

Ambassador of the Republic of Kazakhstan to Italy

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Your Excellency,

As Members of the Italian Parliament actively engaged in the protection of human rights in Kazakhstan, we are writing in order to bring to your attention the worrying case of **Mr Barlyk Mendygazyev**, a philanthropist and human rights activist, who is being prosecuted by the authorities of Kazakhstan along with his family members and associates.

We have been informed by international and local human rights organisations that, since 3 June 2021, **Mr Bekizhan Mendygazyev**, brother of Mr Barlyk Mendygazyev, is being held in pretrial detention on the basis of bogus charges of participation in an organised group or criminal organisation” (Art. 262, Part 2 of Kazakhstan’s Criminal Code), “money laundering on a large scale or by a criminal group” (Art. 218, Part 2 of the CC) and “tax evasion committed by a criminal group or on an especially large scale” (Art. 245, Part 3 of the CC). Mr Bekizhan Mendygazyev is being also unjustly accused of using and distributing drugs after one bag of marijuana was planted in the jacket of an unknown person.

The circumstances of Mr Bekizhan Mendygazyev’s prosecution and arbitrary detention points out the political nature of the case. Being the brother of Mr Barlyk Mendygazyev, he actively participated in the charitable activities of the Freedom Kazakhstan Foundation, a non-profit organisation which was established in 2020 with the purpose of improving the dire human rights situation in the country.¹ Together with his brother, Mr Bekizhan Mendygazyev used to transfer donations from his bank account to the families of political prisoners, activists and peaceful protesters in need. Hundreds of activists received financial help from the Mendigazyev brothers, who helped them to cover the expenses for legal fees and politically motivated administrative fines. It is deplorable that Mr Bekizhan Mendygazyev who, among other things, suffers from spinal disc herniation and chronic hepatitis C, was arrested after his hospitalisation. If not immediately released, his already critical health condition may worsen while in pretrial detention.

For these reasons, we hereby ask you to arrange a video call with political prisoner Mr Bekizhan Mendygazyev in the near future, possibly as soon as next week, by contacting the competent authorities and the detention facility. This would enable us to speak personally with the detainee and get a firsthand account regarding his state of health and detention conditions.

¹ <https://freedomkazakhstan.com/>

Moreover, the authorities went as far as to prosecute and harass four other relatives of the philanthropist, namely Mr Kalyk,² Erik, Abay and Arman Mendygazyev.^{3,4} They have been interrogated with the aim of obtaining false incriminating testimonies against Mr Barlyk and Bekizhan Mendygazyev. The police officers and Kazakhstan's Economic Investigation Department equally attempted to obtain forced confessions by Mrs Nataliya Dauletgarova, a contractor of "Karachaganak Support Services" (KSS), Mr Barlyk Mendygazyev's former company, by depriving her of medical care and subjecting her to inhumane treatment in pretrial detention. Other Mr Barlyk Mendygazyev's associates of KSS, director Mr Baurzhan Jussupov and Mrs Nataliya Dauletgarova and her assistant Mr Rinat Batkayev have also become the target of the authorities. On 26 July 2021, an appeal court unlawfully sentenced Mr Jussupov and Mrs Dauletgarova to 5 and a half years and 7 years respectively, and Mr Batkayev to 5 years' imprisonment.^{5,6}

During the past three years, we have been monitoring the dramatic situation of political prisoners and victims of political persecution in the country and joined multiple appeals for their freedom in your country. The scale of the political prosecution and the harassment of Mr Barlyk Mendygazyev and his circle represents a setback in terms of Kazakhstan's compliance with its international human rights obligations, in particular with the EU Enhanced Partnership and Cooperation Agreement that your country has enforced, and its international reputation before the OSCE and the UN. As stressed in the European Parliament's 2021 urgent resolution (2021/2544(RSP)),⁷ it is known to the international community that the authorities are prosecuting Mr Barlyk Mendygazyev and his circle on political grounds. Nevertheless, the authorities continue to disregard the recommendation of the European Parliament which called for immediately dropping all criminal charges against them. Such violations also run counter to a new decree "On further measures of the Republic of Kazakhstan in the field of human rights", recently signed by President Tokayev.

In light of the above mentioned circumstances, we would like to receive further clarifications on the ongoing reprisal against Mr Barlyk Mendygazyev and his proxies, and demand the immediate release of Mr Bekizhan Mendygazyev and KSS associates.

Sincerely,

Roberto Rampi

Member of the Italian Senate and its Special Commission on Human Rights, and the Italian Delegation to the Parliamentary Assembly of the Council of Europe

Riccardo Magi

Member of the Italian Chamber of Deputies and its Committee on Constitutional Affairs

Mauro Del Barba

Member of the Italian Chamber of Deputies and the Italian Delegation to the OSCE Parliamentary Assembly

² <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/3009958602656736/>

³ <https://en.odfoundation.eu/a/33142.kazakhstans-kafkaesque-dictatorship-the-authorities-playing-rodeo-with-its-critics/>

⁴ <https://www.facebook.com/1306505387/videos/10218736880115569/>

⁵ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2988337338152196/>

⁶ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/304074422911487/>

⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0056_EN.pdf