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INFORMATION ON RECENT VIOLATIONS OF HUMAN RIGHTS AND RESTRICTIONS OF FREEDOM IN KAZAKHSTAN, FOLLOWING ADOPTION OF A DRAFT RESOLUTION ON ‘THE RELATIONS OF THE COUNCIL OF EUROPE WITH KAZAKHSTAN’ – PACE THIRD PART OF THE 2017 SESSION

Strategic cooperation between the Council of Europe and Kazakhstan in the field of criminal and constitutional justice, human rights and democratic citizenship has so far been an essential monitoring tool in bringing Kazakhstani institutions in line with European standards. Ongoing EU/CoE joint initiatives, such as [‘Support for the Kazakh authorities in improving the quality and efficiency of the Kazakh justice system’](#), bring hope for improvement of the Kazakh criminal justice system and human rights protection. However, the end of 2016/beginning of 2017 brought a new wave of legal changes and political persecution against representatives of the independent media, civil society and political opposition in Kazakhstan and abroad. Therefore, **the currently deteriorating human rights situation in this authoritarian country**, ruled for 27 years by president Nursultan Nazarbayev, **needs to be carefully considered during the third part of the 2017 session of the Parliamentary Assembly of the Council of Europe**, in the context of the foreseen adoption of a draft resolution on [‘The relations of the Council of Europe with Kazakhstan’](#).

International pressure on the Kazakhstani government has proven to be an effective tool in demanding the safeguarding of human rights and the release of political prisoners – as in the cases of Roza Tuletayeva, a peaceful protester from Zhanaozen city, and Vladimir Kozlov, an opposition politician. **The recent adoption by Members of the PACE of the written declaration entitled [‘Kazakhstan: cease political prosecution of opposition and independent media’](#), as well as of the report on [‘Abusive use of the Interpol system: the need for more stringent legal safeguards’](#)** (which amongst other things cites Kazakhstan as an abuser of Interpol’s Red Notices in the case of Mukhtar Ablyazov, the main Nazarbayev’s political opponent and dozens of his family members and supporters), **should serve as a warning to evaluate the state of democracy and human rights concerns in the country. The Kazakhstani authorities are pursuing Tatiana Paraskevich abroad [1], and Anatoly Pogorelov, Roman Solodchenko, Zhaksylyk Zharimbetov and many others** in different EU member states and Kazakhstan [2], to obtain their testimonies against Ablyazov.

On 14 May, 2017 **Ramazan Yesergepov, a prominent journalist, civil activist** and chairman of the board of the NGO ‘Journalists in Danger’, was stabbed and later hospitalized en route to Astana. There, he was supposed to meet EU ambassadors in the case of jailed Kazakh journalist, Zhanbolat Mamay, as well as his own case with the United Nations Human Rights Committee. Independent Kazakh journalists believe the attack was politically motivated, as Mr. Yesergepov is a harsh critic of the Kazakh government [3].

On 6 April, 2017 the Almaty court refused the **Kazakh independent NGO’s ‘International Legal Initiative’** appeal against the tax department’s imposition of corporate income tax on foreign funds. Even though Kazakh legislation states that non-profit organizations are exempt from such taxation, the



NGO must now pay more than one million tenge (approximately USD 10,000) of corporate income tax, which the organization is unable to pay. Head of the NGO, Aina Shormanbayeva, believes that this tax is a government response to the NGO's recent judicial aid for land reform protesters [\[4\]](#).

At the end of March 2017 the Kazakh Ministry of Justice introduced a **controversial draft bill**: deprivation of citizenship as an additional punishment, added to several articles of the existing Criminal Code, including article 174: "Incitement of ethnic, religious and social discord". This article is widely used to prosecute opposition activists in an attempt to silence them, as its wording is vague and broadly interpretable in such a way as to persecute dissents [\[5\]](#).

On 17 March, 2017 **independent blogger Zhanar Akhmet** and open critic of president Nazarbayev's regime, fled the country. The decision was preceded by several court hearings in recent months for alleged legal violations, including jaywalking and possible trumped-up charges of organizing an illegal group using the Internet to advocate self-immolation [\[6\]](#).

On 23 February, 2017, **Askhat Bersalimov**, an **independent blogger**, was sentenced to fifteen days of administrative arrest after he tried to report on a protest against the incarceration of independent journalist Zhanbolat Mamay. One of the protest's organizers, Erlan Qaliev, was forcibly taken [\[7\]](#).

On 21 January, 2017, Kazakhstani special services kidnapped **Zhaksylyk Zharimbetov** from Turkey. Having spent ten days in a Kazakhstani detention facility, Zharimbetov began to testify against Ablyazov. Based on his testimony of 11 February, 2017, Zhanbolat Mamay, an **editor of the opposition newspaper Tribuna/Sayasi kalam**, was arrested. While awaiting trial on a charge of money-laundering, which carries a possible seven-year jail sentence, on 17 February he was beaten up by cellmates. Mamay is alleged to have funded the newspaper in 2013-2014 with the help of Mukhtar Ablyazov, a Kazakh oppositional politician and refugee residing in France [\[8\]](#); [\[9\]](#); [\[10\]](#); [\[11\]](#).

Earlier this year, hundreds of oil-workers went on strike in protest of the closure of a confederation of **independent labor unions**. On 21 January, 2017, their leaders at the Oil Construction Company, **Amin Eleusinov** and **Nurbek Qushaqbaev**, were arrested on criminal charges. Eleusinov was charged with embezzlement, and Qushaqbaev was charged with organizing an illegal hunger strike. Many other oil-workers were fined or faced court hearings. On April 7, labor union activist Nurbek Qushaqbaev was sentenced to 30 months in prison for "incitement to an illegal strike" [\[12\]](#); [\[13\]](#). A month later, on 16 May 2017, Amin Eleusinov was sentenced to 2 years in prison for embezzlement and refusal to obey a representative of the state [\[14\]](#).

On 28 November, 2016, a Kazakh court sentenced **activists Talgat Ayan and Maks Bokayev** to five years in prison for organizing and attending a peaceful rally about the so-called land reform in the country. The court also banned them for three years from engaging in social activities, and ordered them to pay 530,250 tenge (approximately EUR 1,500) [\[15\]](#); [\[16\]](#); [\[17\]](#). The first instance decision was confirmed on appeal, on 20 January 2017 [\[18\]](#).

Moreover, on 29 August, 2016, **Sanat Dosov**, an **independent blogger**, was arrested, and on 27 December sentenced to three years in prison for his criticism of Russian aggression towards Ukraine and military actions in Syria [\[19\]](#).

In light of the well-established framework of international cooperation between the Council of Europe



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and the Republic of Kazakhstan, as well as the recent escalation of repressions and political prosecution against critics of the Kazakhstani government and representatives of its independent media, civil society and trade union leaders in the country; **the Open Dialog Foundation recommends the Council of Europe to demand that Kazakhstani authorities bring about driven reforms in the fields of human rights, the rule of law, democracy and the judiciary system, as an essential condition for:**

- Further cooperation agreements with the Council of Europe;
- Evaluation of the country's effective compliance of its obligations to protect human rights and cease political prosecution in the context of Kazakhstan's possible accession to the Conventions of the Council of Europe upon the previous invitation of a non-Member State by the Committee of Ministers of the Council of Europe;
- Proposal of an urgent debate on the worrying human rights situation in Kazakhstan during the nearest Third Part of the 2017 session of the Parliamentary Assembly of the Council of Europe;
- Inclusion of information on the political prosecution and gross human rights violations presented in this statement, in the report entitled 'The relations of the Council of Europe with Kazakhstan';
- Inclusion of concrete cases of politically selective persecution of independent NGOs, journalists and bloggers, opposition and civil activists and trade union leaders, in the report 'The relations of the Council of Europe with Kazakhstan'.

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