against the policeman. **The investigators referred to the testimony of Ramazan Kaliyev himself, who was classified as a witness.** According to his testimony, Kaliyev "did not use force, did not hit, drag, throw on the ground, twist his arms or perform any other illegal actions against Orazov S."

The decision to terminate the investigation against the policeman uses the following phrase without further explanation: "Orazov S. always went to rallies".

The closure of a criminal case regarding the death of an opposition activist sparked a wave of public outrage on social networks. In September 2020, it became known that the case was sent for further investigation.

⁴³ <https://www.youtube.com/watch?v=4wmk4EVLAnY&feature=youtu.be>

⁴⁴ <https://www.facebook.com/100010593514534/videos/pcb.1146416689054771/1146412075721899/?type=3&theater&ifg=1>

⁴⁵ <https://www.facebook.com/lyudmyla.kozlovska/videos/pcb.2683974621921804/10217275297616920/?type=3&theater&ifg=1>

⁴⁶ https://www.facebook.com/permalink.php?story_fbid=111069640612972&id=100051298098569

⁴⁷ <https://www.facebook.com/100051298098569/videos/123263196060283/>

3.4. The case of Garifulla Embergenov

On 26 October 2020, human rights activist Garifulla Embergenov died. He regularly criticized the authorities in social networks and spoke out against political persecution. Embergenov was detained for taking part in peaceful protests and was also subjected to administrative fines for his public activities⁴⁸.

Embergenov reported that he has been under constant surveillance since April 2020.

In June 2020, he was questioned in a criminal case under Article 405 of the Criminal Code for supporting the movements DCK and "Koshe Partiyasy"⁴⁹.

In September, Embergenov said he received death threats from NSC employees who promised to publish a sexual video, allegedly involving him, in retaliation for his public activities^{50, 51}.

On the eve of the protest rally in Aktobe, police tried to quarantine Embergenov under the pretence that he had allegedly had contact with a person infected with coronavirus. The next day, the activist was detained for participating in a protest rally⁵².

Embergenov had a disability: he had chronic kidney failure. As a result, he had to undergo hemodialysis sessions three times a week (removal of toxic metabolic products from the blood).

Embergenov reported that Aigul Yermagambetova, head doctor of the outpatient dialysis centre in Aktobe, has repeatedly put pressure on him upon instructions from the authorities, in connection with his social activities. At the same time, she referred to pressure from the regional health department, which was most likely influenced by the NSC officers⁵³.

The activist repeatedly reported that the NSC officers were following him near the hospital and claimed that the NSC was influencing the treatment process.

For example, on the day of the rally, 25 September 2020, Embergenov asked his doctor to change the time of his hemodialysis session. At first, the doctor agreed, but later, citing pressure "from above", she refused. Thus, Embergenov was unable to make it to a peaceful rally. On 12 October 2020, Embergenov was unable to undergo a vital hemodialysis session because of a quarrel with the doctor over his discriminatory actions, Embergenov's blood pressure rose to 220/120 and he had pain shock⁵⁴.

Shortly before his death, the activist reported that his health had deteriorated significantly after hemodialysis. Embergenov believed that this could have been caused by the actions of a doctor, who presumably could intentionally change the parameters of the device during hemodialysis sessions⁵⁵.



Garifulla Embergenov

⁴⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2653853774933889/>

⁴⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2712795249039741/>

⁵⁰ https://www.facebook.com/permalink.php?story_fbid=192119708994344&id=100045889493632

⁵¹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2785339845118614/>

⁵² <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2694412767544656/>

⁵³ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2844159045903360/>

⁵⁴ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2812347115751220/>

⁵⁵ https://www.facebook.com/permalink.php?story_fbid=687919668778962&id=100026828062397

3.5. The case of Amanbike Khairolla

Amanbike Khairolla (last name according to documents - Meyrkhanova) was an opposition activist from Aktobe who supported the movements DCK and “Koshe Partiyasy”. She was 32 years old and the mother of three children. On 28 March 2020 the police reported that the body of Amanbike Khairolla was found on the outskirts of Aktobe.

The day before, a farewell letter was published on Amanbike Khairolla’s Facebook page. However, earlier, Khairolla herself reported that **this page had been hacked on 19 February 2020 and that unknown people had access to it**⁵⁶. It should be noted that in February-August 2020, several dozen opposition activists announced that their accounts had been hacked⁵⁷. After her account was hacked, Khairolla texted her friends from the Kazakhkyzy Koshe Partiyasinda Facebook page⁵⁸.



Amanbike Khairolla

The official version of Khairolla’s death was labelled as suicide by the authorities.

Khairolla participated in opposition rallies and criticized the authorities on social networks. As a result, she was repeatedly subjected to arbitrary detentions and interrogations in the regional administration, city prosecutor's office and the NSC.

There is a video where Khairolla tells how on 6 December 2019 NSC officers in civilian clothes abducted her from her home, took her phone and brought her for interrogation⁵⁹. After the NSC employees seized her phone, posts started to disappear from her Facebook page. According to local activists, **the NSC officers offered Khairolla "cooperation with the authorities"**, promising a flat in return, but the activist refused.

On 4 March 2020, Khairolla filed a police report stating that she had been receiving **threatening messages from unknown persons** on social networks since February 2020. According to the messages, these individuals knew Khairolla’s personal data and the routes she and her family took. Khairolla told her friend, activist Yerlan Faizullayev, that unknown persons in their messages accused her of "facilitating" the murder of Dulat Agadil and threatened to "kill her children if she does not commit suicide"⁶⁰. It is known that police have informed Khairolla of their intention to question her in the case of the death of Dulat Agadil⁶¹.

"My soul hurts, I'm depressed," Khairolla told her friend Faizullayev. On 20 March 2020, Khairolla sent a message to Faizullayev saying "I will be killed soon"⁶².

The death of Amanbike Khairolla was used by police and NSC officers to **intimidate human rights defenders and activists in Aktobe**. A few hours after the official announcement of Khairolla's death, the police summoned for questioning **Altynay Tuksikova**, human rights defender of the “Qaharman” Human Rights Foundation. The reason for the persecution was that the name "Altynay" was mentioned among other names in a suicide letter on a hacked Facebook page. Tuksikova notes that she did not know Khairolla. Tuksikova, as well as several other opposition activists, continue to be questioned in the criminal case of Khairolla’s death.

⁵⁶ https://www.facebook.com/story.php?story_fbid=232694894422930&id=100030472630759

⁵⁷ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2631221097197157/>

⁵⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2634769620175638/>

⁵⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2652068188445781/>

⁶⁰ <https://www.facebook.com/100011912251586/videos/762897254117343/>

⁶¹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2634732430179357/>

⁶² <https://www.facebook.com/100011912251586/videos/762897254117343/>

4. PERSECUTION OF HUMAN RIGHTS ACTIVISTS

Human rights activists **Dana Zhanay**, **Altynay Tuksikova**, **Zuhra Nariman** (*Qaharman Foundation for Human Rights*) and **Anna Shukeyeva** (*Human Rights Movement 405*) have faced repeated forceful detentions, interrogations, fines and threats from the authorities of Kazakhstan.

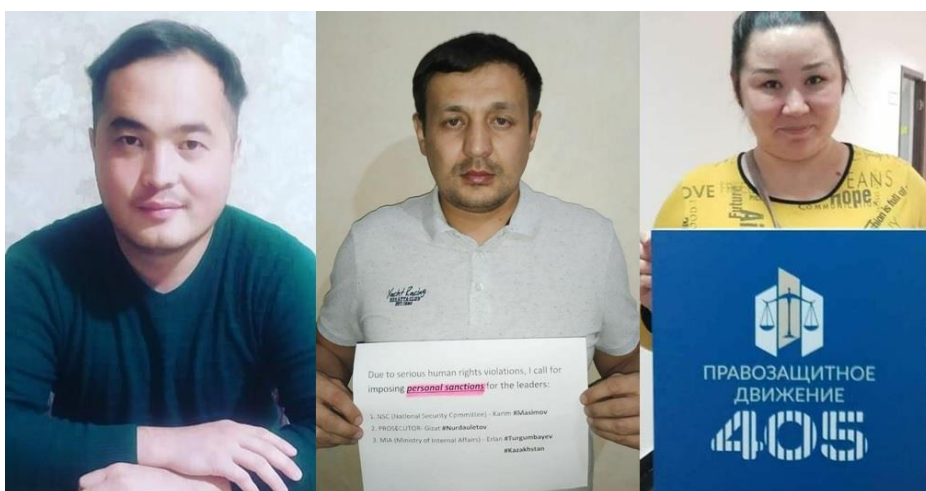


Dana Zhanay, Zuhra Nariman, Altynay Tuksikova (Qaharman Foundation for Human Rights)

- On 14 November 2020, **Dana Zhanay** was summoned for questioning and reported that she was facing criminal charges of "violation of integrity of private life and the legislation on personal data and their protection" (Article 147 Part 1 of the Criminal Code). A criminal case has been brought for the fact that Dana Zhanay reposted two posts^{63, 64} from the human rights monitoring Facebook group #IHaveAChoice #ActivistsNotExtremists⁶⁵. The posts contained data about law enforcement officers involved in the political murder of human rights activist Serik Orazov.

As part of the preparation of the sanctions list, the Open Dialogue Foundation receives new personal data of perpetrators, such as their passport numbers, addresses and dates of birth. In some cases, such data are provided by individual relatives or friends of the perpetrators who had refused to put up with their crimes, in other cases - by people who are not indifferent and who possess the relevant information. The publication of this personal data is motivated by the broad public interest and the need to protect victims of torture, political murder, arbitrary detention and political repression, as well as creates conditions for the launch of sanctions procedures.

Due to the wide publicity and public support, the case of Dana Zhanay was dismissed.



Daryn Khassenov (Bostandyq Kz human rights movement), Abaibek Sultanov (human rights movement "Article 14"), Anna Shukeyeva (Human Rights Movement 405).

⁶³ https://www.facebook.com/permalink.php?story_fbid=1281679332195172&id=100010593514534

⁶⁴ https://www.facebook.com/permalink.php?story_fbid=1284278091935296&id=100010593514534

⁶⁵ The group, consisting of more than 3,500 participants from different cities of Kazakhstan, was established to collect information and provide assistance to victims for their participation in peaceful protests - <https://www.facebook.com/groups/ActivistsNotExtremists>

- On 12 October 2020, **Anna Shukeyeva** was sentenced to a fine of around 140 euro on a criminal charge of "public insult to a representative of the authorities" (Article 378 of the Criminal Code). Shukeyeva was sentenced for trying to obtain information about the persecution of activists at the police station and for criticizing police actions.
- In May-August 2020, **Zuhra Nariman** was repeatedly summoned for questioning by police officers and prosecutors in a criminal case on her "participation in the activities of the organisation after it being declared extremist" (Article 405 of the Criminal Code). One of the grounds for the prosecution was the fact that Nariman and Zhanay discussed the methods of how to protect their rights in the "Koshe Partiyasy" chats in April 2020. However, even from a formal point of view, "Koshe Partiyasy" was not declared "extremist" at the time. Nariman's relatives are under pressure from the law enforcement agencies⁶⁶.
- The founder of the Kazakhstani human rights movement "Article 14" **Abaibek Sultanov** from Taldykorgan city reported an attempt on his life. For a long time, he has been persecuted for his participation in peaceful rallies and human rights activities. The police forcefully detained Sultanov's friends and asked them about his public activities⁶⁷
- On 29 October 2020, more than 20 police and NSC officers broke into Sultanov's house and conducted a search as part of a criminal case under Article 405 of the CC. During the interrogation he was asked about support of "Koshe Partiyasy" movement. After the interrogation, police officer Bolatbek Bolysbekov forced Sultanov to spend the night in a rented flat. The police indicated which flat he would stay in and forced Sultanov to pay the rent. On the night of 30 October 2020, he woke up from headaches and nausea. It turned out that there was a gas leak in his flat. Sultanov believes that this was an attempt on his life and the police is responsible for this. After all, it was the police who used the flat for arbitrary detention of Sultanov.

Moreover, activists of the human rights movement *Veritas* **Alma Nurusheva, Nazym Serikpekova, Roza Musayeva, Gulzhanat Temirkhan, and Aliya Zhakupova** are being prosecuted for conducting a humanitarian help for the family of the killed opposition activists Dulat Agadil.

- For this action, Nurusheva was arrested for 7 days, Temirkhan – for 10 days, and Musayeva and Zhakupova were fined about 190 euro. The activists are also being prosecuted for monitoring violations of the right to peaceful assembly in connection with the peaceful protest on 25 September 2020. Nurusheva was detained at night on 28 September 2020, while Musayeva was detained and interrogated on 2 October 2020 and 11 October 2020.



Nazym Serikpekova, Aliya Zhakupova, Alma Nurusheva, Gulzhanat Temirkhan, Roza Musayeva

- In October 2020, it became known that criminal proceedings had been initiated against **Serikpekova** and **Musayeva** under Article 378 of the Criminal Code ("public insult to a representative of the authorities"). They are accused of shouting

⁶⁶ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2748608995458366/> ;
<https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2753180848334514/>

⁶⁷ <https://www.youtube.com/watch?v=OjVXDh7KQx0>

"dogs of Nazarbayev" at the police station on 25 February 2020, after they were detained at a peaceful rally demanding an investigation into the murder of the opposition activist Agadil. Criminal prosecution intensified in October 2020, immediately after the activists announced the creation of the Veritas human rights movement.

- On 24 October 2020, activist Serikpekova was subjected to pressure at the police station. She was asked "whether she receives money from the George Soros Foundation" and "whether she receives money for participating in rallies".
- On 17 October 2020 and 18 October 2020 Veritas human rights defenders tried to hold a humanitarian aid campaign for families of Kazakhstani political prisoners. However, about 100 officers of special police and internal troops were pulled to the site of the action and disrupted it. They prevented anyone from handing over the humanitarian aid and rudely detained activists Roza Musayeva, Alma Nurusheva, Nazym Serikpekova, Gulzhanat Temirkhan and volunteers Ainura Myrzaliyeva, Altyn Lesbayev and Aibek Sabitov. Activists presented children's drawings at auction, but on 17 October 2020 the police officers confiscated them (having drawn up a relevant protocol), and on 18 October 2020 they were torn apart⁶⁸.



A humanitarian aid campaign for families of Kazakhstani political prisoners, organized by Veritas human rights defenders.

- On 10 October 2020 in Aktau, human rights activist of the "*Femina Virtute*" movement **Ulbolsyn Turdiyeva** was rudely detained during a peaceful picket. According to her, two police officers caused her abrasions and bruises. On 13 October 2020, Turdiyeva was sentenced to 12 days of administrative arrest for 'violating the law on rallies' and 'disobeying a police officer'. In addition, human rights activists from "*Femina Virtute*" movement Aizhan Ismakova, Ulbolsyn Turdiyeva and Sholpan Zhanzakova are being prosecuted under Article 405 of the Criminal Code. They called for the introduction of personal sanctions for human rights violations in Kazakhstan.
- Kazakhstani human rights activist **Daniyar Khassenov**, who is undergoing an internship in the European Parliament, has also faced pressure. On 22 May 2020 an employee of the Almaty Akimat called his family, asking "how Khassenov got into the European Parliament" and "who pays him there". A representative of the Akimat also threatened Khassenov with criminal responsibility for "extremism", because he allegedly "is a member of the Koshe Partiyasy opposition movement chats" (which is not true). Earlier, in 2019, Daniyar Khassenov faced criminal charges under Article 405 of the Criminal Code for his activities as an observer of the Italian Federation for Human Rights. Due to the wide international publicity, the criminal case was closed.

⁶⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2818630071789591/>

- One of the initiators of the *Bostandyq Kz human rights movement*, **Daryn Khassenov** from Bayanaul, has been prosecuted. The movement was founded in September 2020, and in the same month, Farhat Rakhimov, Deputy Head of the Bayanaul District Police Department, filed a lawsuit against activist Khassenov aimed at protecting his own honour and dignity, demanding US\$2374 as "moral damage". In August 2020, in a video message on Facebook, Daryn Khassenov called on police officers to protect the rights and freedoms of people of Kazakhstan and said that Rakhimov "sold his people for a salary"⁶⁹.



Aizhan Ismakova, Sholpan Zhanzakova, Ulbolsyn Turdiyeva,

- Seven lawsuits have been filed against human rights activist **Elena Semenova**, head of the public organisation "We Are Against Torture", by prison management. The courts of first instance have already satisfied 3 claims against Semenova, and 3 claims have been withdrawn. Semenova receives evidence of torture, ill-treatment and failure to provide medical assistance from prisoners. After that she makes these facts public and demands an investigation. Representatives of the prisons demand that she recant reports of torture and apologise for "insulting their honour and dignity". Obviously, through a series of lawsuits, the authorities are trying to silence Semenova and block her human rights activities. Earlier, in 2018, the Kazakhstani authorities charged Semenova with "disseminating knowingly false information" for speaking in the European Parliament about the situation with tortures in Kazakhstan. Against the backdrop of international publicity, the case was dismissed.



Opposition activists, who in October 2020 shaved their heads as a sign of protest against political repressions. The activists report that in Kazakhstan people are facing charges of "extremism" and imprisonment for expressing their opinions.

Top row: Aya Sadvakasova, Anar Kaliyeva, Gulmira Akhmanova.

Lower row: Anara Ibraimova, Nurgul Kaluova, Kerbez Yeginbayeva.

⁶⁹ https://www.facebook.com/permalink.php?story_fbid=319517852532443&id=100034226925166

The authorities of Kazakhstan persecute not only human rights activists, **but also philanthropists and public figures who support political prisoners and participants in peaceful assemblies.**

- **Barlyk Mendygaziev** is a Kazakhstani businessman, philanthropist, and a human rights and environmental activist from Aksai in Western Kazakhstan. He is a founder of "KarachaganakSupportServices" (KSS). In 2016, he transferred ownership of KSS to 120 company employees. He remains the company's investor.

In US, Mendygaziev founded the Freedom Kazakhstan Foundation and is engaged in public, human rights, and charitable activities. In particular, Mendygaziev paid politically motivated administrative fines, hired lawyers for persecuted peaceful protesters and also helped families of political prisoners⁷⁰.

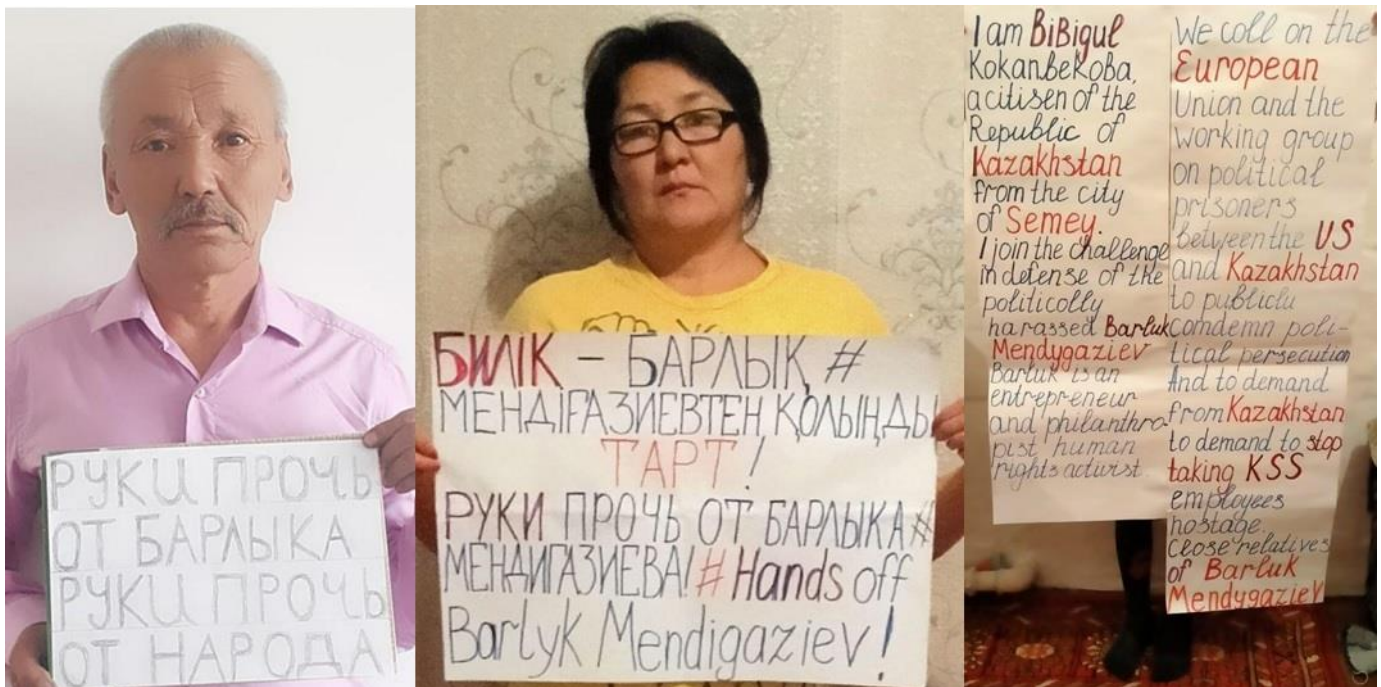
On 6 November 2020 the police and the NSC conducted a search of the KSS office. During the search, in the room, where Bekizhan Mendygaziev lives, the brother of Barlyk Mendygaziev, marijuana was allegedly found in his work jacket.

Bekizhan, though, wasn't present during the search. A criminal case was opened against Mendygaziev on "tax evasion" and "establishment and management of a criminal group". He faces up to 12 years of imprisonment. Kazakhstan put him on the international wanted list.

KSS employees are put under pressure and are taken as hostages in order to give false confessions against Barlyk Mendygaziev and his associates. Mendygaziev and his associates, as well as human rights activists, link this prosecution to Barlyk's social and human rights activities^{71, 72}.



Barlyk Mendygaziev



Online challenge of civil activists in support of politically persecuted Barlyk Mendygaziev.

⁷⁰ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2837847499867848/>

⁷¹ <https://www.facebook.com/toregozhina/posts/3766437133368844>

⁷² https://twitter.com/qaharman_kz/status/1326048670790397952

5. POLITICAL REPRESSION DURING THE COVID-19 PANDEMIC

Kazakhstan, like a number of other authoritarian states (China, Iran, Turkey and Russia), is carrying out political repressions under the pretext of the Coronavirus pandemic. In Kazakhstan, the fight against the infection was led not by physicians, but by the NSC and law enforcement agencies.

5.1. Censorship of information concerning the spread of infection and problems in combating it

Medical doctors and civil society activists constantly report concealment of the real extent of the epidemic, corruption, a lack of personal protective equipment, a lack of adequate social support for doctors, problems in the medical field and inefficiency of the authorities' actions. For doing this, they are subjected to detention and arrest, criminal and administrative liability, intimidation and information attacks. Medical doctors are also threatened with disciplinary sanctions and dismissal.⁷³

In late January 2020, a Kazakhstani medical doctor, **Duman Aitzhanov**, warned his friends about dozens of detected cases of coronavirus infection in Almaty. At the same time, doctors from Aktobe, Almaty⁷⁴ and Zhanaozen⁷⁵ received reports of the presence of patients with coronavirus. However, in response, the Kazakhstani authorities brought criminal charges of "disseminating false information" against the doctors and forced them to record a video message with "words of repentance".

Shortly after the arrest, a video was published in which doctor Duman Aitzhanov "apologised for what he had done" and called for people "not to upload such kinds of videos". In the video, the medical doctor is handcuffed to a policeman.⁷⁶ The persecution of doctor Aytzhanov caused significant public outcry and condemnation by civil society and human rights defenders. In June 2020, the criminal case against Aytzhanov was discontinued.

According to official figures, since the beginning of 2020, 87 criminal cases have been instituted in Kazakhstan regarding the dissemination of knowingly false information about the coronavirus.⁷⁷

All over the country, medical workers complained that they were being forced to independently produce personal protective equipment from improvised materials.⁷⁸ In Taraz, one of the activists videotaped doctors using garbage bags as personal protection.⁷⁹ The video received broad publicity. After that, the activist recorded a video message with an "apology" and said that the video was not depicting "doctors, but representatives of a public organisation".⁸⁰ At the same time, the activist was noticeably nervous, and his speech sounded the reading of a prepared text.

Employees of the Mangistau Regional Hospital stated that the leadership began to threaten them with dismissal after they complained about their problems in a video message to the President. "In particular, the medical doctors reported that they had received only part of their salary, and they had been given sour milk as compensation for their round-the-clock work. Also, one of them, Siylagan Mukhanbetov, was threatened with criminal prosecution."⁸¹

Cases were recorded when law enforcement agencies threatened relatives of coronavirus victims with criminal liability if they disclosed details of their death⁸².

⁷³ <https://en.odfoundation.eu/a/31699,kazakhstan-political-oppression-during-the-pandemic/>

⁷⁴ <https://www.inaktau.kz/news/2681834/koronavirus-v-zanaozene-mangistauscy-delatsa-v-messendzerah-strasnym-soobsenieniem>

⁷⁵ https://tengrinews.kz/kazakhstan_news/vracha-zaderjali-rassyilku-70-bolnyih-koronavirusom-almaty-390154/

⁷⁶ <https://inbusiness.kz/ru/last/87-faktov-rasprostraneniya-lozhnyh-soobshenij-o-covid-19-zaregistrovali-s-nachala-goda-v-rk>

⁷⁷ <https://www.youtube.com/watch?v=Y2N2j3XVtRA&feature=youtu.be>; <https://www.facebook.com/tolkinai.ordabaeva/posts/2586167821653253>;
https://www.youtube.com/watch?time_continue=303&v=aFBxkxAK5U&feature=emb_logo

⁷⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2642813629371237/>

⁷⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2643324325986834/>

⁸⁰ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2665956283723638/>

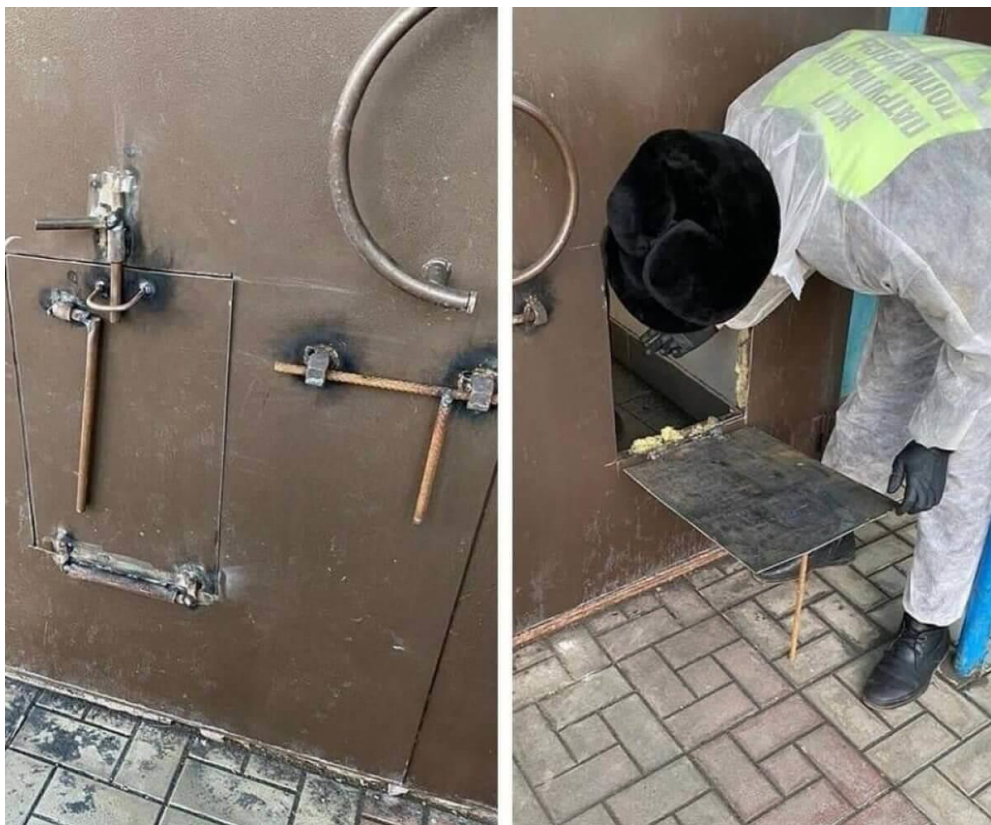
⁸¹ <https://rus.azattyq.org/a/kazakhstan-first-coronavirus-death-27032020/30513581.html>

⁸² <https://rus.azattyq.org/a/kazakhstan-first-coronavirus-death-27032020/30513581.html>

In order to decrease the number of infected people, since June 2020, authorities have ceased to include in the statistics those who have an asymptomatic disease.

The restrictions resorted to by the Kazakhstani authorities, **were of arbitrary and discriminatory nature**. The restrictions were not specified, due to which the authorities applied inappropriately harsh measures. Residents reported cases, such as:

- Welding the doors in the entrances of apartment buildings shut, so that residents would not be able to get out. If someone from an apartment building was diagnosed with coronavirus, all residents were forbidden to go out.⁸³ In Aktobe, the wrong entrance was quarantined by mistake, and dozens of families were blocked for several days. The authorities explained that it was “a mistake by the police”.⁸⁴
- In several cities (Aktau, Ekibastuz, Karaganda, Pavlodar, Zhanaozen), cases were recorded of bolts being welded to the front doors of multi-storey buildings, and a small hole being cut out in the doorway for the transfer of food and groceries.⁸⁵ This step outraged many residents of Kazakhstan, who began to compare the cut openings with those in the doors of prison cells.
- Bribery at checkpoints for the possibility of unhindered passage.
- The prohibition of movement on personal vehicles and the evacuation of cars to impound yard for a “causeless ride”.
- Evacuation of vehicles that deliver food to stores, to impound yard.
- A ban on trips to the store or to summer cottages more often than twice a week.



Holes in the door for the transfer of food in one of the Pavlodar houses.

⁸³ <https://www.facebook.com/lukpanchik/videos/4020239841334639/>

⁸⁴ https://rus.azattyq.org/a/30597675.html?fbclid=IwAR0i_TY8QbkJD3mnVqizUkdFbqqldQ98EXqYxipzmvBJZJN2crz6J0FrUA

⁸⁵ https://www.lada.kz/aktau_news/society/78638-akimat-aktau-obyasnil-okoshko-v-izolirovannom-podezde.html ;
<https://tjournal.ru/amp/158015?idontwantthisapp> ; <https://www.instagram.com/p/B-4pSBggq21/?igshid=1jq1zxxngml8l> ;
<https://www.instagram.com/p/B-5HrkFKnm/?igshid=q4kabejrc88l>

Additional instruments for political repression were provided by the state of emergency, which lasted almost two months in Kazakhstan, from 15 March 2020 to 11 May 2020. During the state of emergency in Kazakhstan, **more than 16,000 people were detained** for violating the state of emergency, of which more than 12,000 people were brought to administrative responsibility.⁸⁶ In the first month of the state of emergency alone, more than 1,500 people were arrested.⁸⁷

Instead of reducing the number of people who are in places of detention, the Kazakhstani authorities intensified oppression, thus increasing the number of prisoners.

- The detainees were held in small and overcrowded cells, which is a direct violation of quarantine measures. In most cases, arrests could have been replaced with fines or warnings, and in many cases, the court sentences were illegal and politically motivated.
- Opposition activists, bloggers and human rights defenders were arbitrarily accused of "violating the state of emergency" and "provoking the violation of law and order in the conditions of emergency". They were massively subjected to arbitrary arrests and fines for criticising the authorities on social networks, including for their assessment of the effectiveness of measures to combat coronavirus (more than 80 cases were recorded during the emergency period)⁸⁸.

5.2. New oppressive Law on Peaceful Assembly

When, in the midst of a pandemic, parliaments and governments of democracies took urgent measures to strengthen the healthcare system and save the economy, at that time, the authorities of Kazakhstan, while in a state of emergency, hastily adopted a new law on the procedure for organising and holding peaceful meetings. Between March and April 2020, the draft law on peaceful assemblies passed an opaque parliamentary review process. On 20 May 2020, the Parliament of Kazakhstan finally approved the law, and on 25 May 2020, President Tokayev signed it.

President Tokayev presents this law as an “achievement” and one of the “democratic reforms”. Still, these declarations are used for appearance’s sake. This discouraging fact was an example of how the authoritarian regime of Kazakhstan abused the state of emergency to pass a law that has become a historic blow to civil society, while openly neglecting all the recommendations of the international community.

Bodies of the UN⁸⁹, the OSCE⁹⁰, deputies of the European Parliament⁹¹, the U.S. Department of State, international associations of lawyers⁹² and human rights organizations^{93, 94} repeatedly emphasized that the law proposed by the authorities **fundamentally does not meet international standards**, excessively restricts the right to peaceful assembly and fundamentally contradicts international obligations of Kazakhstan. However, **the authorities have openly disregarded all recommendations of the international community**⁹⁵.

A flurry of criticism of the international community concerned many points of the law.

⁸⁶ https://www.coronavirus2020.kz/ru/bolee-16-tysyach-kazahstancsev-zaderzhali-za-narushenie-rezhima-chp_a3643370

⁸⁷ <https://rus.azattyq.org/a/human-rights-watch-covid-and-central-asia-report-230420/30572046.html>

⁸⁸ For example, Azamat Baikenov, a blogger, received a year of freedom restrictions, while Arman Khassenov was held in a pre-trial detention facility and convicted to 3 years of freedom restrictions for "public insult and violation of honour" of Nursultan Nazarbayev.

⁸⁹ https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25194&fbclid=IwAR2LRg2yN_hd97KaaEotaSrLF36DLj3jDZSmh_hSBi4dgsd1Je_VL4E8ULyE

⁹⁰ <https://www.osce.org/odihr/452095>

⁹¹ <https://bureau.kz/novosti/chleny-ep-obratilis-k-tokaevu/>

⁹² <https://www.icj.org/kazakhstan-draft-law-on-peaceful-assemblies-should-be-reconsidered/>

⁹³ <https://www.amnesty.org/download/Documents/EUR5722602020ENGLISH.pdf>

⁹⁴ <https://www.omct.org/human-rights-defenders/urgent-interventions/kazakhstan/2020/05/d25866/>

⁹⁵ The authorities have left the de facto permissive nature of the meetings. Moreover, according to the law, all peaceful assemblies can only be held in "specialised places" defined by the local authorities. This norm has been subject to a wave of criticism from the international community.

- Holding any peaceful assembly is possible only in “specialised places”, indicated by local authorities. This norm was subjected to a flurry of criticism from the international community. If activists do not agree with the place appointed by the authorities, then the rally is prohibited.
- Five days before a rally (and ten days before a march) it is necessary to send a notification to the local authorities, indicating the personal data of the organisers of the rally. The authorities label this the “notification procedure”, but it is onerous and, in fact, permissive. Even the use of posters at the rally must be agreed with the local authorities, and only with their permission can tents be set up. Spontaneous rallies are not allowed.
- The new law provides ten reasons for refusal to hold a rally, which is much more than was in the old legislation. The law prohibits rallies in the event of “inciting social discord”, “using materials of extremist organisations” (or the participation of persons convicted of “extremism”). It was on these vague accusations that the authorities recognised the peaceful opposition movements “DCK” and “Koshe Partiyasy” as “extremist”. Thus, the law deprives inconvenient activists of the opportunity to hold authorised rallies.
- The punishment for violations of the law on rallies was toughened. The law requires protesters to *“comply with the requirements of employees of internal affairs bodies and the prosecutor's office,”* including demands to terminate the rally.

The government of Kazakhstan abuses the quarantine regime in order to prevent peaceful assemblies.

On 6 June 2020, places of planned rallies were cordoned off under the pretence of “carrying out street disinfection”. At the same time, representatives of the Ministry of Health threatened that the protesters, in case of infection, *“would be isolated, incl. in quarantine hospitals”*.⁹⁶

A vivid example of how the new law works was the fact that from 9 September to 10 November 2020, Kazakhstani authorities refused the activists in holding peaceful rallies and pickets at least 34 times in 13 cities. Among the reasons for refusal were “quarantine measures”, and also the norm about necessity to carry out meetings only in “special places”⁹⁷.

6. CONCLUSIONS AND RECOMMENDATIONS

Due to the lack of the rule of law and fair justice, gross violations of the rights to freedom of peaceful assembly, freedom of opinion, freedom of information, protection from arbitrary detention, protection from torture, the right to a lawyer and a fair trial remain unpunished in Kazakhstan. Thus, the authorities do not comply with the ratified international agreements — the International Covenant on Civil and Political Rights and the UN Convention against Torture. These actions also run counter to the Enhanced Partnership Agreement with the EU (came into force since 1 March 2020), the recommendations of the European Parliament Resolution of 14 March 2019 and the ODIHR and Venice Commission Guidelines on Freedom of Peaceful Assembly, as well as recommendations from the UN Human Rights Committee and UN Special Rapporteurs.

In communication with the EU, Tokayev tries to show himself to be more supportive and ‘heeding’ the recommendations, and presents his initiatives as ‘achievements’. In fact, this is only an imitation of reforms, as they conceptually contradict the requirements of the UN, EU and OSCE.

Kazakhstan’s declarations of adherence to democratic standards are used merely for appearance’s sake. In this way, the authorities of Kazakhstan are striving to build confidence in order to use this for economic

⁹⁶ <https://kaztag.kz/ru/news/kontaktirovavshikh-s-bolnymi-koronavirusom-na-mitinge-gospitaliziruyut-s-semyami-bekshin>

⁹⁷ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2845209822464949>

interests, as well as to continue to misuse the mechanisms of international legal assistance in the hunt for political opponents.

Therefore, the statements of the EU authorities⁹⁸ regarding their 'appreciation' of the reforms announced by Tokayev do not seem sufficiently balanced. Such conclusions may indicate a lack of objective information which would allow to assess the situation in the country. Thereby, the significance of expert conclusions issued by international human rights organisations is weakened.

It should be noted that at least 116 people have already been politically prosecuted, most of them for supporting the DCK and Koshe Partiyasy. Currently, at least 91 activists are subjected to politically motivated criminal prosecutions (of which 28 are kept in detention - political prisoners).

We agree with the conclusions of the 24 members of the European Parliament, who in two letters to the authorities of Kazakhstan on 16 October 2020, noted that the declared intention of the Government of Kazakhstan to transform itself into a "listening state" is not in line with realities and a significant deterioration in human rights^{99, 100}.

Sustained pressure at the diplomatic and political levels remains an important factor limiting the repression. Fearing reputational risks and personal sanctions, the Kazakhstani authorities are forced to react. In this case, the authoritarian regime makes halfway concessions, trying not to "lose face", but this helps save the lives of individual political prisoners.

We call on the governments of democratic states and the EU bodies:

- Create transparent mechanisms for systematic online consultations between the civil society of Kazakhstan and representatives of international organisations and diplomats. Such consultations would facilitate the collection of independent and comprehensive information about human rights problems and corruption in the country.
- Provide comprehensive, including public, support to the persecuted human rights defenders.
- To make clear to the authorities of Kazakhstan that instead of imitating a dialogue, it must introduce real positive changes.
- To implement the provisions of the Enhanced Agreement on Partnership and Cooperation between the EU and Kazakhstan, which provide for the possibility of freezing economic cooperation due to systematic violations of Kazakhstan's international human rights obligations. Financial assistance to Kazakhstan should be provided subject to the fulfilment of human rights obligations and the rule of law.
- Financial assistance to Kazakhstan should be aimed at supporting civil society and victims of political persecution, not at supporting the authoritarian regime.
- To impose personal sanctions against representatives of law enforcement agencies and senior officials (in particular, the Chairman of the National Security Committee, Chairman of the Security Council and First President of Kazakhstan, the Minister of the Interior, the General Prosecutor) who are responsible for political killings, torture, large-scale persecution of participants in peaceful protests, human rights defenders in the country.

We also call on UN bodies, the OSCE, the Council of Europe, the European Parliament and the foreign missions of EU member states in Kazakhstan to demand from the Kazakhstani authorities to:

- Effectively comply with all the provisions of the Resolution of the European Parliament of 14 March 2019, release all political prisoners and cease to prosecute people for exercising their freedom of opinion, assembly, association and freedom of information.

⁹⁸ <https://www.consilium.europa.eu/en/meetings/international-ministerial-meetings/2020/01/20/>

⁹⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2819727411679857/>

¹⁰⁰ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2814841118835153>

- Ensure an objective and public investigation into the deaths of opposition activists. Bring to justice the management of law enforcement officials whose actions and orders led to their deaths. Stop prosecuting family members of the deceased. Stop persecution of activists who demand an objective investigation into the deaths of opposition activists.
- Cease the persecution of participants in peaceful assemblies and release those who are detained or under house arrest.
- Stop using the “fight against extremism” as an instrument for violating the rights to freedom of peaceful assembly and freedom of opinion.
- Cancel decisions to ban the peaceful opposition movements “DCK” and “Koshe Partiyasy” and cease the persecution of their activists for exercising their right to freedom of opinion and assembly.
- Revise amendments to the legislation on peaceful assemblies in accordance with the expert conclusions of the UN, the OSCE and human rights organisations.
- Undertake proper reform of the justice system and, as recommended by the UN and the OSCE, remove explicitly political articles from the criminal law.