



OPEN DIALOG

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To: Council of Europe
Secretary General of the Council of Europe
Mr Thorbjørn Jagland

President of the Parliamentary Assembly of the Council of Europe
Ms Stella Kyriakides

Warsaw, 7 November, 2017

THE COUNCIL OF EUROPE SHOULD NOT TURN A BLIND EYE TO DESPOTIC ACTIONS OF KAZAKHSTANI DICTATOR

Open letter concerning PACE report on enhancing cooperation with Kazakhstan

On 12 October, 2017 the Committee on Political Affairs and Democracy adopted a report by Axel Fischer (Germany, EPP/CD) "The relations of the Council of Europe with Kazakhstan".¹

The Open Dialog Foundation deeply regrets that the Rapporteur Axel Fischer didn't take into account conclusions of human rights organizations and written declarations of PACE members concerning sharp deterioration of the situation with human rights in Kazakhstan.

Only in one paragraph of PACE report it is said substantively about human rights. This paragraph cites a number of matters of concern, which were identified by the United Nations Human Rights Committee in August 2016. At the same time, the Committee on Political Affairs and Democracy unreasonably states about "*Kazakhstan's commitment to democratic transformation of the country*".

We draw attention to the fact that in modern Kazakhstan, **activists and journalists receive prison terms** for civil and trade union activities, for public criticism of the authorities, for participating in peaceful rallies, for publishing and sharing posts on social networks, and for conducting journalistic investigations.

Having eliminated the systemic opposition, the Kazakhstani authorities began to destroy independent trade unions, as well as neutralise activists who air problems in the regions. Following the closure of all influential non-state media, the authorities intensified the persecution of individual journalists. Bloggers have been sentenced to prison terms for hot political discussions on social networks.

Oppressive articles of the new Criminal Code are used against representatives of the civil society. The articles used include: 'inciting social and ethnic discord', 'libel', 'dissemination of knowingly false information', 'knowingly false denunciation', 'violation of the order of organising rallies'.

According to the Open Dialog Foundation's investigations², at this moment **17 political prisoners are being held in Kazakhstani prisons**: civil society activists Maks Bokayev, Talgat Ayan, Aron Atabek, Sanat

¹ <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6846&lang=2>
<http://website-pace.net/documents/18848/3421624/20171019-Kazakhstan-EN.pdf/e982f663-c5b2-4bf6-bf03-90be5bcf5126>



Bukenov and Edige Batyrov; trade union activists Amin Eleusinov and Nurbek Kushakbayev; journalists Seytkazy Matayev, Aset Matayev and Yaroslav Golyshkin; users of social networks Sanat Dosov, Ruslan Ginatullin, Igor Chuprina, Ermek Taychibekov and Igor Sichev; and victims of criminal prosecution against Mukhtar Ablyazov - Mukhtar Dzhakishev and Muratkhan Tokmadi. Activist Natalia Ulasik has been forcibly held in a mental hospital for a year already, which is an example of 'punitive psychiatry'.

Besides, **8 people have received suspended sentences on politically motivated charges**: civil society activists Olesya Khalabuzar, Alima Abdirova and Bolatbek Blyalov; trade union activist Larisa Kharkova; journalists Zhanbolat Mamay, Gyuzal Baydalinova, Amangeldy Batyrbekov and Bigeldy Gabdullin. Courts banned them engage in the civil society or journalistic activities.

Gross neglect by Kazakhstan of its international obligations on observance of freedom of speech, the freedom of assembly and association were pointed in a **written declaration dated 27 April, 2017**, signed by 25 Members of PACE from 18 countries³. Unfortunately, the Rapporteur Axel Fischer ignored not only this document, but also a **written declaration dated 11 October, 2017** about political oppression, injustice and torture against political prisoners Mukhtar Dzhakishev and Muratkhan Tokmadi, signed by 26 MPs from 17 countries⁴.

Mukhtar Dzhakishev is one of the victims of criminal prosecution against opposition politician Mukhtar Ablyazov. Dzhakishev is at a constant risk of stroke and ischemia. He needs urgent hospitalisation in a public clinic. Kazakhstan do not fulfil the decision of the UN Committee on the release of Dzhakishev. As for the case of Muratkhan Tokmadi, the security services demanded that he 'confess' to 'committing a murder' (committed 13 years before) 'on the order' of oppositionist Mukhtar Ablyazov. In the detention facility, physical injuries appeared on Muratkhan Tokmadi's body. His counsels were withdrawn from the case. As a result, Tokmadi 'confessed' to the crime.

With regard to more than 5 Ablyazov's colleagues and relatives Kazakhstan has carried out politically motivated prosecution **with the use of the INTERPOL mechanisms and extraditions**, namely: Anatoliy Pogorelov, Tatiana Paraskevich, the Khrapunov family. In December 2016 the French Council of State recognized that persecution of Ablyazov had political nature. Interpol removed the names of Ablyazov and a few of his former colleagues from the wanted list.

In the PACE report it is stated that "*democratic culture has yet to take root among citizens*". But, considering abovementioned facts, blame cannot be put on citizens. In conditions of preservation of authoritarian regime in Kazakhstan **there is a lack of space for the free and safe operation of civil society**. Moreover, peaceful rallies against Land Reform illustrate the readiness of Kazakh society to present their demands to the authorities in a democratic way. However, the Kazakh regime has demonstrated that, rather than dialogue, it still considers force to be the only way to resolve conflicts.

It is alarming that **some theses in PACE report concerning Land Reform repeat theses of Kazakhstani propaganda**. In particular, PACE Rapporteur states that "*the police detained a number of protesters but no violence was reported*". In fact, President Nazarbayev threatened the participants to take 'the most severe measures', after which more than 1,000 participants (including 55 journalists) were detained, of which more than 30 people were arrested.

² <http://en.odfoundation.eu/a/8423,the-list-of-kazakhstani-political-prisoners-and-persons-subjected-to-politically-motivated-prosecution-by-kazakhstan>

³ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23716&Lang=EN>

⁴ <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24151&lang=EN>



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The police detained en masse all those suspected of 'intent to participate in the protests'. Employees of special forces pursued fleeing individuals on foot and grappled with random persons in the crowd before bundling them into police vans. Maks Bokayev and Talgat Ayan received prison term for participating in peaceful rally against Land Reform. Kazakhstan fails to follow the decision of the UN Working Group on Arbitrary Detention on the release of Bokayev and Ayan.

PACE Rapporteur thinks that one of the reason for protests against Land Reform was the fact that *"the public was misinformed on the content of the new law"*. **Actually it repeats statements of the President of Kazakhstan.** Nazarbayev considers that the protests were not prompted by the policy of corrupt authorities, but rather the fact that the amendments made to the Land Code *"should have been explained to the uncomprehending public"*.

If the Council of Europe will turn a blind eye to the curtailment of human rights in Kazakhstan, it will mean loyalty to despotic actions of the authoritarian regime. **Such policy contradicts PACE values and goals.** PACE report calls Kazakhstan *"one of the pillars of stability in the Euro-Asian region"*. But toughening of the authoritarian regime will lead to new security threats in the region. The proof of that is the recent deterioration in relations between Kazakhstan and Kyrgyzstan (the latter is the only non-authoritarian state in the Central Asia).

Nursultan Nazarbayev expressed his support for Omurbek Babanov, one of the candidates running for President of Kyrgyzstan. On 7 October, 2017, President of Kyrgyzstan Almazbek Atambayev responded to that by **calling on Kazakhstan not to interfere with the internal affairs of Kyrgyzstan**, also pointing out the corrupt influence of oligarchs on Nazarbayev⁵. After that, on 10 October, 2017 – 5 days before the presidential elections in Kyrgyzstan – the Kazakhstan government reinforced control at the border with Kyrgyzstan. A number of experts and activists interpreted this action as pressure against the Kyrgyzstan authorities. Sooronbay Jeenbekov was elected President of Kyrgyzstan.

Open Dialog Foundation regrets that when preparing the report Axel Fischer **didn't find time to meet with civil society representatives**. We hope that Mr Fischer will meet with activists and human rights defenders during next planned visit to Kazakhstan.

We urge the Committee on Political Affairs and Democracy to carefully analyse and take into account the incidents of Kazakhstan's repeated violation of freedom of speech, the freedom of assembly and association.

We ask the Council of Europe to take a firm stand and demand from Kazakhstani authorities to release political prisoners, stop politically motivated criminal prosecutions and exclude explicit politically motivated articles from the Criminal Code. Fulfillment of these requirements should be the condition for enhance and broaden cooperation between the Council of Europe and Kazakhstan.

Yours Sincerely,

Lyudmyla Kozlovska

President of the Open Dialog Foundation

⁵ <https://rus.azattyq.org/a/atambaev-nazarbayev-vybory/28780324.html>



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