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A TURBULENT FEBRUARY IN KAZAKHSTAN: HUNDREDS OF DETAINED AND PERSECUTED PARTICIPANTS OF PEACEFUL ASSEMBLIES

In February 2019, mass peaceful protests, unprecedented in their scale and nature of demands, were held in different regions of Kazakhstan. At rallies of mothers with many children and rallies near the offices of the presidential party, protesters complained of poverty and corruption, demanding reforms, improvement of social security and the resignation of the President. In Zhanaozen, the unemployed demanded that they be given a job with a sufficient level of salaries. Hundreds of participants in peaceful assemblies were detained with the use of brute force. Protesters have faced pressure, surveillance, interrogations, threats, and some also reported battery. The authorities of Kazakhstan are doing everything in their power to ensure that the international community does not know about the persecution of peaceful protesters and human rights violations in the country.

DISPERSAL OF PROTESTS NEAR OFFICES OF THE RULING PARTY

On **27 February 2019**, the congress of the presidential party 'Nur Otan' was held. On this day in different regions of Kazakhstan, more than 1,000 people¹ went to peaceful rallies. It was the opposition movement 'Democratic Choice of Kazakhstan' that called people to participate in the peaceful protest. The protesters expressed their dissatisfaction with the results of the work of the authorities, and also demanded reforms and the resignation of President Nazarbayev. For the first time in the past few years, mass protests were held in Kazakhstan, with similar political demands brought forward.

Peaceful assemblies were held in Astana near the Palace of Independence, where the Nur Otan Congress was held, as well as near the offices of the party in Almaty, Aktobe, Aktau, Uralsk, Zhanaozen and Shymkent.² Party offices were surrounded by law enforcement officers. **The police and special forces officers rudely detained participants of peaceful assemblies, dragged them across the asphalt, holding by their hands and feet, and threw them into police vehicles.**³ In some cases, special forces officers used combat techniques.⁴

Minors and elderly people (for example, pensioner Iskhak Azbergenov and 80-year-old Maya Lukyanova in Uralsk), as well as those who silently stood outside the party's offices, were detained.⁵ In some cases, activists were detained near the exit from their house.

According to human rights activists' estimates, more than 200 people were detained in total in various cities near the Nur Otan offices, of which the largest number (more than 100 detainees) was recorded in Almaty.

¹ According to Kazakhstani human rights activists' estimates.

² <https://www.youtube.com/watch?v=HdRP8abdsMQ>

³ <https://www.youtube.com/watch?v=hDB57vrXQNE> ; https://www.youtube.com/watch?time_continue=1489&v=TY2o53S0gSM

⁴ https://gdb.rferl.org/CBF0C690-D8EA-4638-89E4-05833A799DD8_cx4_cy6_cw96_w650_r1_s.jpg

⁵ <https://www.currenttime.tv/a/29793837.html>

The detainees spent several hours at the police stations: they were questioned and, subsequently, released. They were questioned as ‘witnesses entitled to protection’. Thus, the authorities keep their critics on the hook and they can reclassify their status to ‘suspects’ at any time.

ILLEGAL QUESTIONINGS AS A MEANS OF PERSECUTION OF THE DCK MOVEMENT’S SUPPORTERS

Those detained near the Nur Otan offices were asked questions about their political views, such as: ‘Do you support the movement ‘Democratic Choice of Kazakhstan’ (DCK)?’, ‘Do you intend to support the DCK?’, ‘Did you take part in the rallies?’.⁶ These questionings are related to the fact that in March 2018, a Kazakhstani court recognised the opposition movement Democratic Choice of Kazakhstan as an ‘extremist’ organisation. The ruling of the court states that the DCK ‘*excites social discord*’, ‘*forms a negative image of the authorities*’ and ‘*induces political disobedience*’.⁷ Based on the decision to ban the DCK, from March 2018 to February 2019, **more than 600 people** were subjected to arbitrary detention for participating in peaceful rallies. 129 of them signed a collective complaint to the EU, UN, Council of Europe and OSCE bodies.⁸

Also, based on the ruling to ban the DCK, **more than 30 people** were subjected to prosecution for criticising the authorities in social networks. Several people have already been sentenced to **prison terms for ‘supporting the DCK’**, in particular: Almat Zhumagulov was sentenced to 8 years in prison, while Kenzhebek Abishev – to 7 years, Aset Abishev – to 4 years, and Ablovas Dzhumayev – to 3 years’ imprisonment. The 68-year-old pensioner Bolathan Zhunusov has become another convict in the case of the DCK. On 28 February 2019, a court in the city of Taldykorgan sentenced him to a year of restriction of liberty for ‘participating in the activities of an extremist organisation” (Article 405 of the CC), namely, for writing comments on social networks in support of the DCK manifesto and its leader Mukhtar Ablyazov. At the trial, Zhunusov stated that he merely expressed his opinion regarding a peaceful and democratic change of power.

In addition, within the framework of the fight against the DCK, the Kazakhstani authorities are blocking social networks. In March and April 2018, the Minister of Information and Communications, Dauren Abaev, confirmed that interruptions in the work of social networks were connected with the ‘technical work on the removal of unlawful materials’ of the DCK.⁹ Whenever the leader of the DCK, Mukhtar Ablyazov, goes live on social media, Kazakhstan is facing problems with access to social networks. However, in May and December 2018, the head of the Ministry of Information began to declare that ‘his department had nothing to do with it’.¹⁰ Kazakhstan’s mobile operator ‘KaR-Tel’ stated that as early as in April 2018, the Ministry of Information officially announced that ‘*it had taken measures to restrict access to YouTube for users in the Republic of Kazakhstan at the time of the activity of the DCK*’.¹¹

DETENTIONS OF JOURNALISTS WITH THE PURPOSE OF NOT ALLOWING THE COVERAGE OF PEACEFUL MEETINGS

Amnesty International strongly condemned the mass detentions on 27 February 2019.¹² In addition, on that day, the police actively hampered the work of journalists and bloggers, as noted by the OSCE Representative on Freedom of the Media in his statement.¹³ Blogger Askar Shaigumarov was detained in

⁶ https://m.facebook.com/story.php?story_fbid=327497944543820&id=100018508500141

⁷ <https://www.facebook.com/gulnara.ju/posts/1549569151855938>

⁸ <https://en.odfoundation.eu/a/8949/collective-complaint-be-quiet-or-be-charged-with-extremism>

⁹ <https://www.zakon.kz/4915580-abaev-otvetil-na-zhaloby-o-sbovayh-v.html>

¹⁰ <http://www.matritca.kz/news/58759-k-problemam-facebook-ministerstvo-ne-imeet-nikakogo-otnosheniya-dauren-abaev.html>

¹¹ <https://www.facebook.com/photo.php?fbid=1922926854501553&set=a.693618914099026&type=3&theater>

¹² <https://www.amnesty.org/en/documents/eur57/9966/2019/en/>

¹³ <https://www.osce.org/representative-on-freedom-of-media/412628>

Uralsk, and a police car followed journalist Lukpan Akhmedyarov wherever he went.¹⁴ In Almaty, blogger Askhat Bersalimov and human rights defender Dmitriy Tikhonov were detained.¹⁵

In Zhanaozen, officers of the police special forces caught up journalists of the Kazakhstani Radio Liberty, Saniya Toyken and Sanat Nurbek, as soon as they began preparations for filming the peaceful assembly. The journalists were transferred to Aktau, where they were held at the police station for more than 5 hours. Their phones and a video camera were seized. As a reason for the detention, the police named a statement from a local resident who 'feared' that journalists could 'stir up social discord' with their 'conversations' with the residents of Zhanaozen. During the questioning, journalists were asked about their activities.¹⁶ They covered the mass peaceful rallies in Zhanaozen (Mangistau Province), which continued for several weeks.

PERSECUTION OF PARTICIPANTS OF MASS RALLIES IN ZHANAOKEN

Since 9 February 2019, dozens of residents have gathered near the city employment centre in Zhanaozen (for example, on 16 February 2019, more than 100 people participated in a peaceful assembly). They have demanded permanent jobs. The unemployed claim that the local administration offers them only temporary and low-paid jobs. The protesters reported their problems in an open appeal to President Nazarbayev.¹⁷

According to journalists, during the days of crowded rallies, **a curfew was introduced in the city, and mobile communications and the Internet were shut down.** The central square of Zhanaozen was cordoned off by the police. A large number of law enforcement officers is present in the city. On some video footages, you can see people in military uniforms, likely, internal troops soldiers.¹⁸ Since the authorities actually prohibit journalists from working in the city, the exact situation is currently not known.

Several dozen participants in the peaceful assemblies in Zhanaozen were detained. Between 23-25 February 2019, 16 protesters were subjected to administrative arrest for 5 to 7 days for 'littering in public places, foul language and other actions expressing disrespect for society'. For at least one person, the statements made at the rally ended with criminal charges of 'inciting social discord'.¹⁹ Participants in peaceful assemblies reported that they were being surveilled, and the police came to their home even at night, demanding that they go to the police station.²⁰

In December 2011, the police was shooting at a peaceful strike of the oil workers of Zhanaozen, who had demanded an increase of salaries for 7 months. Even today, the authorities of Kazakhstan are ignoring the demands of the EU and the UN to ensure proper investigation into those developments.

PRESSURE EXERTED ON PROTESTING MOTHERS WITH MANY CHILDREN

In parallel with the Zhanaozen rallies, other long-term protests are being held in different regions of Kazakhstan. Since 6 February 2019, in Astana, Almaty, Aktobe, Karaganda, Shymkent, Uralsk, Kyzylorda, and Taldykorgan, hundreds of mothers with large families have been protesting. The rallies began after the tragedy that happened on 4 February 2019 in Astana, when five children between the ages of 1 and

¹⁴ <https://www.facebook.com/lukpanchik/videos/2784733431551959/>

¹⁵ https://bureau.kz/novosti/sobstvennaya_informaciya/zaderjaniya_u_paradnogo_podyezda/

¹⁶ https://holanews.kz/view/news/34817?fbclid=IwAR2d3rGA-b3rQkYON42S5o_lIfEUgJyE6oXnWvKw315Nvy_8baPGheyHh5s

¹⁷ <https://www.youtube.com/watch?v=qBw4BdNU9ek>

¹⁸ <https://labourcentralasia.org/ru/news/sotni-bezrobotnykh-zhanaozenya-trebuyut-trudoustroystva/>

¹⁹ <http://mng.prokuror.gov.kz/rus/novosti/press-releasy/press-relez-10>

²⁰ <https://www.youtube.com/watch?v=fJR7EzPL73I>

13 were killed in a fire of a temporary housing. It was reported that during the fire, the parents of the children were working the night shift.

Mothers with many children come to local administrations, they demand an improvement in the level of social security, they complain about the social policy of the authorities and in some cases, they call for the resignation of the President. In Almaty, during one of these meetings, on 4 March 2019, when about 30 women came to the local administration, the police took the journalists out of the office by force.²¹

Several mothers of many children reported the exertion of pressure and threats from the authorities. There are recorded cases when the police detained women on their way to the local administration.²² In Astana, the police detained journalist Sania Toyken, who arrived in the city in order to interview one of the protesters who had been subjected to pressure.

Meruert Aytimova from Kyzylorda reported that **at the police station she was slapped in the face**, due to which she hit the table. According to her, the police demanded that she stop making statements, threatening with arrest and deprivation of parental rights: *'You are inciting discord. You are calling the people to revolt. Think of your children'*. Nurgul Arystanbaeva stated that unidentified persons who introduced themselves as officers of the Kyzylorda City Administration, subjected her to battery and threatened her with arrest. The leadership of the local police denies these accusations and warns of criminal responsibility for 'disseminating deliberately false information'.²³

AUTHORITIES DO NOT ALLOW THE DISTRIBUTION OF INFORMATION ABOUT THE SUPPRESSION OF PEACEFUL ASSEMBLIES AND POLITICALLY MOTIVATED PROSECUTIONS

Journalists who carry out the coverage of peaceful protests are being detained and questioned. In addition, on 14 February 2019, members of the human rights monitoring mission of the Italian Federation for Human Rights were illegally expelled from Kazakhstan.²⁴

Kazakhstani authorities disseminate propaganda information, denying the reports of human rights violations and declaring adherence to democratic standards. The authorities also create the appearance of changes, which may explain the recent rotations in the government. On 21 February 2019, at the height of the protests of mothers and Zhanaozen residents, Nazarbayev dismissed the government for 'the inability to work with society'. **However, almost all the dismissed ministers retained their posts in the new government.**

In Kazakhstan, civil and political freedoms are being curtailed. The authorities use excessive brute force against peaceful protesters. Criticism of the authorities in social networks ends with prison terms for 'extremism', 'inciting social discord', or 'calling for the seizure of power'. The problem of torture in places of detention is of a systemic nature. The authorities refuse to comply with the decisions of the UN bodies on the release of political prisoners: Maks Bokayev, Iskander Yerimbetov and Mukhtar Dzhakishhev.

Over the past year, several mass protests were held in Kazakhstan. They were organised in different regions and gathered several hundred protesters. These developments have become historic in a country that has been living under the sole authoritarian government of Nazarbayev for the last 30 years. Part of the rallies dealt with social problems (protests of mothers with many children, protests of the unemployed in Zhanaozen, the protests of 2017 against the Land Reform, strikes of industrial

²¹ <https://rus.azattyq.org/a/29802527.html>

²² <https://www.youtube.com/watch?v=2kDov9BDU00>

²³ <https://rus.azattyq.org/a/kazakhstan-kyzylorda-posle-zhalob-v-akimat-zhenshin-izbili/29804873.html>

²⁴ <https://en.odfoundation.eu/a/9102,kazakhstan-illegally-expelled-fidu-human-rights-defenders-in-retaliation-for-publicising-the-politically-motivated-case-of-judge-kenzhalivayev>

workers). Other peaceful assemblies were organized to express the protest against irremovable elites and to demand social and political reforms (the protests of 27 February 2019, 23 June 2018, 10 May 2018), and they became one of the most massive protests in the country in the last seven-eight years.

The Open Dialogue Foundation hereby emphasises the importance of the use of information from human rights defenders and victims of political persecution in Kazakhstan by EU representatives. Ignoring the seriousness of the situation will further untie the hands of the authoritarian regime, which could result in a tragic scenario of the application of brute force, as happened in Zhanaozen in 2011.

We hereby call on the European Union, as the largest investment partner of Kazakhstan, in the framework of the Enhanced Partnership and Cooperation Agreement, to demand that the Kazakhstani authorities comply with the obligations regarding freedom of assembly, opinions, the right to a fair trial and protection from torture. Kazakhstan must cease the persecution of participants in peaceful assemblies; it must solve their problems peacefully, remove the police cordon from Zhanaozen, and release political prisoners from detention. We also urge the European Parliament to heed the appeal of hundreds of representatives of Kazakhstani civil society (including more than 60 renowned activists, human rights activists, journalists)²⁵ about the need to adopt a resolution on gross violations of human rights in Kazakhstan.

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²⁵ https://www.facebook.com/toregozhina/posts/2271092342903338?_tn_=-K-R