

Brussels, 29 January 2024

THE CASE OF MARAT DANEBAYEV: BROTHER OF KAZAKHSTANI POLITICAL PRISONER AT RISK OF PERSECUTION

Marat Danebayev – is a brother of a prominent Kazakhstani political prisoner Timur Danebayev. Marat Danebayev faced the risk of politically motivated persecution in Kazakhstan because he publicly covering the facts of ongoing repression against his brother, who is not receiving necessary medical care and is being held in unacceptable conditions. Marat was forced to leave the country. Now he is asylum seeker in the United Kingdom. The facts indicate that it is dangerous for Marat Danebayev to return to Kazakhstan, where he could be subject to unfair prosecution, torture and other methods of unlawful influence.

Marat's brother **Timur Danebayev** is a 39-year-old civil activist from Astana. He is known for having filed a police report against President Kasym-Jomart Tokayev after the tragic events of January 2022 in Kazakhstan. He demanded that Tokayev be prosecuted for spreading "deliberately false information" about the "20,000 terrorists" who allegedly attacked Almaty. According to Danebayev, Tokayev's words provoked the mass shooting of peaceful protesters and death of at least 236 people.¹

After filing a report against the president, Danebayev was prosecuted on dubious charges. A criminal case was opened against him on charges of "inciting ethnic hatred" (Article 174 of the Criminal Code), an article that human rights defenders are calling for to be removed from the Criminal Code because of its political nature. Many facts indicate that the investigation of the criminal case and the trial were conducted in a biased and clearly accusatory manner. In June 2023, Danebayev was sentenced to 3 years' imprisonment.

At the end of August 2023, Timur Danebayev was tortured in the penal colony. The torture of Danebayev was videotaped² and made public. The video shows Danebayev being severely beaten by at least 10 employees of the penal colony in the town of Atbasar (Akmola region). They threaten Danebayev that they would tie him up and throw him into a cell where he would be raped. In his letter to international organisations, Danebayev said that after surviving torture, he was placed in a punitive segregation for 11 days, where he nearly died of hypothermia. After the case became widely known, Danebayev was transferred to another penal colony.

European Parliament in its Resolution of 17 January 2024 called Kazakhstani authorities to release Timur Danebayev. Earlier, on the 17 October 2023, the case of Timur Danebayev was noted in the written declaration of 21 PACE deputies on the human rights situation in Kazakhstan.³ Yet the pressure on Timur Danebayev and his family continues. After suffering torture, Timur Danebayev suffers from constant pain and needs urgent surgery, but he is not receiving the necessary medical care. In the Institution No. 64 in Astana, where Timur is currently being held, he is threatened with physical harm if he does not stop

¹ <https://en.odfoundation.eu/a/684292,repressions-and-political-prisoners-in-tokayevs-new-kazakhstan/>

² <https://rus.azattyq.org/a/kazakhstan-timur-danebaev-torture-of-political-prisoner/32577973.html>

³ <https://pace.coe.int/en/files/33144/html>

writing complaints about the conditions of detention and the lack of medical care. In particular, Danebayev was threatened that he would be transfer to another colony where he would probably again be subjected to torture. The only medical help he is offered is a consultation with a psychologist.⁴ It is worth noting that 5 months after the publication of the video of the torture of Timur Danebayev, Kazakhstani law enforcement bodies still have not conducted an objective and transparent investigation. Marat Danebayev publicly covered the facts of repression against his brother.⁵ In connection with this, he was also subjected to pressure.

During the search in the house of Timur and Marat Danebayev, one of the police officers harassed Marat, touching his body without permission, trying to put Marat Danebayev's hand to his groin area. Preliminarily, the officer threatened to beat Marat if he tried to defend his rights. The police did not react in any way to Marat Danebayev's statements to the police.

In Kazakhstan, Marat Danebayev was under constant pressure. Police officers were on duty near his house. Unknown persons repeatedly tried to hack his personal pages on social networks and messengers. **Timur Danebayev was threatened that Marat could also be sent to prison.** Due to constant pressure, Marat was forced to leave Kazakhstan.

The situation with human rights and the rule of law in Kazakhstan is rapidly deteriorating. Despite assurances by the Kazakhstani authorities alleging that they are conducting large-scale reforms and liberalising political life, massive political repression continues in the country. There are currently more than **40 political prisoners in Kazakhstan (Marat's brother Timur Danebayev is among them)** and this number continues to grow.

Kazakhstan systematically fails to comply with its international obligations in the area of human rights, the rule of law and democratic standards. For many years, the UN, the OSCE, PACE, the European Parliament and governments of democratic states have been calling on the Kazakhstani authorities to release political prisoners, reform justice and criminal legislation in accordance with international standards, and address the systemic problem of torture in detention facilities. However, the situation continues to deteriorate rapidly.

The Kazakhstani authorities prosecute representatives of civil society for expressing opinions, participating in peaceful rallies, supporting peaceful opposition movements, disseminating information about corruption and human rights violations, criticizing the authorities on social media and publicly expressing disagreement with Kazakhstan's international policies. **The Kazakhstani authorities have intensified the prosecution of civil activists, human rights defenders and independent journalists** who report cases of human rights violations and expose to the Kazakh and international public the scale of political repression in Kazakhstan. This means that Marat Danebayev, who publicly reveals the facts of repression against his brother, is in direct danger.

⁴ <https://rus.azattyq.org/a/32791897.html>

⁵ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3643153189337271/>

International human rights organizations^{6,7,8} and the UN bodies⁹, point out the systematic nature of torture in Kazakhstan. Torture and ill-treatment have been reported in places of detention and during criminal prosecutions.

According to information from Kazakhstan NGO Coalition against Torture, in 2023 they recorded 283 allegations of torture and ill-treatment. At the same time, in cases related to torture and ill-treatment, only 3 guilty verdicts were issued by the court.¹⁰ According to statistics, on average, only 2% of torture cases in Kazakhstan reach the stage of consideration in court.¹¹

Multiple examples show that the Kazakhstani authorities use a wide range of methods to crack down on their political opponents and critics – involving fabrication of evidence, employment of extrajudicial means, threats and torture. The facts indicate that it is extremely dangerous for Marat Danebayev to return to Kazakhstan. If returned to Kazakhstan, he may be subject to dubious criminal prosecution and even torture. We call on the authorities of the United Kingdom to grant Marat Danebayev political asylum or additional protection. We also call for putting pressure on the Kazakhstani authorities to release political prisoner Timur Danebayev and immediately provide him with the necessary medical care.

⁶ <https://www.notorture.kz/spravka-koalicyi-protiv-pytok-po-ekstradicyi-tungishbayeva/>

⁷ <https://www.amnesty.org/en/documents/eur57/3345/2016/en/>

⁸ <https://www.hrw.org/world-report/2018/country-chapters/kazakhstan>

⁹ <http://www.omct.org/monitoring-protection-mechanisms/statements/kazakhstan/2015/10/d23421/>

¹⁰ <https://www.notorture.kz/wp-content/uploads/2024/01/%D0%B8%D0%BD%D1%84%D0%BE%D0%B3%D1%80%D0%B0%D1%84%D0%B8%D0%BA.png>

¹¹ <https://www.notorture.kz/spravka-koalicyi-protiv-pytok-po-ekstradicyi-tungishbayeva/>