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December 10th, 2020

## Silencing Dissent Ahead of Elections in Kazakhstan

### Overview

With the parliamentary election in Kazakhstan looming large, the authorities are trying to **ruthlessly silence any voice of dissent**. Since June 2020, we have observed a significant deterioration of the human rights situation in the country - the latest figures show at least **28 political prisoners and 95 cases of ongoing political persecutions**. Now, just a month before the January 10 elections, the regime is using Chinese technology to attempt to **cut the citizens off from the internet and social networks**, which provide the only alternate source of reliable information and the only channel through which citizens can report electoral fraud. Simultaneously, the Central Election Commission has just imposed further **draconian restrictions on election observers' rights** that amount to a de facto ban on their participation altogether. The authorities also rushed to **ban online donations for NGOs**. Meanwhile, Kazakhstan plays a deceptive game with the international community by inviting - to only a limited number of polling stations - ODIHR international observers.

### Kazakhstan emulating China's "electronic concentration camp"

On Dec 6th, 2020, a month before the parliamentary elections, Kazakhstan authorities - once again, and for the third time now - conducted **an exercise on total blockage of Internet and social networks**. The 2019 attempt of introducing the so-called "Kazakhstan's governmental security certificate" [was criticised](#) by Google, Apple and Mozilla. The dark "innovation" this time around is that the **certificate allows the authorities not only to monitor internet communication of Kazakhstani citizens, but also to change the content of such communication**. If ratified, this onerous law would allow the authorities to easily fabricate criminal cases against their opponents by, for instance, changing a smile emoji sent/published by an internet user to bomb-making instructions that can then serve as a basis for prosecution.

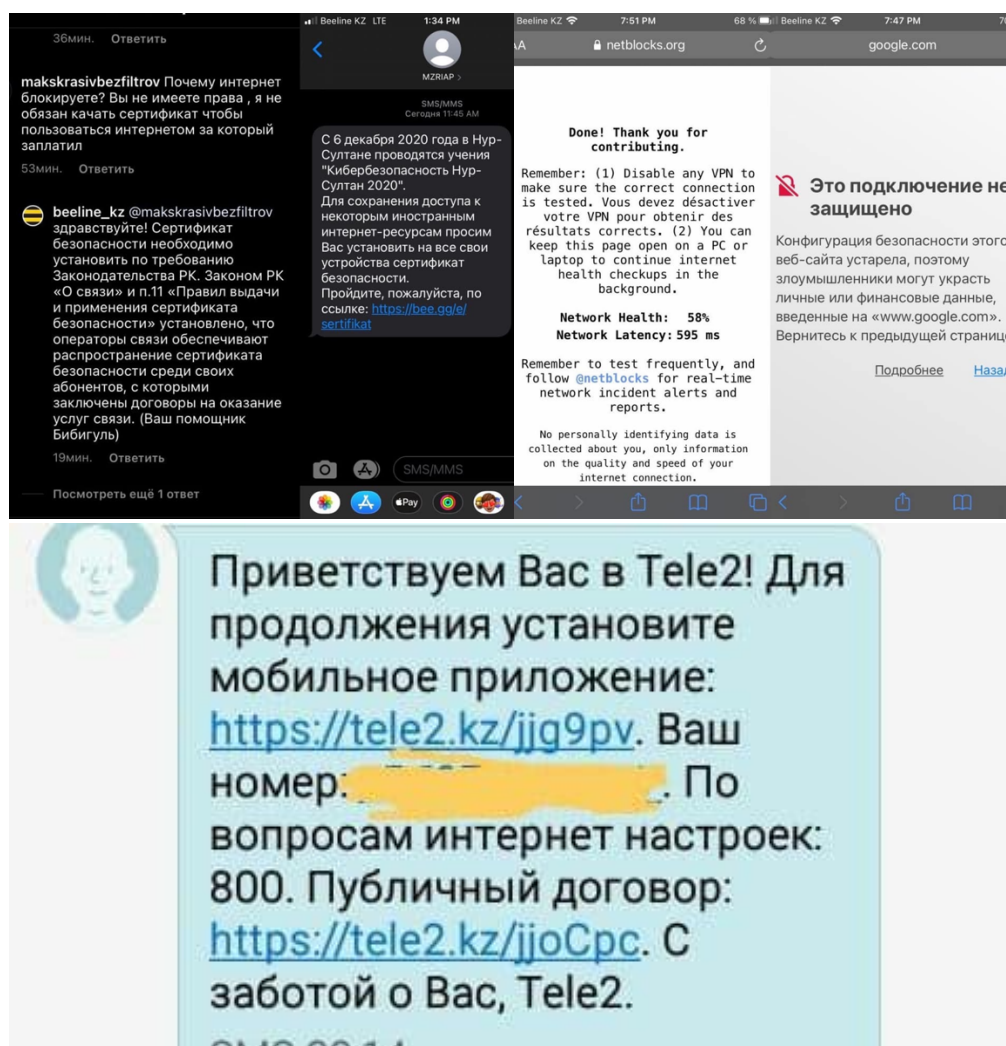
[What transpired on Dec 6th](#) was the following: with the start of the "Cyber Security of Nur-Sultan 2020" exercise, **Facebook, Instagram, and YouTube websites were disabled**. Simultaneously, at the request of the Ministry of Digital Development, Innovation and Aerospace Industry of Kazakhstan (MDDIAI), and the National Security Committee (NSC), mobile operators sent out SMS to Kazakhstanis about the need to install a "security certificate" on all their devices (screens of messages that have been received by Kazakhstanis are attached below). This attempt to fully **control the personal data of internet users** - which operators will receive through the security certificate - was (vaguely) [explained by authorities](#) as necessary to "*ensure the security of storage, processing and distribution of personal data contained in electronic information resources*". A draft law is now being prepared that will allow NSC to directly [demand access to personal data from operators without a court order](#), supposedly for "security" purposes. On Monday (Dec 7th), Ruslan Abdikalikov, chairman of the Information Security Committee of the Ministry of Digital Development, Innovation and Aerospace Industry of the Republic of Kazakhstan (ICRIAP), was also [defending the tool saying that](#) the international community "does not accept" Kazakhstan's certificate due to the country membership in Collective Security Treaty Organization (CSTO), and not NATO, adding

that “no one wants our [Kazakhstan] intelligence service to work as efficiently as foreign ones.”

What will happen once the "security certificate" is installed on a device? Any devices connected to the Internet will turn into spying devices of NSC that will obtain full access to personal correspondence, telephone conversations, passwords, banking and electronic transactions, and information on the movement of Kazakhstani internet **users**. In addition, officers of the NSC will be able to **change the content of a user’s message meant to be sent to another user or published**.

As mentioned above, in July 2019, the Nazarbayev regime made a similar attempt to isolate Kazakhstanis from the free access to social networks and the Internet by requiring them to install a “Qaznet security certificate” in Safari, Google and Mozilla browsers. On August 21st, 2019, **Apple, Google and Mozilla issued a joint [statement](#)** declaring that they will “block the state control tactics to protect users in the country”. The Open Dialogue Foundation’s efforts are right now focused on reaching out to Kazakhstani internet users to warn them to ignore SMS and not to install the “safety certificate”.

A similar firewall, aimed at restricting citizens’ access to independent sources, is successfully used by China’s authorities. In fact, **Kazakhstan attempts to emulate China’s “electronic concentration camps”**, and, according to the sources of the Open Dialogue Foundation, **NSC cooperates closely with Chinese experts on the installation and the development of the “iron wall”**. In our opinion, these alarming developments are an attempt to cut off citizens from independent information during the election time, as well as preventing them from reporting election fraud or human rights violations to international observers.



## Kazakhstan set to impose draconian restrictions on election observers' rights and ban funding to NGO before elections

### Curtailing the rights of election observers

A month before the parliamentary elections scheduled for January 10th, Kazakhstan's authorities imposed a new **draconian restriction on election observers that will de facto ban election observers althother**, as reported by [the "League of Young Voters"](#), a Kazakhstani youth [organisation](#) conducting electoral observation, and ["Novaya Gazeta"](#), the last independent Russian newspaper. The right to observe the election to Mäjilis, the lower house of the bicameral Parliament of Kazakhstan, has been made contingent on meeting four new criteria. In particular, [the new regulation](#) requires independent observers to:

1. Confirm their status by submitting a certificate of registration issued by the Ministry of Justice, and a document confirming that an organisation is not suspended or in the process of abolition;
2. Have "election monitoring" named as one of the forms of activities conducted by an organisation, and confirmed in its statute;
3. Obtain citizens permission for publishing any photos or video recordings;
4. Abstain from any live streaming activities on social media ("legislation does not allow online video broadcast from polling stations").

On Dec 10th, **the Central Election Commission [dismissed critical voices](#) coming from the civil society**, and called them unfounded. The Commission representatives claim that the new regulation is based on the analysis of statistical data, which showed a significant increase in the activity of domestic observers - with about 30,000 observers taking part in the 2015 elections, and about 47,000 in the 2019 presidential election. While activists and human rights defenders perceive the **changes as motivated by the authorities' fear that the polling station will be "flooded" by observers**, according to the commission the regulation just "clarifies" the set of norms concerning the rights and obligations of participants of the electoral process, and is aimed at "ensuring the uniform application of electoral legislation". Furthermore, although the authorities assure that, e.g., the obligatory changes to the NGOs' charters can be implemented swiftly, the organisations themselves remain sceptical.

The adoption of the [regulation of the Central Election Commission of December 4, 2020](#) (No. 44/371), is seen as a reaction to the recent [appeal](#) of Mukhtar Ablazyov, the chief nemesis of the former President Nursultan Nazarbayev and the leader of the peaceful opposition movement Democratic Choice of Kazakhstan (DCK), banned in 2018 by a secret court decision, and labeled "extremist". Ablazyov urged Kazakhstanis to resort to the tactic labeled "smart voting" (["Umnoe Golosovanie"](#)), first applied by Alexei Navalny in Russia.

The underlying assumption is that taking away votes from the ruling Nur Otan and voting for "satellite parties" can **prove the widespread electoral fraud**. In the last three parliamentary elections - none of which were recognized as democratic by the OSCE - the Nur Otan party claimed landslide victory with official support for the party oscillating between 81-88 percent. Recently, former president [Nursultan Nazarbayev announced](#) that this time around the party is expected to collect around 70 percent of the vote. By voting for parties allowed on the ballots other than Nur Otan, the opposition aims to prove that Nur Otan doesn't have the level of support it boasts to have. The regime fears that - if falsification is proven - a **Belarusian scenario might unfold with the international community recognizing the elections as fraudulent**.

To provide a wider context: the elections in Kazakhstan have always been marked by the **lack of**

**genuine opposition parties**, and the parliamentary elections of January 10 are no exception. Unlike in the last presidential elections in Belarus in August - **no opposition parties were allowed to participate** in Kazakhstan's parliamentary election. The six officially registered parties comprise the ruling Nur Otan, the party of Nursultan Nazarbayev, and its satellites - a **token opposition, created to give an appearance of electoral competition**. For instance, after Ablyazov's first announcement to vote for the OSDP party, it withdrew from the competition. The leader of the DCK then invited the citizens to become members of the Ak Zhol party. Immediately afterwards, the party declared it would no longer accept membership for the next two months. This shows that the "opposition" parties do not even seek electoral support fearing not to antagonise the Nur Otan party. Meanwhile, the **genuine opposition is excluded from the competition** with the two political opposition movements - DCK and "Koshe Partiyasy" - being banned by the authorities as "extremist".

#### Kazakhstan's NGO funding crackdown

In another attempt to silence the opposition before the election, Kazakhstan's authorities rushed to **ban NGO funding**. The authorities intend to [introduce](#) an "unified accreditation register for NGOs", and a "register of benefactors", which will give it **full control over NGO online donations**. Thus, the announced changes to the legislation - that are implemented under the guise of introducing a "charity law" - will target both the benefactors and NGOs seeking donations.

With the President Tokayev voicing on Dec 9th his concerns over the success of the Belarussian civil society and diaspora in raising funds, the changes are perceived as an attempt to prevent a similar mobilisation in Kazakhstan. As of Nov, 2020, Belarussian solidarity funds have collected over [\\$6 mln](#) to aid the country's budding civil society.