



KAZAKHSTAN AFTER THE 6TH OF JULY:

**AUTHORITIES PERSECUTE
AND IMPRISON THE PARTICIPANTS
OF PEACEFUL PROTESTS**



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OPEN DIALOGUE

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1. SUMMARY

On 6 July 2019, rallies were planned in various cities of Kazakhstan to demand that the results of the presidential election be cancelled and Nazarbayev be deprived of power, as well as against Chinese expansion¹. In order to prevent these meetings, law enforcement officers detained the protesters already on the way to the places of the planned rallies, applying brute force to them. Detentions took place in Nur-Sultan (Astana), Almaty, Aktobe, Atyrau, Aktau, Karaganda, Uralsk, Ust-Kamenogorsk, and Shymkent. Law enforcement agencies **detained about 700 peaceful protesters**, including minors and the elderly. Journalists and human rights defenders were also detained.

In March 2019, Nursultan Nazarbayev announced his resignation as president. The authorities have called for an extraordinary presidential election. As a result, a wave of protests swept across Kazakhstan with calls for a boycott of the election or demands for a democratic election, as well as against election fraud.

On the election day of 9 June 2019 and several days later, thousands of anti-government peaceful rallies took place in the largest cities of Kazakhstan. They ended in violent dispersals. According to the official data of 9–12 June 2019 alone, **about 4000 people were detained and 677 people were subjected to administrative arrests**. They were tried at night right at police stations and without access to lawyers². On 6 July 2019, mass arbitrary detentions followed the previous wave of repression.

The detentions are carried out as part of the struggle of the authorities with the opposition movement **"Democratic Choice of Kazakhstan "(DCK)**. In March 2018, at the request of the Prosecutor's Office, the Kazakhstani court recognised the DCK as an "extremist "organisation. The court stated that the DCK "incites social discord "and "forms a negative image of authorities"³. On 14 March 2019, the European Parliament adopted a resolution on human rights in Kazakhstan, in which it noted the peaceful nature of the DCK's activities and mentioned the existence of political prisoners convicted for supporting the DCK⁴.

Over the past year, several peaceful protests called for by the DCK have taken place: on 10 May 2018, 23 June 2018, 6 July 2018, 21–22 March 2019, 1 May 2019, 9 May 2019, 9–12 June 2019, and 6 July 2019 – **on these days, more than 6000 protesters were detained in total**.

The authorities are trying to avoid a negative reaction of the international community to the mass detentions, so they resort to new methods of counteracting rallies and their coverage in the media. More and more often, unknown masked individuals (**the so-called "titushky"**⁵), who are engaged in provocations, help to detain protesters, and prevent media representatives from covering the events, began to appear in places of mass detention of protesters. At the same time, law enforcement officers do not react in any way to their illegal actions. In fact, "titushky "accomplish some of the "dirty work "of the law enforcement agencies. In official press releases, the authorities state that they "act correctly and detain only individual citizens".

The authorities of Kazakhstan **regard participation in peaceful rallies and criticism of social networks as "participation in the activities of an extremist organisation – "the DCK** (Article 405 of the Criminal Code). 4 citizens of Kazakhstan –Ablovas Dzhumayev, Aset Abishev, Almat Zhumagulov and Kenzhebek Abishev –were sentenced to prison terms and at least 8 people⁶ were given suspended sentences.

¹ China's policy in Central Asia is often described as expansionist. China grants long-term loans to Central Asian countries for the implementation of projects on condition that Chinese business and labour are attracted. In 2016, thousands of people protested against the government's initiatives to allow the sale of Kazakhstani land to foreigners: protesters expressed their fears about Chinese expansion.

² <https://en.odfoundation.eu/a/9330,election-in-kazakhstan-gross-falsifications-and-mass-arrests-of-peaceful-protesters>

³ <https://www.facebook.com/gulnara.ju/posts/1549569151855938>

⁴ http://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

⁵ "Titushky "is a collective term that was originally used in Ukraine during the rule of the Yanukovich regime to refer to persons of athletic stature who acted as instigators and organisers of provocations, brawls, and other actions that included the use of physical force.

⁶ Aset Nurzhaubai, Azat Ibraev, Arman Alakaev, Bakiza Halelova, Farit Ishmukhametov, Muratbek Argynbekov, Bolatkhan Zhunusov, Timur Irzhanuly.

Before and after the rally on 6 July 2019, Kazakhstani authorities intensified criminal prosecutions for participating in rallies and supporting the DCK. **Mothers of large families –Oksana Shevchuk, Zhazira Demeuova, and Gulzipa Dzhauberova –were taken to pre-trial detention.** It is important to note that Shevchuk has a newborn child and Dzhauberova has a child with a disability.

As of now, more than 20 people have been charged for supporting the DCK, of whom at least 7 remain in pre-trial detention facilities⁷ and at least 7 are under house arrest⁸. They are facing pressure on their relatives, blocking of accounts, and a ban on leaving Kazakhstan.

Daniyar Khassenov, **an observer of the Italian Federation for Human Rights (FIDU)**, who monitors violations of the rights of peaceful protesters, is himself subjected to **criminal prosecution** for “participation in the activities of an extremist organisation” i.e. DCK. He was detained by the police on several occasions, and illegally banned from leaving Kazakhstan, which prevents him from participating in human rights meetings. In response to requests regarding the Khassenov case, the Kazakhstan authorities have provided false information to members of the European Parliament. Other FIDU observers, Zhanbota Alzhanova, Aigerim Mukhamedzhan and Aliya Izbasarova, were also detained in retaliation for their human rights activities.

Journalists who cover peaceful rallies are not only detained but also physically assaulted and become victims of provocations. The court fined journalist Svetlana Glushkova 25250 tenge (about 60 euros) for allegedly “pushing a girl “during the coverage of the protest in Nur-Sultan on 22 March 2019⁹. On 6 July 2019, “titushky“, being near the police, pushed journalists and obstructed their work.

On 22 July 2019, about 20 unknown women attacked journalists and speakers at a press conference on the subject of politically prosecuted persons. Law enforcement agencies refuse to qualify the incident as obstructing journalistic activities, and the perpetrators remain unpunished. The first U.S. ambassador to Kazakhstan, William Courtney, expressed the opinion that the attack was organised by the special services of Kazakhstan¹⁰. The Committee to Protect Journalists¹¹ and OSCE Representative Harlem Désir¹² called on the Kazakhstani authorities to investigate the attack on journalists.

Internet blockades during peaceful assemblies have become commonplace in Kazakhstan. The international community has sharply criticized the initiative to introduce encryption of Internet traffic with a national “security certificate” in Kazakhstan. Kazakhstani authorities are taking another step towards full control of the Internet and obtaining user data¹³.

The protests on 6 July 2019 coincided with the visit of the Vice-President of the European Commission Federica Mogherini to Bishkek, where she took part in the “European Union –Central Asia “forum. In response to a journalist's question about mass protests in Kazakhstan, Mogherini said the EU called on Kazakhstan to be consistent in its efforts to improve human rights standards, freedom of expression, and freedom of the media¹⁴. At the same time, **there was no reaction of the EU foreign mission** to the many previous detentions during protests –even after the European Parliament adopted a resolution on the human rights situation in Kazakhstan. At the beginning of July 2019, Kazakhstani authorities awarded Federica Mogherini the Order of Friendship, First Class, “for her significant contribution to the development of comprehensive relations between the Republic of Kazakhstan and the European Union“¹⁵. Earlier, the same Order was also awarded to authoritarian rulers Gurbanguly Berdimuhamedov and Viktor Yanukovich.

⁷ Oksana Shevchuk, Zhazira Demeuova, Gulzipa Dzhauberova, Anuar Ashiraliyev, Bolatkhan Zhunusov, Serik Zhakhin, Syrym Rakhmetov.

⁸ Aslan Makatov, Akmaral Kerimbayeva, Gulmira Kalykova, Yerkin Kaziev, Muslim Sapargaliyev, Kairbek Kenzheakhmetov, Kalas Nurpeisov.

⁹ <https://www.currenttime.tv/a/glushkova-arrest-kazakhstan-journalist/29856287.html>

¹⁰ <https://twitter.com/courtneywmh/status/1153203470629052417>

¹¹ <https://cpi.org/2019/07/demonstrators-attack-reporters-damage-equipment-at.php>

¹² https://twitter.com/OSCE_RFoM/status/1153334334562230273

¹³ <https://cpi.org/blog/2019/07/kazakhstan-move-to-control-internet-prompts-censo.php>

¹⁴ <https://rus.azattyq.org/a/federica-mogherini-mass-detentions-in-kazakhstan/30042935.html>

¹⁵ <https://ru.sputniknews.kz/politics/20190702/10798073/federika-mogherini-orden-dostyk.html>

2. VIOLENT DISPERSAL OF THE PEACEFUL PROTEST ON 6 JULY 2019

The opposition movement DCK and its leader Mukhtar Ablyazov called for a peaceful rally to be held on 6 July 2019, demanding that the presidential election be cancelled and Nazarbayev be deprived of power, as well as against Chinese expansion. 6 July is the birthday of Nursultan Nazarbayev and a public holiday –the Day of the Capital, which was renamed from Astana to Nur-Sultan in honour of Nazarbayev.

Preventive detentions before the rally

From 3 to 5 July 2019, **the authorities carried out a series of detentions and arrests of activists for "calls to participate in the rally on 6 July"**. The Open Dialogue Foundation gathered information about 8 detainees in Almaty and 9 detainees in Nur-Sultan – 8 of whom were administratively arrested:

- Asel Onlanbekkyzy, a resident of Nur-Sultan, reported that on 3 July 2019, when she was detained, police officers hit her in the head and stomach and handcuffed her. According to her, she was threatened with rape at the police station and forced to confess to "putting up leaflets in support of the rally"¹⁶. She was sentenced to 7 days of administrative arrest for "calls for a rally on 6 July 2019". Before the end of the arrest, she was awarded another 5 days for "calls for a rally on 9 June 2019".
- Another detainee in Nur-Sultan was Anna Shukeeva, who was taken to the police station in the evening of 4 July 2019 with a three-month-old baby who is being nursed. They were kept there until 11:00 p.m. During the interrogation, the police "asked" her to "cooperate" and give accusatory statements, Shukeeva said.
- According to police, 71-year-old Agziya Utebayeva was found to have leaflets about the rally in Almaty, after which she was awarded an administrative fine.
- On 3 July 2019, Ivan Gorokhov from Nur-Sultan was sentenced to 10 days of administrative arrest for the fact that he "liked" a group in social media that contained "calls for a rally". *"Ivan Andreevich Gorokhov is a member of the group 'Brave in heart' that aimed at calling for participation in an illegal rally on 6 July 2019, which is evidenced by screenshots of correspondence between the group members – "reads the court decision.*

In addition, prior to the rally on 6 July 2019, the authorities increased criminal prosecutions for supporting the DCK, put several people in pre-trial detention facilities, and forced a number of people to publicly pronounce the text calling "not to attend the rally" (more information on this topic can be found in the third section of this publication).

Use of force against peaceful protesters on 6 July 2019

On 6 July 2019 in Almaty and Nur-Sultan, a large number of police officers, internal troops and special police units cordoned off the planned rallies, as well as the neighbouring districts. Nearby shops and cafes were closed, and internal troops' equipment was brought to the cities¹⁷. The media reported problems with online broadcasting from the scene, which were probably related to the blocking of the Internet¹⁸. **The police even prevented people from approaching the location of the planned rallies**, detaining them in the neighbouring streets (especially in Nur-Sultan). Activists who had participated in

¹⁶ <https://www.facebook.com/groups/2333831603602776/permalink/2392206107765325/>

¹⁷ https://www.facebook.com/permalink.php?story_fbid=617063125453171&id=100014484674740

¹⁸ <https://rus.azattyq.org/a/30040497.html>

previous rallies were detained immediately after leaving their homes. Those who were in the places of the planned rallies, including people sitting on benches, were subjected to violent detentions¹⁹, and those who held the flags of Kazakhstan or started shouting slogans immediately fell into the hands of the police.



6 July 2019. A column of military equipment moving towards Nur-Sultan. Photo: Bigazy Duseмбаev's Facebook page.

In Nur Sultan, part of the protesters (several hundred people) formed a walking column, but they were stopped and detained by the police with brute force^{20, 21}. Following the calls of the DCK, drivers in Almaty and Nur-Sultan gave sound signals in support of the rally. Several of them were detained and their vehicles were loaded onto tow trucks²².

During detentions, the activists had their hands twisted behind their backs. Police also dragged protesters, holding them by their hands and feet²³. Short-term brawls with police took place in Almaty and Nur-Sultan, as some protesters tried to resist the officers or release the detainees. Police used combat techniques to stop them^{24, 25}.

- The video shows the moment when a policeman squeezes the throat of a man who tries to get out of the truck²⁶.
- Kairat Sultanbek reported that he was hit in the nose when he was detained in Shymkent. According to Daniyar Baityleu, police officers hit him in the kidneys. Zhanibek Zhunusov from Nur-Sultan said that they sprayed pepper gas in his eyes.
- According to eyewitnesses, a man who was on his way home from the hospital in Almaty was detained and taken to the Bostandyk police station. There he felt sick, but the police called an ambulance only after some time²⁷.
- Juveniles were also detained, in particular Marat Myrzabek and Ramadan Turlybek in Nur-Sultan and Kaisar Mukhamedkaliyev in Almaty. Video footage shows cases of mothers with frightened

¹⁹ https://www.youtube.com/watch?time_continue=1&v=0Ksy91tnJrc

²⁰ <https://www.facebook.com/mukhtar.ablyazov/videos/1597387273729160/>

²¹ <https://www.facebook.com/groups/2333831603602776/permalink/2386015588384377/>

²² <https://www.facebook.com/kaztag/videos/339913633575147/>

²³ https://www.youtube.com/watch?time_continue=1&v=0Ksy91tnJrc

²⁴ <https://www.youtube.com/watch?v=zbF5fkz2C4s>

²⁵ <https://www.facebook.com/mukhtar.ablyazov/posts/1597353890399165>

²⁶ https://www.youtube.com/watch?v=m_vZ_hyLXgY

²⁷ <https://www.facebook.com/groups/2333831603602776/permalink/2390136607972275/>

young children being taken to police buses in both cities^{28,29}. One of the women³⁰ reported that she was put in a transport vehicle together with her 3-year-old child.

- In Nur-Sultan, female police units detained women by force³¹.
- Older persons were also detained, in particular Mul kibayev Otkirkhan and Khanzada Raimkul in Almaty.



6 July 2019. Female police units detaining a passer-by in Nur Sultan. Photo: Radio Azattyk.

The detainees were brutally thrown into hot and crowded transport vehicles³². In Almaty and Nur-Sultan, there were cases of people getting sick and lying on the floor of the vehicles, but the police refused to call ambulances³³.

According to observers and human rights defenders, as well as based on the number of people held at police stations, the largest **number of detainees** was found in Nur-Sultan (over 300), Almaty (over 200), Aktobe (over 100) and Shymkent (over 50). Also, a total of more than 30 people were detained in Uralsk, Aktau, Atyrau and Ust-Kamenogorsk.

The Open Dialogue Foundation, with the help of volunteers from Kazakhstan and based on the Facebook group *#IHaveAChoice #ActivistsNotExtremists*³⁴, receives information about the persecution of participants in peaceful assemblies. In particular, we collected the names and some data on the cases of the people detained on 6 July 2019: Nur-Sultan –40 people, Almaty –45 people, Aktobe –9 people, Shymkent –6 people, Aktau –5 people, Uralsk –2 people.

²⁸ <https://www.youtube.com/watch?v=Jz9MGhMPj2s>

²⁹ https://www.facebook.com/permalink.php?story_fbid=2387109968279041&id=100009401833624

³⁰ <https://www.facebook.com/profile.php?id=100011499653158>

³¹ <https://www.facebook.com/groups/2333831603602776/permalink/2385890238396912/>

³² <https://www.facebook.com/groups/2333831603602776/permalink/2385973668388569/>

³³ <https://www.facebook.com/groups/2333831603602776/permalink/2386011265051476/>

³⁴ <https://www.facebook.com/groups/2333831603602776/>



6 July 2019. Detaining a man in Almaty. Photo: Reuters.

Preventing journalists from covering the rally

The press protection organisation "Adil Soz" stressed that since the beginning of March, approximately 30 journalists who had covered the protests have been detained in Kazakhstan³⁵. On 6 July 2019, journalists were not only detained but also physically assaulted:

- On 5 July 2019, a journalist from Kyrgyzstan, Zhazgul Egemberdiyeva, who planned to cover the rally, was detained. She was accused of violation of the migration law and the court decided to deport her.
- On 6 July 2019, several journalists were detained while performing their professional duties: Lukpan Ahmedyarov and Aleksei Vorobiev in Uralsk, Madina Kuketova in Almaty, and Botagoz Omarova in Nur-Sultan.
- There have been several recorded cases of police officers threatening journalists with detention for trying to get comments from those who were being held in transport vehicles.
- In Nur-Sultan and Shymkent, the so-called "**titushky** – "athletic-looking men in black masks – actively hindered the work of journalists. As soon as a protester was dragged into the transport vehicle, "titushky" covered the police with umbrellas and pushed back the journalists, preventing them from taking pictures of what was happening³⁶. "Titushky" broke a tripod that belonged to a Radio Svoboda journalist, and pepper gas was sprayed into another journalist's eyes. "Titushky" talked with the police, who, in turn, defiantly ignored the demands of journalists to ensure their safe work³⁷. Interior Minister Yerlan Turgumbayev suggested that the men in black masks with umbrellas were just "passers-by"³⁸.

³⁵ <http://www.adilsoz.kz/news/show/id/3015>

³⁶ <https://www.youtube.com/watch?v=Jz9MGhMPj2s>

³⁷ <https://rus.azattyq.org/a/kazakhstan-nur-sultan-protest/30040679.html#player-start-time=5.353142>

³⁸ https://tengrinews.kz/kazakhstan_news/mujichinah-zontami-gulyayuschih-mitinge-rasskazal-glava-mvd-373373/



"Titushky": Azamat Shaykemelov (on the left) and Zhiger Abilov (on the right). They were among those who used umbrellas to prevent journalists from filming. Photo: print screen from the video belonging to Radio Azattyk.

Once again, observers from the Italian Federation for Human Rights (FIDU) were persecuted:

- On 6 July 2019, **Zhanbota Alzhanova**, **Aigerim Mukhamedzhan**, and **Aliya Izbasarova**, being at home, monitored mass detentions through social networks. Police arrived at the human rights defenders' homes and detained them for several hours. Earlier, on 10 June 2019, human rights defenders tried to give water and medicines to the detained protesters, for which they were detained for 30 hours and subjected to an administrative fine of 50500 tenge (about 120 euros).



FIDU observers Aigerim Mukhamedzhan, Aliya Izbasarova and Zhanbota Alzhanova. Photo from their personal archive.

- FIDU observer **Daniyar Khassenov**, who attends politically motivated trials, has faced criminal prosecution and was banned from leaving Kazakhstan. Khassenov received invitations from Italian MPs Roberto Rampi and Mauro del Barbara to participate in public hearings and human rights meetings during the summer sessions of the PACE, OSCE PA, and Italian Parliament. In addition, Daniyar was supposed to attend medical courses at the University of Graz (Austria). However, since mid-June, he was already 7 times forbidden to leave Kazakhstan.



Daniyar Khassenov, after another unsuccessful attempt to cross the border. Photo: Khassenov's Facebook page.

It turned out that on 3 May 2019, the Almaty police issued a decision banning Khassenov from leaving Kazakhstan. On the following day, 4 May 2019, a **criminal case was instigated** against him following charges of “participation in the activities of an extremist organisation”, i.e. DCK (Article 405(2) of the Criminal Code).

In response to a request from MEP Julie Ward, the Embassy of Kazakhstan in Belgium reported that Khassenov “*is an active participant in unauthorised rallies of the banned extremist organisation DCK, held in Kazakhstan on 22 March, 1 and 9 May, as well as 9 and 10 June*”. **However, this information is false.**

During these days, the police detained Khassenov but he repeatedly stressed that **he did not participate in any of these rallies and was not even present in the places where the rallies were held**. As a FIDU volunteer, Khassenov collected information on arbitrary detentions of peaceful protesters. At present, Khassenov now has the status of a “witness entitled to protection”. He was not provided with any documents on the criminal case. Earlier, in June 2019, police imposed restrictions on his and his family's bank accounts. However, under pressure from the Kazakhstani and international community, the restrictions were lifted.

On 13 August 2019, Khassenov held a press conference in Almaty, where he spoke about his persecution. Immediately after the press conference, the police officers detained Khassenov without having a proper warrant. At the police station, he was shown the court's order for a search, dated 6 May 2019. A USB drive, mobile phones, a laptop and two posters he had during his one-man picketing in support of Russian peaceful protesters were seized in Khassenov's house.

The Italian Federation for Human Rights has demanded that the Kazakhstan authorities put an end to politically motivated persecution of Khassenov and ensure a safe environment for human rights defenders and their activities³⁹.



6 July 2019. Detaining a woman in Aktobe. Photo: Radio Azattyk.

³⁹ <https://fidu.it/en/kazakhstan-a-fidu-voluntary-observer-detained-after-press-conference/>

Administrative arrests and prolonged detentions in police stations

In Almaty and Nur-Sultan, detainees were held in police stations for 5-7 hours, or, in some cases, even for 10 hours. According to Kazakhstani law, detention may not last more than three hours in the event of an administrative violation.

As in the case of the detentions at previous rallies, on 6 July 2019, detainees were asked at police stations whether they supported the DCK and opposition ideas. Police officers took away their phones and checked them for subscriptions to the pages of the DCK and its leader Mukhtar Ablyazov on social networks⁴⁰. It is known that, at least in Nur-Sultan and Shymkent, detainees were photographed against a police stadiometer and fingerprinted.



Detained activists Anna Shukeeva and Zhanibek Zhunusov . Photos: Facebook-pages of activists.

- While civic activist Zhasaral Kuanyshalin was held at the police station, his blood pressure increased twice, reaching a critically high level. Paramedics recommended that he be released home immediately, but the police kept him at the station until 1:00 A.M.⁴¹

According to the Ministry of Internal Affairs, 19 people were subjected to **administrative arrest** (up to 15 days) and 23 people received administrative fines (from 80 to 130 euros) for participation in the rally on 6 July 2019. The Open Dialogue Foundation, with the help of volunteers from Kazakhstan, gathered the names and details of 10 people arrested in Nur-Sultan and 9 people arrested in Almaty. The names of those arrested can be found in the Facebook group *#IHaveAChoice #ActivistsNotExtremists*.⁴²

Participants in peaceful assemblies were charged with Article 488 of the Administrative Code ("violation of the legislation on the procedure for holding peaceful assemblies") or Article 667 of the Administrative Code ("disobedience to the lawful demands of a police officer").

- Notable was the case of Zhanibek Zhunusov from Nur-Sultan. First, he was awarded 3 days of arrest under Art. 488 of the Administrative Code, and then, on 9 July 2019, the day of the end of the arrest, he was additionally awarded 5 days under Art. 667 of the Administrative Code. In this way, he was punished twice for the same act – participation in an unsanctioned rally – under different articles.

⁴⁰ <https://www.facebook.com/TOLESHOK/posts/2350047048376178>

⁴¹ <https://www.facebook.com/zhasaral.kuan/posts/2439332902779652>

⁴² <https://www.facebook.com/groups/2333831603602776/>

3. CRIMINAL PROSECUTION FOR PARTICIPATING IN PEACEFUL RALLIES AND SUPPORTING THE DCK

Several people – **Ablovas Dzhumayev, Aset Abishev, Almat Zhumagulov** and **Kenzhebek Abishev** – were sentenced to prison terms for their participation in rallies, criticism of the authorities in social networks and support for the opposition ideas of the DCK⁴³. On 11 July 2019, the Kazakhstani court granted the request of political prisoner Ablovas Dzhumayev and replaced the unserved part of his sentence with restriction of freedom. On 29 July 2019, Dzhumayev was released. According to the law, while under restriction of freedom, he cannot change his place of residence and work, cannot leave the administrative-territorial unit without notifying the probation service, and must also regularly visit the probation office.



People sentenced to prison for criticising the authorities in social media: **Kenzhebek Abishev, Almat Zhumagulov, Aset Abishev, Ablovas Dzhumayev**, as well as Dzhumayev's wife **Aigul Akberdieva**, who is under investigation. Photos from personal archive.

Moreover, according to the official website of the Committee on Financial Monitoring of Kazakhstan, on 23 January 2019 **Ablovas Dzhumaev was included in the nation-wide “list of organisations and persons connected with the financing of terrorism and extremism.”**⁴⁴ This list was approved in 2016 by a joint order of the Kazakhstan law enforcement agencies.⁴⁵ The list now includes more than 1,500 Kazakhstan citizens convicted on charges that the authorities regard as “extremist”. Due to his inclusion in this list, Dzhumaev has faced restrictions on using banking, postal, notarial and insurance services. This can pose serious difficulties for him when trying to find a job.

Below is a list of persons currently under criminal prosecution **under Article 405 of the Criminal Code (“participation in the activities of an organisation after it has been declared extremist”)**.

- Individuals who are being held in pre-trial detention facilities:

Oksana Shevchuk, Zhazira Demeuova, Gulzipa Dzhaukerova –mothers with many children who were put in pre-trial detention before the rally on 6 July 2019. They “*actively support the ideas of DCK and Abylazov, who called for participation in unsanctioned rallies*”- reads the investigation file. The notification on suspicion of committing a crime states that at previous rallies, they “*shouted out ideas, forming a negative image of the current government*”.

⁴³ <https://en.odfoundation.eu/a/8949.collective-complaint-be-quiet-or-be-charged-with-extremism>

⁴⁴ <https://kfm.gov.kz/ru/the-list-of-organizations-and-individuals-associa/>

⁴⁵ https://tengrinews.kz/zakon/pravitelstvo_respubliki_kazahstan_premier_ministr_rk/natsionalnaya_bezopasnost/id-V1500013007



Mother of many children Oksana Shevchuk; Zhazira Demeuova and Gulzipa Dzhaukerova who are single mothers. Photo: personal archives of activists.

Oksana Shevchuk is the mother of four minor children. Her youngest 9-month-old daughter is breastfed. On 9 May 2019, Shevchuk and her child were held for 3 hours in a temporary detention facility. Gulzipa Dzhaukerova is a single mother, and her 9-year-old child, who has a disability, needs special care and supervision by doctors.

In the evening of 3 July 2019, Shevchuk, Demeuova, and Dzhaukerova were searched. During the search, leaflets with an appeal to the rally on 6 July were allegedly "found" on them. Also, smoke bombs were allegedly "found" in Shevchuk's backyard. Shevchuk stated that police planted these items on her. In addition, the investigation stated that on 3 July 2019, "loudspeakers, spray paint, and a large amount of money" were seized during searches of "DCK participants"⁴⁶. However, the investigation failed to indicate exactly from whom the money was seized or what was the amount of it.

Investigator Tolganay Yerzhanova, who is in charge of most of the "DCK cases" in Almaty, asked the court to change the preventive measure for Shevchuk, Demeuova, and Dzhaukerova from house arrest to pre-trial detention. The court granted this motion. At the same time, Dzhaukerova and Shevchuk had to spend the whole night in court waiting for the decision, which was announced in the early morning of 4 July 2019. Until 17 July 2019, Demeuova and Dzhaukerova were held in solitary confinement, after which they were transferred to common cells.

Shevchuk continued to be kept in solitary confinement. Shevchuk's lawyer reported that **pressure was put on her in the pre-trial detention centre**: "*If she does not give up her beliefs, then they will consider bringing her husband to criminal responsibility for participating in the DCK*", as her husband "*supports and finances her*" - said the lawyer, citing the threats of law enforcement officers⁴⁷.

On 22 July 2019, in the Almaty office of the Kazakhstan International Bureau for Human Rights, a press conference on the cases of Shevchuk, Demeuova, and Dzhaukerova was to be held. However, **about 20 unknown women broke into the premises to attack journalists and speakers and disrupt the event**. They pushed and hit people, took away smartphones from several journalists and broke their video cameras. The attackers shouted at Oksana Shevchuk's mother, who was supposed to speak at the press conference, and did not let a lawyer near her. They shouted: "*Stay out of politics!*" and "*Mothers of*

⁴⁶ <https://www.facebook.com/dvd.galmaty/photos/a.372902342832659/2138994349556774/?type=3&theater>

⁴⁷ <https://www.youtube.com/watch?v=SkRzKj5MUL8>

many children do not support you!”⁴⁸. Two unknown men in civilian clothes were watching the whole incident⁴⁹.



22 July 2019. Unknown women trying to take the video camera away from the operator, and one of the identified attackers: Akzhol Akhmetova. Photo: print screen from the video belonging to Radio Azattyk.

By the time the police arrived, the attackers had escaped –only one of them has been detained. As the journalists found out, her name is Akzhol Akhmetova. Earlier, on 15 July 2019, she was noticed at the protest actions near the city administration building. At that time, mothers with many children demanded social guarantees from the mayor, while Akzhol Akhmetova stood beside him and expressed her support for him⁵⁰. Data from social networks indicate that she is probably the wife of an employee of the Almaty Region Administration Office⁵¹.

The police opened an investigation under Art. 389 of the Criminal Code (“Arbitrariness”). It is important to note that as of today, **the actions of the attackers have not been qualified as obstruction of journalistic activity**. Moreover, the Minister of the Interior denies the planned nature of the attack and considers the incident “a quarrel between the two sides”. The Ministry of Internal Affairs also refers to the statement of three people that “the journalists beat them”. The Prosecutor’s Office has not yet given journalists a referral to conduct a forensic medicine examination.⁵² None of the attackers has been punished.

Anuar Ashiraliyev is an activist who was sent to a pre-trial detention facility together with Shevchuk, Demeuova and Dzhaikerova. It is known that Ashiraliyev has a disability. On 9 July 2019, police said that Ashiraliyev, who was an “active participant in an extremist organisation”, was “found to have a drug addiction “as a result of an examination”⁵³.

Bolatkhan Zhunusov is a 68-year-old pensioner from the city of Taldykorgan (Almaty region). On 5 July 2019, he was detained and then placed in a pre-trial detention facility for calling for the rally on 6 July on Facebook. Earlier, in February 2019, he was sentenced to a year of restriction of liberty under Article 405 of the Criminal Code for comments in support of the DCK programme in social networks. There are grounds to believe that the investigators put Zhunusov in a pre-trial detention facility under the pretext

⁴⁸ https://bureau.kz/novosti/sobstvennaya_informaciya/babii_bunt_popytka_provesti_press-konferenciyu_prevratilas_v_poboishe/

⁴⁹ <https://www.facebook.com/100012321618720/videos/698247647262616/>

⁵⁰ <https://rus.azattyq.org/a/kazakhstan-almaty-familiar-faces-among-women-who-attacked-journalists/30069366.html#player-start-time=1.387762>

⁵¹ <https://www.facebook.com/saxonvase/posts/2609623449047940>

⁵² <https://rus.azattyq.org/a/kazakhstan-almaty-lawyers-comment-on-the-investigation-of-the-attack-on-journalists/30105999.html>

⁵³ <https://bit.ly/2YYEzm5>

of violating the conditions of his suspended sentence. According to the available information, the investigators have blocked Zhunusov's bank account.

Serik Zhakhin (Nur-Sultan) has remained in the pre-trial detention facility since the beginning of June 2019. According to his relatives, Zhakhin has a long history of pituitary glandular adenoma and should be regularly observed by doctors.

Syrym Rakhmetov is a doctor from Almaty, who was detained on 14 June 2019 and accused of "calling for rallies and riots on social networks" (Article 272 of the CC). He remains in a pre-trial detention facility. According to available information, he was ill-treated in detention and his relatives are afraid to consult a lawyer. Almaty police distributed a video in which Rakhmetov called to "appreciate peace" and "not to show the state to the world in a bad way"⁵⁴.



Anuar Ashiraliyev, Serik Zhakhin, Bolatkhon Zhunusov, Syrym Rakhmetov. Photo: Facebook-group #IHaveAChoice #ActivistsNotExtremists.

- Persons under house arrest:

Kalas Nurpeisov is a school teacher from Almaty who was awarded 11 days of administrative detention for his participation in the rally on 6 July 2019. Previously, he had already served administrative arrests for participation in rallies on 1 May 2019 and 9 June 2019. When the persecution began, he was fired from school. On 17 July 2019, after the end of his arrest, he was immediately taken to a police station for questioning. According to his relatives, there is an ongoing investigation against him under Art. 405 of the Criminal Code. Some media reported that Nurpeisov was detained once again⁵⁵. On 9 August 2019, news was released that Nurpeisov's pre-trial restriction was changed into one not involving detention. He does not have an independent lawyer, and his criminal status remains unknown. There is reason to believe that Nurpeisov's relatives are under pressure.

Aslan Makatov (Aktobe) was detained at the rally on 6 July 2019. He was accused of "violence against a member of the authorities" (Art. 380 of the Criminal Code) and held in custody until 8 July 2019. Investigators claim that during the arrest he "grabbed a policeman by his uniform" and "hit him once". On 8 July 2019, he was placed under house arrest. He has a disability and needs eye surgery.

Mothers with many children **Akmaral Kerimbayeva** and **Gulmira Kalykova** (Nur-Sultan). Kerimbayeva and Kalykova participated in peaceful protests. In early June 2019, during the searches, their phones and flags of Kazakhstan were seized from them. On 9 June 2019, the court chose a preventive measure for Kerimbayeva and Kalykova in the form of house arrest.

⁵⁴ <https://tengrinews.kz/crime/vracha-zaderjali-za-prizyvivi-k-besporjadkam-v-almaty-371377/>

⁵⁵ <https://rus.azattyq.org/a/kazakhstan-almaty-one-school-teachers-protest/30063046.html>



Akmaral Kerimbayeva and Gulmira Kalykova. Photo: personal archives of activists.

Muslim Sapargaliev (Almaty) recorded himself in a video clip where he said: “Freedom to political prisoners!” For this, he was prosecuted under Article 405 of the Criminal Code and placed under house arrest⁵⁶.

Yerkin Kaziev (Kaskelen, Almaty Region) was ill-treated by police officers at the time of his detention on 30 April 2019, which resulted in a leg injury and a dislocated shoulder. On 26 July 2019, the trial in Kaziev's case began. He currently remains under house arrest.



Kalas Nurpeisov, Aslan Makatov, Muslim Sapargaliyev, Yerkin Kaziev. Photo: personal archives of activists.

- Persons for whom a preventive measure has not yet been selected:

Sabyrzhan Kasenov from Almaty is an activist who was repeatedly detained and interrogated in March, May and June 2019.

Abaibek Sultanov is one of the detainees at the rally in Almaty on 6 July 2019. His house was searched on 10 August 2019. He reported that investigators had issued an order prohibiting him from leaving Kazakhstan.

Karlygash Asanova from the city of Aktobe is accused by the investigators that on 6 July 2019 she “demonstrated resistance” during her arrest, namely she allegedly pinched or pricked a policeman. The police blocked her bank account⁵⁷.

⁵⁶ <https://www.facebook.com/groups/2333831603602776/permalink/2403783213274281/>

Aygul Akberdiyeva, wife of Ablovas Dzhumaev, who was sentenced to prison term under article 405 of the Criminal Code. Akberdiyeva is prosecuted in the same case as Dzhumayev. The prosecutor asked to sentence Akberdiyeva to five years of restriction of freedom. However, on 6 February 2019, the Aktau court acquitted her. After that, the chairman of the court, Malik Kenzhaliyev, was dismissed from his post. He distributed audio recordings, according to which judges were pressured in this case⁵⁸. As a result, the prosecutor's office succeeded in cancelling the acquittal. Now, Akberdiyeva's case should be reconsidered in court.

- "Repentance "before the rally on 6 July 2019

Before the rally on 6 July 2019, the authorities published video messages from several people accused under Article 405 of the Criminal Code. All of them uttered similar phrases, saying that they were "misled "and "given money for the rallies". They also called on to "appreciate peace "and "not to participate in the protests on 6 July". In particular, this relates to **Kairbek Kenzheakhmetov**⁵⁹ and **Dinmukhamed Baitukayev**⁶⁰ from Almaty. They also testified against Gulzipa Dzhaukerova, saying to the camera that she was "engaged in organising the rally". After the video message was published, a confrontation took place between Kairbek Kenzheakhmetov and Gulzipa Dzhaukerova. During the confrontation, Kenzheakhmetov said that the police leadership promised to "resolve" two lawsuits against him in his favour, find him a job and give a cash allowance to his children if he recorded the statement that Dzhaukerova was a "fraud". However, he was deceived and none of this happened⁶¹.



Askhat Uteshev. Photo: Uralsk Week.

Askhat Uteshev said that police demanded that he say on camera that he "participated in the organisation of the rally on 6 July "and that he "hates Abylazov". According to Uteshev, at first he refused to perjure himself, but the security services began to put pressure on his relatives, after which he signed the statements necessary to the investigation⁶². Uteshev also asked journalists to remove publications on his case⁶³.

4. CONCLUSIONS AND RECOMMENDATIONS

In fact, after the presidential election, the transit of power was formalised in Kazakhstan. The new President continues Nazarbayev's policy and strengthens the authoritarian regime, curtailing civil and political freedoms.

In response to the consistent criticism among the international community, the authorities of Kazakhstan are making individual concessions in cases of political prisoners. On 9 August 2019, President

⁵⁷ <https://www.facebook.com/groups/2333831603602776/permalink/2412074799111789/>

⁵⁸ <https://en.odfoundation.eu/a/9102.kazakhstan-illegally-expelled-fidu-human-rights-defenders-in-retaliation-for-publicising-the-politically-motivated-case-of-judge-kenzhaliyev>

⁵⁹ https://www.youtube.com/watch?time_continue=49&v=gmgSZgFEY1E

⁶⁰ https://tengrinews.kz/kazakhstan_news/uchastnik-ekstremistskoy-organizatsii-raskavalsya-obratilysya-373195/

⁶¹ <https://www.facebook.com/gulnara.iu/posts/1799732213506296>

⁶² https://bureau.kz/novosti/iz_drugikh_istochnikov/grajdanskogo_aktivista_uralska_podozrevayut/

⁶³ <https://www.facebook.com/lukpanchik/posts/3106223419402957>

Tokayev pardoned trade union leader Erlan Baltabai (who was sentenced to seven years of imprisonment in July 2019, which became another step in pressurising independent trade unions) and journalist Yaroslav Golyshkin (who was sentenced to eight years of imprisonment in October 2015 for conducting a journalistic investigation). As a condition of release, authorities force political prisoners to «repent» and «plead guilty»⁶⁴. This is how the Kazakhstani authorities tried to reduce reputational risks in the international arena.

However, at the same time, on 24 July 2019, political prisoner **Mukhtar Dzhakishev** was once again denied parole. Dzhakishev has been in prison for 10 years, where he suffered from deadly diseases – contrary to the UN decision and EU calls for his release. The authorities are also failing to comply with other UN decisions on the release of political prisoners **Maks Bokayev** and **Iskander Yerimbetov**. On 29 July 2019, 17 U.S. senators appealed⁶⁵ to Kassym-Zhomart Tokayev with a call to release Iskander Yerimbetov, who is a victim of arbitrary detention. The senators drew attention to the reports of international organisations on the use of torture against Iskander Yerimbetov in detention.

In fact, Tokayev consistently continues Nursultan Nazarbayev's repressive policy: the number of politically persecuted persons is growing rapidly, primarily due to the detention of participants in peaceful rallies. Therefore, at the moment, the Kazakhstani authorities are merely putting up appearances in front of the international community apparently showing their willingness to make concessions in cases of political prisoners, which indicates that there is a need to step up international pressure.

Besides, one example of the authorities' real attitude towards any such dialogue was the OSCE Human Dimension Conference held on 15–16 July 2019 in Vienna. Representatives of Kazakhstan, together with their counterparts from Russia, Belarus, and Azerbaijan, boycotted the event, thus avoiding civil society questions about human rights violations.

Recently, Kazakhstani journalists have been subjected not only to detention for covering peaceful rallies, but also to physical attacks. Commenting on the disruption of the press conference on 22 July 2019, former U.S. Ambassador to Kazakhstan, William Courtney, stressed: *“Attacks, likely organized by security organs, are sign that government of Kazakhstan still has no strategy to engage with civil society and protesters”*. Courtney urged Tokayev to respond to what has happened⁶⁶. The Committee to Protect Journalists⁶⁷ and OSCE Representative Harlem Désir⁶⁸ called on the Kazakhstani authorities to investigate the attack on journalists.

In an effort to prevent criticism on social networks, the authorities are strengthening control of the information space, following the example of China. Amendments to the Law “on Communications” stipulate that **Internet traffic in Kazakhstan should be allowed through with the support of encryption, using a special national security certificate**. Government agencies, with the participation of special services, have developed such a certificate and “recommend” that it be installed on all phones and computers.

From 18 July 2019, Kazakhstani Internet providers have been sending warnings to the residents of Nur-Sultan that the absence of this certificate “may lead to problems with Internet access”. Authorities say that installing the certificate “provides protection against hacker attacks, viruses, and viewing illegal content”⁶⁹. The initiative of the authorities triggered a strong negative response from human rights defenders and international experts, who stressed that the certificate provides special services with

⁶⁴ <https://ru.sputniknews.kz/society/20190810/11225835/tokaev-pomiloval-zhurnalista-obschestvennika.html>

⁶⁵ https://www.rubio.senate.gov/public/_cache/files/9b633465-8854-445f-a677-69a7f628505f/7DC6415F07E32C5C0BF1D3273EBBB27F.07-29-19-bipartisan-letter-on-kazakhstan-political-prisoner.pdf

⁶⁶ <https://twitter.com/courtneywmh/status/1153203470629052417>

⁶⁷ <https://cpi.org/2019/07/demonstrators-attack-reporters-damage-equipment-at.php>

⁶⁸ https://twitter.com/OSCE_RFoM/status/1153334334562230273

⁶⁹ <https://www.zdnet.com/article/kazakhstan-government-is-now-intercepting-all-https-traffic/>

unlimited access to user data⁷⁰. After that, on 6 August 2019, the Committee for National Security announced the “successful completion of testing” of the certificate and noting that the certificate will continue to be used “if a threat to national security arises”.

Against the backdrop of increasing protests, the authorities are trying to create the appearance of a dialogue with society. On 17 July 2019, Tokayev signed a decree on the establishment of the National Council of Public Trust – an advisory and consultative body to the President. Formally, the purpose of this body is to “ensure dialogue between civil society and public authorities”. However, human rights defenders and public activists point out that it includes mainly representatives of NGOs that are loyal to the authorities⁷¹. In the past, authorities also came up with similar initiatives, but they were not effective.

On 30 July 2019, The Astana Times published an interview⁷² with the Head of the EU Delegation to Kazakhstan, Sven Olov Karlsson, on the priorities of the new EU strategy for Central Asian countries. It is noteworthy that the interview does not mention the aspect of human rights in the region and in Kazakhstan in particular. The issue of gross human rights violations in Kazakhstan is also omitted in other interviews with the EU representative⁷³, and priority is given to economic cooperation and implementation of infrastructure projects. Thus, the topic of human rights is simply being removed from the agenda of relations between the EU and Central Asian countries.

On 15 August 2019 President Kassym-Zhomart Tokayev met with EU Special Representative for Central Asia Peter Burian. Burian confirmed EU interest to continue strengthening relations with Kazakhstan as well as willingness “to work together bringing forward modernisation, connectivity, resilience, security and human rights agenda”⁷⁴. Unfortunately, Burian limited himself to general phrases about human rights and did not emphasize the priority of this problem.

On 30 July 2019, Kassym-Zhomart Tokayev held a meeting with the Minister of Economy of France, Bruno Le Maire. During the meeting, it was once again emphasised that the European Union is the main trade partner of Kazakhstan, and France is its main partner within the EU⁷⁵. Bruno Le Maire called Kazakhstan a strategic partner of France⁷⁶.

France has ratified the Partnership and Cooperation Agreement between the EU and Kazakhstan, which contained the principle of building relations based on respect for human rights and the rule of law. In that regard, the Open Dialogue Foundation recalls that trade and economic relations with authoritarian states should be closely linked to the fulfilment of human rights obligations.

The Open Dialogue Foundation calls on the authorities of France and other democratic states to publicly raise the issue of the release of all political prisoners in Kazakhstan, as well as the implementation of recommendations of the European Parliament, the OSCE and the UN on the observance of human rights in Kazakhstan. If human rights issues are ignored, the role of the EU, the UN, and the OSCE in the region could be weakened.

The Open Dialogue Foundation emphasises the need to impose personal sanctions on individuals who are responsible for or involved in serious human rights violations in Kazakhstan. We also call on the international community to insist that Kazakhstan fulfil its obligations under the International

⁷⁰ <https://cpi.org/2019/07/kazakhstan-government-backed-security-certificate-.php>

⁷¹ <https://www.facebook.com/sergey.duanov.14/posts/2521771007874230>

⁷² https://astanatimes.com/2019/07/new-eu-strategy-on-central-asia-identifies-challenges-optimises-opportunities-says-eu-ambassador-in-kazakhstan/?fbclid=IwAR2P1_pQIDIMX9fgSks_P64NCmxlFfSpFFNVC6NnmMBwnjueJI3K93zpS_Y

⁷³ https://www.youtube.com/watch?v=iBbNigHLcv0&feature=player_embedded; https://astanatimes.com/2019/03/eu-kazakhstan-relations-evolving-cooperatively-providing-a-model-for-region-says-european-envoy/?fbclid=IwAR2IUqQMhpYif8ylh8-NvLWka9XH3RIOkDB3OrGksU1HCp_USwkU2N8ZeAE; https://astanatimes.com/2019/05/new-eu-central-asia-strategy-seeks-mitigating-global-risks-via-close-cooperation-says-eu-ambassador-to-kazakhstan/?fbclid=IwAR1bKXHELzRNQezbmO-40f1sLV0_76gQ3DSXMNcfZmBW6K8bSo3h9RK5gZg

⁷⁴ https://twitter.com/EUSR_CA/status/1162042270444642304

⁷⁵ http://www.akorda.kz/ru/events/akorda_news/meetings_and_receptions/prezident-kazahstana-kasym-zhomart-tokayev-prinyal-ministra-ekonomiki-i-finansov-francii-bruno-le-mera?fbclid=IwAR1HfvykCDT6oNjxZP7jhyVgYHbcDb9_GR-IlbDwMrEiMmOWz6BBluCdSmk

⁷⁶ <http://kz.mir24.tv/news/93611>

Covenant on Civil and Political Rights and the Enhanced Partnership Agreement between the EU and Kazakhstan, namely to demand the authorities of Kazakhstan to:

- Implement the provisions of the European Parliament Resolution on the situation of human rights in Kazakhstan of 14 March 2019, which calls for an end to politically motivated prosecutions, the release of political prisoners, and the reform of repressive criminal legislation.
- Release the participants in peaceful assemblies, terminate criminal and administrative proceedings against them, and cease the practice of mass arbitrary detention of participants in peaceful assemblies.
- Introduce an appropriate reform of the justice system to fully ensure international standards of independent and fair investigation and trial.
- Change the law on peaceful assemblies, replacing the procedure of authorisation of rallies with a notification procedure.
- Conduct an internal investigation and bring to justice the law enforcement officials who participated in the beating of participants in peaceful protests.
- To take part in public debates in the European Parliament in order to discuss with civil society and European Parliamentarians the issues related to the suppression of freedom of assembly, freedom of expression, and freedom of information in Kazakhstan.