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JOINT SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW

KAZAKHSTAN'S ANTI-EXTREMIST MEASURES AGAINST FREEDOM OF ASSEMBLY AND ASSOCIATION, ACTIVISTS, JOURNALISTS AND BLOGGERS



For consideration at the 48th session session
of the UPR Working Group in January 2025

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 postSoviet 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, Miami and Kyiv.

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

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

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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.

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.

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.

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



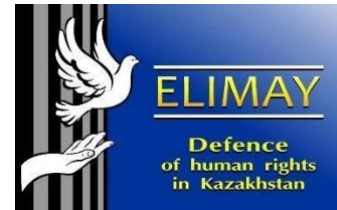
Human rights movement "Article 14" was established on 5 November 2020 with the aim of monitoring the right to fair justice in Kazakhstan. The members of the movement inform citizens of Kazakhstan and the international community about violations of the right to a fair trial, fight for greater transparency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

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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.

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



Freedom Kazakhstan Foundation was founded on 13 July 2020 by the 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.

Website: <https://freedomkazakhstan.com/>



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1. Introduction

1.1. This Submission was prepared jointly by the Open Dialogue Foundation, Freedom Kazakhstan Foundation together with human rights experts from the #ActivistsNotExtremists coalition as a contribution to the review of the fourth cycle of the UPR on Kazakhstan. It presents information on key issues concerning Kazakhstan's use of anti-extremism measures to restrict civic space and freedom of expression, association, and assembly, based on monitoring by the #ActivistsNotExtremists coalition.¹

1.2. The Open Dialogue Foundation provided its UPR recommendations to Kazakhstan in 2014² and in 2019³ on measures needed to improve the protection of fundamental freedoms and civil society.

1.3. In anticipation of the UPR in 2025, this Submission notes that the impunity of Kazakhstani authorities for human rights and civil liberties violations over the past five years has led to further degradation in all the areas mentioned in 2019. Meanwhile, Kazakhstan has systematically employed financial repression domestically and transnational repression under the guise of anti-extremism measures and anti-money laundering efforts to restrict civic space and freedom of expression, association, and assembly, targeting activists, journalists, bloggers, lawyers, and their family members.

1.4. This Submission emphasises the danger posed by the widespread lack of accountability for Kazakhstani authorities, who are doing everything they can to prevent international experts, under the auspices of the OSCE and the UN, from participating in an objective and comprehensive investigation into the mass shootings, torture, and arbitrary detention of civilians during the mass protests of January 2022. The investigation conducted by Kazakhstani authorities was aimed at covering up the scale of the crimes committed against civilians by the security forces. The authorities have yet to release the full details of those who died during shootings at peaceful protests in January 2022, as well as the circumstances of their deaths. The high number of casualties is a consequence of erratic and illegal shooting by security forces at protesters after President Tokayev issued an order to “shoot to kill without warning” under the pretext of “fighting 20,000 terrorists.” The legality of this order has not been investigated. Additionally, the legality and justification of deploying Collective Security Treaty Organisation (CSTO) military troops to Kazakhstan have also not been investigated by investigative and political bodies.

1.5. In addition, the Submission highlights individual cases of harassment of civil society activists, opposition supporters, human rights defenders, journalists, and bloggers, including extraterritorial political assassinations, abductions, and attempted abductions.

1.6. We would appreciate the consideration and inclusion in its monitoring of the facts mentioned in this Submission by the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Special Rapporteur on the situation of human rights defenders, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and call on the delegations of UN Member States to give them priority attention during the upcoming UPR.

Submission date: 16 July 2024

2. Kazakhstan's use of anti-extremism measures to restrict civic space and freedom of expression, association, and assembly

2.1. Kazakhstan's legislation on countering the financing of terrorism does not meet international standards and, in addition to its direct purpose, is also used as a tool of repression against critics of the regime, civil activists, and human rights defenders.

2.2. Kazakhstan has ratified the International Convention for the Suppression of the Financing of Terrorism. In accordance with the Convention, Kazakhstan has a Law "On Combating Money Laundering and Terrorist Financing".⁴ Although the term "extremism" is not in the title of the Law, it is widely used in the text of the Law itself. International law does not operate with the concept of "extremism" because it is very vague and still has no precise definition. Authoritarian governments often interpret "extremism" as violent anti-government actions and use accusations of "extremism" to combat political opponents. In 2020, the Law "On Combating Money Laundering and Terrorist Financing" was supplemented with Article 12-2 on "measures to protect charitable organisations and religious associations from being used for terrorist financing purposes". Contrary to its name, the article provides for special control of financial transactions involving any non-profit organisations.

2.3. Kazakhstan has a Law "On Countering Extremism".⁵ It defines extremism as, among other things, "*committing actions aimed at violent change of the constitutional order, ... violent seizure of power, ... incitement of social and class discord (political extremism)*". The Law defines "financing of extremism" as "*the provision or collection of money and (or) other property, rights to property or benefits of a property nature, as well as gift, exchange, donations, sponsorship, and charitable assistance, provision of information and other services or provision of financial services...*". The breadth and vagueness of wording make this Law a very convenient tool for fighting political opponents. **It is enough for the authorities to obtain a court ruling declaring an organisation extremist, and any support for it, even an informational one, will be qualified as "financing extremism"**. The Kazakhstani authorities have adopted this very technique and systematically use it against the opposition and critics of the regime. Since large associations of citizens cannot exist without donations and information support, if they fall into disgrace, their activities become virtually impossible in the legal field of Kazakhstan.

2.4. In May 2019, UN Special Rapporteur Fionnuala Ni Aolain expressed concern that the use of extremism legislation against political groups and critics of the authorities is widespread in Kazakhstan.⁶ Legislation "on countering terrorist financing" and "on countering extremism" is used to prosecute individuals for their political views (including publications and comments on social media).

2.5. The most common "extremist" and "terrorist" articles of the Criminal Code used for political repression are "organising and participating in the activities of an association after it has been recognised as extremist" (Article 405 of the Criminal Code), "establishing and leading an extremist group or participating in its activities" (Article 182 of the Criminal Code), "financing extremist activities and otherwise aiding and abetting extremism" (Article 258 of the Criminal Code), "propaganda of terrorism" (Article 256 of the Criminal Code) and "inciting social, national, tribal, racial, class or religious discord" (Article 174 of the Criminal Code). The last one is of particular concern to human rights defenders because it consists of

terms that are not clearly defined, such as "discord" or "insult to national honour and dignity" and can be used at the subjective discretion of investigators. Article 256 of the Criminal Code on "propaganda of terrorism" does not include the important element of "intent to induce the commission of a terrorist act", so it can be used for the mere mention of a text that the prosecution would consider "propaganda of terrorism" (Yerulan Amirov case).⁷

2.6. The Financial Monitoring Agency of Kazakhstan maintains a "List of Organisations and Persons Associated with the Financing of Terrorism and Extremism". The basis for the inclusion of a person or organisation in the "List" is an effective court verdict on "extremist and terrorist cases". Since many activists and oppositionists are prosecuted under "extremist" articles, they are also included in the List. Inclusion in the "List" is automatic. Persons included in the "List" are subject to a number of restrictions on the disposal of money and property (blocking of bank accounts, restrictions on the use of postal, notary and insurance services). These measures entail other restrictions on rights and freedoms, such as the inability to get an official job, register a private enterprise, and even deprivation of the right to drive a car (due to the inability to conclude an insurance contract). Blocking bank accounts often means that listed individuals and their families are left without means of subsistence. According to the law, a person on the list "*in order to ensure their livelihood and that of their family members who do not have independent sources of income*" is entitled to go to a bank to receive money for labour leave or wages in an amount "*not exceeding the minimum wage*" (as of early 2024, about USD 188).⁸ In order to get a person removed from the list, it is necessary to obtain a decision on extinguishing a criminal record or cancelling a sentence - this is a complicated bureaucratic procedure, so only a few people try to get removed from the list and, as a rule, unsuccessfully. In practice, this means that a person included in the "List" will be there even after serving the court sentence. Thus, there is a double punishment for one "offence", which contradicts the fundamental legal principle non bis in idem (inadmissibility of double punishment).

2.7. Many Kazakhstani political prisoners have complained that after serving their sentences they continued to be on the Terrorist and Extremist Financing List and faced various restrictions. Some examples illustrate very eloquently how problematic inclusion on the list is:

- **Vladimir Kozlov**, the former leader of the opposition party "Alga", after serving a prison sentence in a politically motivated criminal case, tried to get his name removed from the "List" through the courts. The court of first instance refused to accept a private lawsuit, considering that the case was not subject to civil proceedings. The case went all the way to the Supreme Court, but still failed to get Kozlov removed from the list.⁹ In 2019, he was forced to leave Kazakhstan with his family.
- Another former political prisoner **Askhat Zheksebayev** (leader of the opposition movement Koshe Partiyasy) was also forced to leave Kazakhstan in 2023, as he could not earn a living due to his inclusion in the list.¹⁰
- Civil activist **Ninagul Dzhumaniyazova**, who in October 2021 was sentenced to 1 year of restricted freedom on charges of "participation in an extremist organisation" (Article 405) for supporting the opposition movement Koshe Partiyasy, faced the

inability to receive her pension through her pension account in a bank. She was also unable to open a pension account in another bank.¹¹

- Human rights defender and former political prisoner **Nurgul Kaluova** found herself unable to pay her loan debt. Kaluova's individual identification number (IIN), which is required to receive digital government services, has been blocked. Because of this, she cannot officially get a job.¹² In June 2021, Kaluova was sentenced to 1.5 years of restricted freedom on charges of "organising and participating in the extremist organisation" Koshe Partiyasy (Article 405 of the Criminal Code).
- Former political prisoner **Zhazira Demeuova** complained that in April 2021 she was also unable to open a bank account to pay her loan arrears.¹³ In November 2019, Demeuova was sentenced to 1 year of restricted freedom on charges of "participation in an extremist organisation" (Article 405 of the Criminal Code) for supporting the DCK (Democratic Choice of Kazakhstan) opposition movement.
- In April 2024 it became known that the "List of persons associated with the financing of extremism" included political prisoner **Marat Zhylanbayev**¹⁴ - leader of the opposition party Alga Kazakhstan.

2.8. Persons convicted in cases of "terrorism" and "extremism" are very often subjected to additional punishment in the form of prohibition to hold a certain position or engage in certain activities. Often the "prohibited" activity is not clearly defined. For example, the prohibition of engaging in political, social, trade union or religious activities. This leads to the fact that former political prisoners who have been banned from engaging in political and public activities may be re-criminalised for publishing on social networks or participating in rallies. In cases of political prisoners-journalists, such a restriction may mean a ban on professional activity and deprivation of the opportunity to earn a living. A vivid example is the case of political prisoner **Kairat Klyshev**. On 8 June 2023, Kairat Klyshev's restriction of freedom was replaced by imprisonment for the fact that he travelled to the city of Almaty without notifying the probation service and also made publications on social networks. The Kazakhstani authorities regarded this as a "violation of the conditions of early release".¹⁵

2.9. There are many cases when financial sanctions were taken against civil activists immediately after the initiation of a criminal case, without waiting for a court verdict:

- On 13 June 2019, the bank cards of activist and human rights defender, observer of the Italian Federation for Human Rights **Daniyar Khasenov** and his relatives were blocked.¹⁶ A criminal case was opened against Khasenov on suspicion of "participation in an extremist organisation" (Article 405 of the Criminal Code) for his involvement in monitoring political trials. The authorities blocked Khasenov from leaving the country, threatened to send him to prison and pressurised his family members to stop his human rights activities.^{17, 18, 19} Due to pressure from the international community (UN Special Rapporteurs, European deputies, members of the Italian Parliament, international human rights defenders), the criminal case against Khasenov was dropped. Due to the pressure, he was forced to leave Kazakhstan. In July 2023, the Lithuanian Migration Department refused to grant Daniyar Khasenov asylum. The Migration Department is currently considering his second asylum application and there is a risk of a second rejection despite the clear evidence of his political persecution in Kazakhstan. The Open Dialogue Foundation has confirmed to the Lithuanian Migration Department that Daniyar Khasenov is

assisting the Foundation in monitoring compliance with international sanctions against Russia. In particular, Daniyar Khasenov is involved in gathering information on how Central Asian countries are assisting Russia in circumventing sanctions, which increases the risks of his political persecution in Kazakhstan. In their letter dated 28 December 2023, a group of European MPs called on the Lithuanian authorities to prevent the deportation of human rights defender Khasenov due to the risks of persecution, torture and arrest, and called for him to be granted political asylum.²⁰

- On 11 March 2020, the bank accounts of activists **Asem Shayhazimova, Zhasaral Kuanyshalin, Kanat Dzhakupov, Kairat Klyshev** and others²¹ (minimum 15 people) were blocked. The activists were not informed of the reason why their accounts were blocked.²² Later it became known that the Almaty Police Department initiated criminal proceedings on suspicion of "participation in an extremist organisation" (Article 405) against them.
- Civic activist **Didar Kairov**, who has been repeatedly arrested for participating in peaceful protests, complained that his bank card was blocked several times in 2020 and 2021 at the behest of police. Kairov has not been convicted in a criminal case.²³
- In April 2022, civil activist **Serik Tileubayev** stated that he began to notice problems with his bank account and bank card after he took part in the January events and was involved in monitoring violations during the January events. His bank card, which was used to buy food for the protesters, was blocked. Tileubayev was summoned to the police for questioning in a criminal case unknown to him. The Financial Monitoring Agency stated that Tileubayev was not on the "list of persons involved in terrorist financing" and no measures were taken against him.²⁴

3. Consequences of the widespread lack of accountability for Kazakhstan for its gross human rights violation domestically and transnationally

3.1. The Kazakhstani authorities did everything to prevent international experts under the auspices of the OSCE and the UN from participating in an objective and comprehensive investigation into the mass shootings, torture and arbitrary detention of civilians during the mass protests of January 2022. The investigation was aimed at covering up the scale of the crimes committed against civilians by the security forces. The authorities have yet to release the full details of those who died during shootings at peaceful protests in January 2022, as well as the circumstances of their deaths. The high number of casualties is a consequence of erratic and illegal shooting by security forces at protesters after President Tokayev issued an order to "shoot to kill without warning" under the pretext of "fighting 20,000 terrorists". The legality of this order has not been investigated. The legality and justification of the deployment of CSTO (Collective Security Treaty Organisation) military troops to Kazakhstan have also not been investigated by investigative and political bodies.

3.2. On the contrary, the Kazakhstani authorities have shifted responsibility and intensified the prosecution of civil activists, human rights defenders and independent journalists who report cases of human rights violations and expose to the Kazakhs and international public

the scale of political repression in Kazakhstan. For example, in cases related to the mass peaceful protests in January 2022, human rights defender **Raigul Sadyrbayeva**, civil activists **Kenzhebek Sultanbekov**, **Yerkin Kaziyev**, **Moldabay Sadibekov**, **Yergali Kulbayev**, **Muratbay Baimagambetov**, **Zhanmurat Ashtayev**, **Kairat Sultanbek**, **Lyazzat Dosmambetova** and **Kalas Nurpeisov**, as well as journalist **Aigerim Tleuzhan**. The authorities are persecuting human rights defenders **Nurgul Kaluova**, **Aidar Syzdykov**, **Ulbolsyn Turdiyeva** and **Bibigul Imangaliyeva** for their public activities and civil engagement. Journalists **Dinara Yegeubayeva** and **Duman Mukhamedkarim** have also been systematically persecuted. Duman Mukhamedkarim has been in pre-trial detention since June 2023. As of the date of this Submission, a closed trial is underway against **Mukhamedkarim** in a criminal case under Article 405 Part 2 ("participation in an extremist organisation") and Article 258 Part 1 ("financing of an extremist organisation").

3.3. Criminalization and attempted discreditation of peaceful assembly. According to eyewitness reports, during the peaceful protests in January 2022, riots, arson and looting were organised by government-controlled criminal groups. In this way, the authorities wanted to discredit the peaceful protests and obtain a pretext to suppress them by force, which eventually happened. In particular, according to the video recordings, one of the organisers of the mass riots in Almaty was the leader of the criminal group, mobster, Arman Dzhumageldiyev, also known as Wild Arman. The activities of Dzhumageldiyev's gang were supervised directly by the NSC (National Security Committee).²⁵ Documented evidence, including video recordings, shows that Dzhumageldiyev and his accomplices, armed with firearms, beat civilians. In addition, they organised the kidnapping of Almaty residents and helped the special services arbitrarily detain and torture peaceful protesters and bystanders. A criminal case has been opened against Dzhumageldiyev on charges of "kidnapping" — 24 cases of kidnapping have been officially recorded. He is being held in custody, but there is a risk that he could be released. Following the crackdown on the peaceful January protests and related events, **a minimum of 1,273 people were convicted on criminal charges**. Due to international pressure, the authorities went ahead with a large-scale amnesty, which was granted to 1,151 people. However, it is worth noting that the amnesty does not provide for the acquittal of convicted persons who remain restricted in their rights — they have an unexpunged criminal record and have not received compensation for torture and ill-treatment. Such persons are effectively prevented from receiving and using financial and insurance services (in particular, their bank accounts have been closed or frozen due to convictions for "extremism" and abuse of anti-money laundering and anti-terrorism legislation). They also face discrimination when it comes to securing employment and renting property. The authorities have officially apologised for isolated cases of unlawful persecution and deprivation of life of civilians.^{26, 27} There have been rare cases of compensation paid to victims and their relatives.²⁸ In addition, amnesty has also been granted to law enforcement officials who were thus able to avoid accountability for the shooting of civilians, mass arbitrary detention, torture and ill-treatment during the crackdown on peaceful protests in January 2022.

3.4. The use of torture remains a systemic problem in Kazakhstan. During the crackdown on peaceful protests in January 2022, detainees were massively tortured to force them to confess to crimes they had not committed. The case of **Kazybek Kudaibergenov** from the city of Kyzylorda is one of the most telling examples of how the Kazakhstani authorities justify the suppression of peaceful protests by force and attempt to discredit the opposition.

Kudaibergenov was shot in the leg while he was in the city centre. Kazakhstani law enforcement officers forced Kudaibergenov under torture to incriminate himself and sign false testimonies. According to the investigation, Kudaibergenov allegedly seized a KamAZ lorry and directed it at a group of servicemen, resulting in the death of one of them. The indictment states that Kudaibergenov is associated with the Democratic Choice of Kazakhstan (DCK) movement. Through false testimony obtained under torture concerning the murder of a military officer, the authorities are attempting to discredit this peaceful opposition movement. Kudaibergenov was sentenced to 17 years in prison. As in other cases, there was no objective investigation into the shooting or torture of Kudaibergenov. The vast majority of torture cases were closed due to “absence of corpus delicti” and the victims did not receive any compensation for the harm caused to their health. There were 329 criminal cases of torture during the January events, and only a few of them went to trial. According to official data, in 2022, 874 criminal cases were opened in Kazakhstan on allegations of torture and ill-treatment, with only ten cases going to trial.²⁹ In 2023, cases of mass torture continue to be reported at the stage of pre-trial investigation while detainees are in pre-trial detention facilities³⁰, as well as in places where sentences are served.³¹

3.5. The Kazakhstani authorities persecute political opponents, preventing real opposition forces from operating in the country. Following the banning of the activities of the opposition movements DCK and *Koshe Partiyasy*, which were illegally recognised as “extremist”, the authorities started repressions against representatives of the unregistered opposition party Alga Kazakhstan. **Shortly after the March snap elections to the Parliament of Kazakhstan**, the Chairman of the organising committee of the Alga Kazakhstan party **Marat Zhylanbayev** was subjected to politically motivated criminal prosecution on trumped-up charges of “financing extremism” and “participation in the activities of a banned organisation”. What triggered the politically motivated arrest was Zhylanbayev's participation in a peaceful protest in front of the building of the Delegation of the EU to the Republic of Kazakhstan in Astana demanding personal sanctions against the top leadership of Kazakhstan and the CSTO for helping Russia circumvent international sanctions. **On 30 November 2023, Marat Zhylanbayev was sentenced to seven years in prison. Amnesty International considers him a prisoner of conscience and asks for his immediate and unconditional release.**³² Activists **Zhandarbek Bashanov** and **Askar Sembay** were also criminally prosecuted. All of them were imprisoned in detention facilities.

3.6. Representatives of the organising committee of the Alga Kazakhstan party are systematically subjected to detentions, administrative arrests and fines for participating in peaceful protests and posting on social media. They are also subjected to preventive detentions to prevent them from participating in protests. The authorities have systematically refused to register the Alga Kazakhstan party, although activists have collected all the necessary documents to do so. As of early May 2024, there were 25 refusals to register the party.³³

3.7. Transnational repressions and political killings:

- **Case of Bota Jardemalie:** Kazakhstani authorities continue their transnational repression of Bota Jardemalie, a lawyer and human rights defender, due to her international human rights advocacy and defense of Kazakhstani political activists and opposition, including Mukhtar Ablyazov, the founder and leader of Democratic Choice of Kazakhstan. Despite being granted political refugee status in Belgium in

2013, Jardemalie has faced relentless harassment and persecution, including baseless accusations of financial crimes by Kazakhstan. She has also been subjected to intense surveillance and espionage, with a kidnapping attempt foiled by Belgian police in 2015. Three individuals, two former agents of the STASI and a Russian national, were sentenced in Belgium in 2019 for criminal conspiracy, forgeries and use of forged documents, use of false identity, and impersonation of agents of public authority, all of which were committed in an attempt to locate and/or kidnap Jardemalie. The Kazakhstani authorities, weaponising a legal entity, BTA Bank, filed a criminal complaint against Jardemalie in Belgium, accusing her of money laundering on Belgian soil. In 2023, the criminal investigation against Jardemalie was dismissed by Belgian judiciary. BTA Bank continues appealing the case in order to harass Jardemalie. This case is an example of a Strategic Lawsuit Against Public Participation (SLAPP), which is a popular tool of transnational repression. To pressure Jardemalie to cease her advocacy work and return to Kazakhstan, her brother, Iskander Yerimbetov, was arrested by Kazakhstani authorities in 2017. He was severely tortured and sentenced to seven years in prison. Yerimbetov's case was recognised as politically motivated by international institutions and organisations that demanded his immediate release. The United Nations Working Group on Arbitrary Detention (UN WGAD) concluded that Yerimbetov was detained in violation of international law and urged his immediate and unconditional release, compensation, and an investigation into the torture. In 2019, Yerimbetov's health deteriorated to a critical state due to medical negligence and severe torture. As a result, he was released in December 2019. However, Kazakhstan has still not complied with the UN WGAD's opinion. Kazakhstan has abused international cooperation mechanisms by making mutual legal assistance requests to Belgium, seeking Jardemalie's all her electronic devices, personal information, and professional legal and human rights files. Belgium accepted Kazakhstan's MLA requests for assistance, even though they were made in connection with the same case in which her brother was arrested and tortured. Jardemalie is appealing this cooperation of Belgium with Kazakhstan. The Belgian prosecutor does not consider Kazakhstan's MLA requests to be politically motivated or in violation of any human rights.

- **Case of Barlyk Mendygazyev:** Barylk Mendygazyev, a Kazakhstani and US-based businessman, ecoactivist and human rights advocate, has been subjected to transnational repression. The Mendygazyev case was mentioned in resolutions of the European Parliament, written declarations of the Parliamentary Assembly of the Council of Europe and in the US State Department's annual reports on the human rights situation in Kazakhstan for 2021-2023 as an example of selective justice and transnational repression. Kazakhstan employed multiple methods of repression against Mendygazyev, including abuse of AML/CFT laws that caused financial exclusion, seizure of business; Abuse of the INTERPOL's international wanted list; taking family members and associates as political hostages, used torture on them, including leading Kalyk Mendygazyev, Barlyk's brother, to his death, etc.
- **Case of political killing of Aidos Sadykov:** on 18 June 2024, in Kyiv, Ukraine, the regime of Kazakhstan orchestrated a brutal assassination attack on opposition journalist Aidos Sadykov. The assassin shot Aidos in the head in broad daylight, in full view of his wife, journalist Nataliya Sadykova, as they arrived at their home. Aidos

Sadykov died on 2 July 2024.³⁴ Aidos Sadykov and his wife fled Kazakhstan in 2014 and sought refuge in Ukraine. The Sadykovs continued to face transnational repression in the form of intimidation, harassment, politically motivated charges, and placement on the international wanted list after leaving Kazakhstan.³⁵ Following the assassination attack on Sadykov, Ukrainian authorities identified two Kazakhstani citizens as suspects in the attempted murder, who then fled to Kazakhstan. Maulen Ashimbayev, Chairman of the Senate of Kazakhstan, denied any involvement of Kazakhstani authorities in the crime and stated that Kazakhstan would not extradite anyone to Ukraine.³⁶

4. Conclusions

Kazakhstan systematically fails to comply with international commitments in the areas of human rights, rule of law and democratic standards. For many years, the UN, the OSCE, the 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.

We would appreciate the consideration and inclusion in its monitoring of the facts mentioned in this Submission by the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Special Rapporteur on the situation of human rights defenders, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and call on the delegations of UN Member States to give them priority attention during the upcoming UPR.

¹ <https://en.odfoundation.eu/projects-and-campaigns/activistsnotextremists/>

² <https://en.odfoundation.eu/a/5454,kazakhstan-misinformed-un-member-states-during-the-consideration-of-the-universal-periodic-review/>

³ <https://en.odfoundation.eu/a/9203,the-un-universal-periodic-review-of-kazakhstan-for-consideration-at-the-34th-session-of-the-upr-working-group-in-november-2019/>

⁴ https://online.zakon.kz/Document/?doc_id=30466908

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