



REPORT:
**OPPRESSION OF PARTICIPANTS
IN RALLIES AGAINST LAND REFORM
IN KAZAKHSTAN**



Photo: Sania Toiken (RFE/RL)

The Kazakh authorities have detained more than 1,000 and arrested more than 30 protesters. Several activists, who, via social networks, expressed their intention to attend rallies faced criminal charges of ‘attempting to seize power’, ‘inciting social and national hatred’ and ‘spreading false information’. On the eve of the transfer of power to Nazarbayev’s successor, the Kazakh regime is taking steps towards total intimidation of society.

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00-580 Warsaw

Aleja Szucha 11a, office 21

Tel. Tel. +48 22 307 11 22

E-mail: odfoundation@odfoundation.eu

en.odfoundation.eu

For more detailed information, please contact us:

Project Manager:

Lyudmyla Kozlovska lyudmylakozylovska@odfoundation.eu

Authors:

Igor Savchenko igor.savchenko@odfoundation.eu

Andriy Osavoliyk andriy.osavoliyk@odfoundation.eu

Editing:

Lyudmyla Kozlovska

Graphic design:

Igor Savchenko

The cover photo depicts: Maks Bokayev at the rally in Atyrau

Source of the cover photo: Sania Toiken (RFE/RL)

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1. INTRODUCTION

The reaction of the Kazakh authorities to protests against Land Reform serves to confirm that President Nursultan Nazarbayev's regime is experiencing an acute crisis of legitimacy.

Protests against changes to the Land Code have become primarily a protest against the general policy of the authorities, as well as a manifestation of a lack of confidence in the corrupt authorities. In April 2016, rallies were held in a few regions of Kazakhstan and were attended by several thousand people. These were the largest protests to take place since the Zhanaozen events of 2011.

Peaceful rallies 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. The president warned protesters that 'most severe measures would be taken'.

On 17 May, 2016 and 18 May, 2016, in various cities in Kazakhstan, more than 30 activists were arrested over a period of 15 days. The 'crimes' the activists were accused of consisted of publishing posts and comments via social networks in which amendments made to the Land Code were criticised and support was expressed for the rally, scheduled for 21 May, 2016. On 21 May, 2016, police detained more than 1,000 people; all those who were suspected of 'intending to participate' in the rally. More than 50 journalists, who were covering the event, were also detained.

The Kazakh Ombudsman 'concluded' that the law enforcement bodies' actions against activists "were in line with current legislation" and "in accordance with established procedures".¹

In contrast to the tragic events in Zhanaozen in 2011, this time, the authorities did not open fire on peaceful protesters using live ammunition. However, all other methods employed were the same. As was the case with oil workers in Zhanaozen, some activists of the 'land protests' were accused of 'politicising' the problem, 'inciting social discord', 'attempting to seize power and overthrow the constitutional order' and 'orchestrating mass unrest' etc. Atyrau activists Maks Bokayev and Talgat Ayan have been held in custody for over 4 months to date.

Criminal charges against activists of the 'land protests' do not contain any legal terminology. Expressions of opinions on social networks, civic engagement, contradicting the authorities and exercising one's right to freedom of assembly are considered criminal acts. In accordance with the 'finest' traditions of Soviet times, a Kazakh court imposed on Ural activist Zhanat Esentayev 'restrictions' which took the forms of: prohibition of 'writing statements, critical of the authorities', 'performing at concerts', 'attending rallies' and 'participating in round tables organised by international organisations'.

The Kazakh regime has taken steps towards total intimidation of society and ensuring that citizens are fearful of engaging in any kind of political debate. Thus, the authorities have demonstrated that anyone can be prosecuted not only for dissent, but also for engaging in conversation about politics. A system under which everything is dependent on the political will of the dictator cannot be under control, and hence, the regime has to resort to oppression and intimidation. In circumstances where there is no rule of law and the judiciary is entirely subservient to the president, citizens are prevented from seeking protection under the law.

The authorities are not willing to admit that, due to widespread corruption and the absence of the rule of law, they have lost the confidence of society. President Nazarbayev considers that the protests were not prompted by the authorities' policy, but rather the fact that the amendments made to the Land Code "should have been explained to the uncomprehending public".²

¹ <http://rus.azattyq.org/a/27760777.html>

² <https://www.youtube.com/watch?v=bmuXMi1oNag>

Nursultan Nazarbayev, who has governed the country for over 25 years, has repeatedly emphasised that he would not allow a 'Ukrainian Maidan' to take place in Kazakhstan which means that, on the eve of the transfer of power, the president is gravely concerned about the high levels of discontent amongst society.

2. PROTESTS AGAINST LAND REFORM – A MANIFESTATION OF THE TOTAL LACK OF CONFIDENCE IN THE AUTHORITIES

In November 2015, President of Kazakhstan Nursultan Nazarbayev signed the law 'On amendments to the Land Code of the Republic of Kazakhstan'. The law provided for the sale of agricultural land under the rights of private property to Kazakhstan's physical and legal persons. In addition, as of 1 June, 2016, the law also allowed foreigners to lease land for a maximum period of 25 years instead of 10 years. At that time, information about the adoption of the law had not been widely publicised and therefore no strong reaction concerning the issue was forthcoming from society.

On 30 March, 2016, the Minister of Economy of Kazakhstan, Erbolat Dosayev stated that, starting from 1 July, 2016, 1.7 million hectares of land would be put up for auction.³ Subsequently, representatives of civil society began to point to the likelihood of ensuing protests. *"By sale of land, people understand: sale of people. According to our data, more than 50 thousand signatures have already been collected in the provinces. If the land is leased or sold to foreigners, people will adopt extreme measures"*, - representatives of the Kazakh *intelligentsia* stressed in a letter published on 11 April, 2016.⁴

During the history of independent Kazakhstan, there have been periods in which foreign persons had the right to lease land for 99 years. Over time, the term was reduced to 49 years, and later to 10 years.⁵ The authorities insist that the increase in the lease term to 25 years will attract foreign investment and generate additional revenue for the treasury.

The fall in oil prices, accounting for 70% of Kazakhstan's exports, led to the economic crisis, currency devaluation, inflation (17.6% in 2015) and a fall in incomes. At the same time, the authoritarian regime is becoming increasingly oppressive and political reforms are not being implemented. Confidence in the government is waning. History has shown that the most vociferous protests when it comes to Kazakh society are prompted by social problems.

For this reason, rallies against land reform have become protests against the authorities' policy in general. Adopted without proper public debate, amendments to the Land Code exhausted society's patience. Many believe that, taking into account the widespread corruption, the authorities will not conduct fair tender procedures. Another major fear of citizens of Kazakhstan is that representatives of China, whose influence on Kazakhstan is expanding, will be awarded an inordinately large proportion of available plots of land.

3. MASS RALLIES WERE HELD IN APRIL. THE PRESIDENT WARNED PROTESTERS THAT 'MOST SEVERE MEASURES WOULD BE TAKEN'

In April 2016, peaceful protests against the land reform were held in several regions of Kazakhstan. Numerous farmers and workers from the oil towns (mainly ethnic Kazakhs) participated in the rallies.

³ <https://vlast.kz/novosti/16538-17-mln-gektar-selhozzemel-budet-vystavleno-na-aukcion-v-seredine-2016-goda.html>

⁴ The letter was signed, in particular, by culturologist Murat Auezov, writer Abdizhamil Nurpeisov, academician Abugali Kaydarov, retired Police Major General Murat Kalmatayev and environmentalist Mels Yeleusizov – <http://rus.azattyq.org/a/zemelniy-vopros-obraschenie-k-nazarbaevu/27680758.html>

⁵ <http://russian.eurasianet.org/node/63081>

The protests did not have one, single leader nor did they originate from a determinable, geographical hornet's nest. The rallies were largely organised spontaneously with the participation of local activists. In all cases, permission for the holding of protest meetings was not granted by the authorities, and so they were effectively illegal.

On 24 April, 2016, in Atyrau (western Kazakhstan), according to various estimates, up to 4,000 people attended a rally making it the largest in Kazakhstan for 5 years⁶. On 27 April, 2016, several hundred citizens took to the streets in Aktobe (north-western Kazakhstan) and Semey (eastern Kazakhstan).⁷ All rallies were conducted peacefully; protesters gave speeches and signed letters addressed to the authorities before dispersing.



The rally in Atyrau, 24 April, 2016. Photo: Ak Zhayyk

The day after the meeting in Atyrau, the General Prosecutor of Kazakhstan, Askhat Daulbayev, was relieved of his duties and Zhakip Asanov was appointed in his place. On 26 April, 2016, President Nursultan Nazarbayev stated that society had “been subjected to misinformation”, as the law does not provide for the sale of land to foreigners. Nazarbayev warned that ***“provocateurs who are speculating about the land question, must be exposed and punished”***.⁸

Law enforcement agencies began to strictly comply with the instructions of the president. All participants of subsequent rallies were dispersed and some were detained or arrested.

On 28 April, 2016, the police foiled an attempt to hold a rally in Aktau (western Kazakhstan), forcing several dozen protesters to vacate the central square. On 29 April, 2016, in Almaty, police detained approx. 10 activists who were planning to hold a press conference on the ‘land issue’. Those detained included politicians Mukhtar Tayzhan, Amirzhan Kosanov, activists Zhanbolat Mamay and Galym Ageleuov as well as journalist Rysbek Sarsenbayuly. A few hours later, they were released from custody.⁹

On 5 May, 2016, President Nazarbayev signed a decree on a moratorium to amend the Land Code by 31 December, 2016 and established a Land Reform Commission which will be headed by Deputy Prime

⁶ <http://rus.azattyq.org/a/kazakhstan-prodazha-zemli-protest-v-atyrau/27695526.html>

⁷ <http://www.fergananews.com/news/24706>

⁸ <http://rus.azattyq.org/a/nazarbaev-zemelny-vopros-provokatory/27697501.html>

⁹ <http://rus.azattyq.org/a/almaty-zaderzhania-zemelny-vopros/27705772.html> ; <http://rus.azattyq.org/a/27704260.html>

Minister, Bakhytzhhan Sagintayev and will include MPs, representatives of ministries, prosecutors and agricultural companies as well as several members of non-governmental organisations.¹⁰

On the same day, i.e. On 5 May, 2016, Nazarbayev voiced even more serious threats to the protesters: *"It's not the time to display our liberalism - we have to preserve our country". We live in difficult times. Kazakhs do not want Ukrainian events in Kazakhstan. I know about it and let everybody be warned. And if anyone wants to bring it here - we will take the most severe measures. So now you know and you can't say I didn't warn you"*¹¹.

On **21 May, 2016**, the second meeting of the Land Reform Commission was held. On that day, activists had planned to hold peaceful rallies in various regions in order to express their position on the 'land issue'. The authorities thoroughly 'prepared' themselves for this.

4. MASS DETENTIONS AND ARRESTS FOR ATTEMPTS TO PARTICIPATE IN THE RALLY ON 21 MAY, 2016

Activists submitted an application for the organisation of the 21 May, 2016 rally in advance, however, quite predictably, the application was denied. Soon after, activists were summoned to the prosecutor's office where they were handed *"a warning about the inadmissibility of organising illegal gatherings"*. The authorities resorted to open threats. For example, in Aktau, police visited the house of the local leader of the Communist Party Nuriyash Abdreymova and threatened to "take her child from her and send it to an orphanage" were she to go to a rally.¹² In Almaty, university students were threatened with expulsion and were forced to sign declarations stating that they would not leave their dormitories on the day the rally was scheduled to take place.¹³

On 17 May, 2016 and 18 May, 2016, more than 30 activists were arrested in Almaty, Astana, Semey, Uralsk, Shymkent and Atyrau. The 'grounds' for the arrests were posts, reposts and comments made on social networks in which activists criticised amendments to the Land Code and expressed support for rallies. The prosecutor's office and the court interpreted these actions as 'calls for an unsanctioned rally' (Art. 488 of the Administrative Code). Most activists were sentenced to 15 days' incarceration¹⁴. Those arrested included the prominent human rights activists Bakhytzhhan Toregozhina and Lukpan Akhmediarov.

The decisions about the arrests were issued with gross violations: court hearings were often carried out at night and without the presence of counsels. Activists were arrested for 'preparing' to organise gatherings which did not take place.

On the day of the planned rally, i.e. **on 21 May, 2016**, oppression on the part of the security forces intensified. Deputy General Prosecutor Andrey Kravchenko explained the developments in the following way: *"All those persons who openly expressed their intention to participate in the protests" were 'interviewed'; however, 'some still took to the streets, knowing what they could expect' "*¹⁵

On 20 May, 2016 and 21 May, 2016, access to social networks, messaging apps and Youtube was blocked in Kazakhstan. Also, websites of independent media outlets (Radio Azattyk, Uralskaya Nedelya), who covered the protests, were blocked.

On 21 May, 2016, in **Astana, Almaty, Atyrau, Aktobe, Karaganda, Pavlodar, Uralsk and Shymkent** all central squares were cordoned off by police and workers of special forces units. In Atyrau, snipers were

¹⁰ <https://informburo.kz/novosti/stalo-izvestno-kto-voshyol-v-sostav-komissii-po-zemelnyim-reformam.html>

¹¹ https://tengrinews.kz/kazakhstan_news/mir-ne-budet-jdat-poka-myi-namitinguemsya-nazarbaev-293921/

¹² <http://tribunakz.com/today/410-s-utra-idut-zaderzheniya-aktivistov-zhurnalistov-i-pravozaschitnikov.html>

¹³ <http://rus.azattyq.org/a/studenty-preduprezhdeniya-mitingi-zemlya/27717884.html>

¹⁴ <https://kkassiyet.files.wordpress.com/2016/04/d0bcd0bed0bdd0b8d182d0bed180d0b8d0bd0b3-d181d0bed0b1d18bd182d0b8d0b9-21-05-2016-d0b3.pdf>

¹⁵ <http://rus.azattyq.org/a/zemelnaya-komissia-astana-vopros-aktivistov/27764843.html>

stationed on the roofs of buildings.¹⁶ Roadblocks were put in place at major junctions close to a number of cities.

The police detained en masse all those suspected of ‘intent to participate in the protests’. Persons trying to get to central square as well as ordinary passers-by were detained. Employees of special forces pursued fleeing individuals on foot and grappled with random persons in the crowd before bundling them into police vans.



Detentions on 21 May, 2016. The photo: Reuters / Shamil Zhumatov

In Almaty, the number of detainees was so great that they couldn't all be put into police vans. Some activists (e.g. human rights activist Amangeldy Shormanbayev) were detained right outside the entrances to their homes.

Police officers did not disclose the reason for Shormanbayev's detention; they didn't produce detention reports; they denied detainees access to counsels and denied them the chance to make a phone call to their relatives. For approx. 6 hours, activists were held in the courtyards of police stations or in police facilities with windows closed and were prevented from receiving food. Most detainees were released after their identity had been confirmed. In violation of the law, some activists' fingerprints were taken.

In addition, according to the Foundation for Protection of Freedom of Speech 'Adil Soz', 55 journalists were detained whilst engaged in their professional duties in Kazakhstan on 21 May, 2016.¹⁷ They were held in police stations for several hours before they were later released. In some cases, police confiscated equipment from journalists and deleted photos and video materials. Later, the Interior Ministry stated that the detention of journalists occurred '*due to a misunderstanding*'.¹⁸

Reporters noted that **more than 1,000 people were detained in Kazakhstan on 21 May, 2016.** The politician Mukhtar Tayzhan enunciated that he had received information about 1,083 detainees.¹⁹ At the same time, the prosecutor's office stated that, in connection with the events of 21 May, 2016, only 51 persons had been brought to administrative responsibility and four had been arrested.²⁰

¹⁶ <http://rus.azattyq.org/a/kazakhstan-mitingi-protesta-zemelnaya-reforma-azattyq/27748653.html>

¹⁷ <http://www.adilsoz.kz/news/show/id/2047>

¹⁸ <http://rus.azattyq.org/a/zaderzhanie-prava-ogranichenia-na-mitingakh-21-maya/27752793.html>

¹⁹ https://tengrinews.kz/kazakhstan_news/1083-chelovek-zaderjali-politseyskie-21-maya-mukhtar-tajjan-295146/

²⁰ <http://prokuror.gov.kz/rus/novosti/press-releasy/press-reliz-192>

In fact, on 21 May, 2016, without declaring a state of emergency, authorities introduced measures to restrict the rights of citizens throughout the entire territory of the country. At the same time, according to a statement made by the spokesman for the Interior Ministry, Igor Lepekha, on 21 May, 2016, “no illegal rallies were held in Kazakhstan...”, “There was an attempt to gather, but it was immediately prevented”.²¹

On 27 May, 2016, the General Prosecutor’s Office stated that the aim of “those making attempts to provoke people to take part in rallies”, is “destabilisation of the socio-political situation, incitement of ethnic hatred, and the seizure of power”. *Libya, Syria, Egypt and a number of post-Soviet countries may serve as illustrative examples of the consequences of such actions. Currently, law enforcement bodies are investigating a number of criminal cases.*²²

5. CRIMINAL PROSECUTION OF PARTICIPANTS OF THE RALLY



Maks Bokayev and Talgat Ayan. The photo: Ak Zhayyk

5.1. The case of Maks Bokayev, Talgat Ayan and other activists from Atyrau

Thus far, criminal charges have been brought against **six activists** who participated in the rally on 24 April, 2016, in Atyrau. They include: **Maks Bokayev, Talgat Ayan, Kubaydolla Sholak, Erlan Bashakov, Zhasulan Musabekov and Alibek Musauy.** Of these, two are still being held in custody, namely: Maks Bokayev (a renowned activist from Atyrau, head of the civic organisation ‘Arlan’) and Talgat Ayan (a counsel and activist).

In May 2016, Maks Bokayev and Talgat Ayan were sentenced to 15 days’ administrative incarceration for ‘organising an unsanctioned rally’ in Atyrau. On 3 June, 2016, they were immediately transferred from a detention room for administrative detainees to a detention centre. It has now transpired that, in line with a decision by the investigator of the National Security Committee (NSC), A. Abugaliyev, a criminal case has been initiated against the 6 aforementioned activists under Art. 179, section 3 of the CC of the RK (‘preparing for action aimed at the violent seizure of power’). The case is being investigated by the NSC.

According to the findings of the National Security Committee, the aforementioned persons committed the following acts:

- ‘took advantage of negative public opinion’ with respect to land reform;
- ‘on social networks, they published posts opining that the head of state and the government are selling Kazakhstan’s land to foreign citizens’;
- ‘they were calling for participation in the rally of 24 April, 2016’, ‘in spite of the fact that local authorities had refused permission for the rally to go ahead’;

²¹ <https://kapital.kz/gosudarstvo/50486/mvd-nesankcionirovannyh-mitingov-v-strane-ne-bylo.html>

²² <http://prokuror.gov.kz/rus/novosti/press-releasy/press-reliz-191>

- ‘they continued to publicly criticise the adopted amendments’ at the rally of 24 April, 2016;
- ‘they were calling for participation in the rally of 21 May, 2016’; at the same time, they ‘were planning to create clandestine headquarters’ and ‘preparing to organise mass disturbances’;
- their goal was to ‘take over government buildings’ and ‘to announce the transfer of power to the people’s representatives at the local level’.

The NSC stated that the crime had not been ‘brought to an end’.

In addition, Maks Bokayev was elected member of the Land Reform Commission, however, he refused to participate in it. He stressed the formal nature of the Commission’s work and the fact that most of its members are representatives of the authorities. The NSC surmised that, through his refusal, Bokayev had ‘pursued the goal of causing a split in society’ and ‘carrying out a colour revolution’.

In addition to the aforementioned six activists, pensioners Sagyngali Kapizov and Gataugali Bokhan were also involved in the case regarding the ‘seizure of power’, however, charges against them were dropped shortly after.

On 22 July, 2016, information concerning the **re-qualification of charges** against the activists of Atyrau was made public. In all likelihood, the NSC had been unable to ‘uncover’ evidence regarding the charge of ‘seizure of power’ and, as a result:

- Kubaydolla Sholak, Yerlan Bashakov, Zhasulan Musabekov and Alibek Musauuly have been accused of ‘preparation for mass unrest’ (Art. 272, section 1 of the CC of the RK) and face up to 10 years in prison.²³
- Maks Bokayev and Talgat Ayan have been accused of ‘inciting social, national, tribal, racial, class-based or religious hatred’ (Art. 174, section 2 of the CC of the RK), ‘spreading false information during public events’ (Art. 274, section 4 of the CC of the RK) and ‘violating the order of organising rallies’ (Art. 400 of the CC of the RK).²⁴ The maximum term of imprisonment under the first two articles is 10 years.

Maks Bokayev and Talgat Ayan have been held in a detention centre in Atyrau for 4 months now. What’s more, Bokayev suffers from hepatitis C and cholecystitis and his condition in connection with the latter has exacerbated during the period of his detention. The prosecutor’s office and the court have ignored Bokayev’s poor health condition and refused to change the measure of his restraint.

As reported by Bokayev’s relatives, the criminal case has been transferred to Atyrau City Court No. 2. The trial will begin on 12 October, 2016.

²³ <http://rus.azattyq.org/a/kazakhstan-atyrau-ayan-bokaev-perekval/27873689.html>

²⁴ <https://www.facebook.com/btoregozhina/posts/1255190581160191>



5.2. The sentencing of Ural activist Kairat Esentayev

On 17 May, 2016, Kazakh poet, bard and activist from Uralsk, Zhanat Esentayev, was arrested. He was accused of ‘inciting social, national, tribal, racial, class-based or religious hatred’ (Art. 174, section 1 of the CC of the RK). Esentayev’s poems containing the words “*I will not allow anyone to sell my land!*”, “*Hearts of the Kazakhs, the true owners of my land...*” etc., published on Facebook, have come to form the prosecutors’ ‘evidence base’. Through these words, he expressed his support for the rally scheduled for 21 May, 2016.²⁵

Zhanat Esentayev agreed to cooperate with the investigation, ‘repented’ and confessed his guilt.

On 15 July, 2016, Judge of the Uralsk City Court Ruslan Zhumagulov sentenced Esentayev to 2.5 years’ restraint of liberty. **The restrictions, imposed by the court on Esentayev, include:**

- A ban on ‘publishing via social networks and in the media’, any articles, ‘aimed at discrediting the actions of the authorities’, as well as any texts having ‘political, social, household-related, economic and environmental’ themes.
- The bard is also forbidden from ‘performing at concerts’ as well as ‘attending rallies and pickets’.
- Restriction on his participation in seminars, round tables, meetings, ‘held with the participation of international non-governmental organisations’ and/or ‘connected with political, environmental and social issues’.²⁶



5.3. The court sentence against Astana activist Makhambet Abzhan

On 18 August, 2016, Judge of Saryarka District Court No.2 (in Astana) Elizaveta Atchibayeva sentenced human rights activist Makhambet Abzhan to 1 year of restriction of liberty, having convicted him of insulting a police officer (Art. 378 of the CC of the RK), disobeying the orders of a police officer (Art. 379 of the CC of the RK) and assaulting a public servant (Art. 380 of the CC of the RK). According to investigators, Abzhan made a scene at the premises of the Tax Service before getting into a fracas with the policemen who arrived at the scene,

tearing off a pocket of one of the policemen’s shirts.

Makhambet Abzhan himself links the criminal prosecution with his posts on Facebook, in which he wrote about the protests, scheduled for 21 May, 2016. Observers reported that evidence has been fabricated: for example, police claimed that the right pocket of the policeman’s shirt had been torn off, whereas, at the trial, the jacket shown to the court as an exhibit had a missing left pocket.²⁷

²⁵ <http://rus.azattyq.org/a/zhanat-esentayev-aktivist-bard-arest/27753889.html>

²⁶ http://ratel.kz/outlook/evgenij_zhovtis_kogda_nam_zapretjat_dumat_razgovarivat_ili_slushat

²⁷ http://www.bureau.kz/novosti/sobstvennaya_informaciya/delo_po_makhambetu_abjanu_podkhodit_k_koncu; <http://libertykz.com/2016/06/22/abzhan/>

5.4. Criminal charges against activists from Almaty

On 4 July, 2016, Almaty activists: Gulyaim Makasheva, Aigerim Tleuzhanova, Aigul Turkpenbayeva and Zhandos Kosberekov were taken to a police station. They had expressed support for the rally of 21 May, 2016, via social networks. It later transpired that a criminal case was initiated against them on charges of ‘calling for mass unrest’ (Art. 272, section 3 of the CC of the RK). Currently, the activists remain at large. It is unclear what stage the investigation into the case is currently at.²⁸

6. ‘PAID PROTESTS’ AND ‘CHICANERY OF THE WEST’ – THE REACTION OF KAZAKH AUTHORITIES

An information campaign was launched via state television channels claiming that the participants of the rallies are “paid from \$50 to \$150” and that, under these arrangements, the protesters “are selling their Motherland”. *“With the help of the fifth column in our country, the external enemy has finally found a way to destroy everything!”* - Kazakhstan's Channel 1 claimed in a video in which the hands and feet of unknown persons, in an unknown place, who were passing dollar bills to each other, were shown (all signs indicate that the footage was staged).²⁹

In addition, **President Nazarbayev stated that there is a ‘link’ between the protests, acts of terror and revolutions.**

On 5 June, 2016, in Aktobe, a group of people robbed weapon shops and attacked the military unit of the National Guard, killing 4 locals and 3 soldiers. According to official sources, security forces killed 18 assailants and arrested 9. President Nazarbayev noted that the perpetrators of the attack, “had received instructions from abroad”: *“We all know that the so-called ‘colour revolutions’ have different methods and stem from contrived rallies, assassinations, a desire to seize power”*³⁰

In addition, the Kazakh intelligence services have accused the oligarch Tokhtar Tuleshov of ‘organising and financing’ protests against land reform. It is noteworthy that Tuleshov was arrested as early as in January 2016. Thus, the intelligence agencies believe that Tuleshov was able to organise rallies and ‘prepare a coup’ while in a detention facility: *“The plan of action envisaged the destabilisation of the situation in the country through the creation of hotbeds of tension, the organisation of protests and mass riots”*³¹ At the same time, the investigators consider that the Atyrau activists Maks Bokayev and Talgat Ayan also somehow ‘coordinated’ their actions with Tuleshov.³²

The trial against Tuleshov is being carried out behind closed doors. Experts have labelled the case against Tuleshov ‘a manifestation of the struggle between the elites of Kazakhstan and an attempt to discredit the protests against the amendments to the Land Code’.

Human rights organisations: Human Rights Watch, Amnesty International, Freedom House, Reporters Without Borders, the Netherlands Helsinki Committee, Kazakhstan's human rights organisations, UN Special Rapporteurs and the OSCE Representative on Freedom of the Media condemned the mass arrests, detentions and prosecutions of Kazakh activists in relation to their participation and their intention to participate in the rallies. Representatives of the international community have repeatedly called on the Kazakh authorities to cease trampling on the fundamental rights: freedom of expression and freedom of assembly.³³

²⁸ <http://rus.azattyq.org/a/almaty-aktivisty-zemlya-ugolovnaya-otvetstvennost/27846240.html>

²⁹ <http://www.1tv.kz/ru/news/video13052016/glavnye/1> ; <http://www.1tv.kz/projects/analytica/watch/010516/7>

³⁰ http://www.bbc.com/russian/news/2016/06/160608_nazarbayev_aktobe_attacks

³¹ <http://www.interfax.ru/world/511956>

³² http://www.bureau.kz/novosti/sobstvennaya_informaciya/iyul_vydalsya_mokrym

³³ <https://freedomhouse.org/article/kazakhstan-tightens-crackdown-ahead-protests> ; <https://www.hrw.org/news/2016/06/22/kazakhstan-activists-arrested-after-land-protests> ; <https://www.amnesty.org/en/documents/eur57/4595/2016/en/>; <https://rsf.org/en/news/kazakhstan-protests-lead-wave-arrests-journalists>

The scope of public discontent in Kazakhstan, as well as incidents of the oppressive suppression of the 'land protests' attracted widespread international publicity. On 18 August, 2016, President Nursultan Nazarbayev extended the term of the moratorium on amendments to the Land Code until December 2021.

7. CONCLUSIONS

Instead of carrying out reforms and getting to the root of the problem, the authorities have resorted to tightly controlling the information space, adopting Russian propaganda techniques and shifting attention to the 'external threat'. The President projects a false image of rallies on society, presenting them as 'illegal' and 'extremist'. It is significant that after the protests, Nazarbayev ordered the establishment of the Ministry of Information and Communications in order to 'monitor' (but in reality - control more strictly) both the media and the Internet. This may lead to further prosecutions for publishing posts and comments on social networks.

Kazakh authorities accuse the West of 'exacerbating the situation' and allow themselves to publicly spread outright lies, showing disrespect for international partners. In June 2016, at a session of the UN Human Rights Committee, a representative of the General Prosecutor's Office of Kazakhstan, Nurdaulet Suindikov, stated that it was necessary 'to stop illegal rallies' and 'to prevent violence, as there were grenades, pistols and explosives present there'.³⁴ Another example of misinformation by the authorities is footage, publicised on 20 May, 2016, in which the police allegedly 'found' metal bars and Molotov cocktails hidden near the central square in Almaty.

The international community has no right to turn a blind eye to the trampling of human rights in Kazakhstan. In March 2016, the President of the European Commission Jean-Claude Juncker referred to President Nazarbayev as 'a good friend' who was 'sensitive' to the problems of human rights.³⁵ On 28 June, 2016, by decision of the UN General Assembly, Kazakhstan was elected as a member of the UN Security Council for a two-year period.

Guided by economic interests, the West is turning a blind eye to restrictions of human rights in Kazakhstan. This double standard policy helps bolster the authoritarian regime of Nazarbayev. Ignoring the actions of the regime, which eliminated the systemic opposition, is leading to a growth in radical, extremist groups has been confirmed by the armed attacks in Aktobe.

The recent release of political prisoner Vladimir Kozlov was the result of systemic pressure being applied to the Kazakh authorities by the international community.

Consigned to their fate, Kazakh civil society is in need of defenders. We hereby call on the EU, the European Parliament, the UN, the OSCE and the United States to apply unyielding political pressure to demand of the Kazakh authorities that they immediately release participants in the 'land protests', stop the prosecution of activists as well as exonerate all those convicted of involvement in the rallies. The Kazakh authorities must bring to justice those police officers who participated in the illegal mass detentions as well as those who issued the corresponding orders.

In 2017, the international exhibition 'EXPO-2017' is due to take place in Kazakhstan. The General Prosecutor of Kazakhstan has proposed that all protests be banned during the exhibition. We call on the

<http://www.ohchr.org/RU/NewsEvents/Pages/DisplayNews.aspx?NewsID=19951&LangID=E;>

[http://bureau.kz/en/news/kibhr_information/choose_dialogue_instead_of_repression;](http://bureau.kz/en/news/kibhr_information/choose_dialogue_instead_of_repression) [http://www.osce.org/fom/241816;](http://www.osce.org/fom/241816)

³⁴ <http://rus.azattyq.org/a/kazakhstan-komitet-oon-po-pravam-cheloveka/27815908.html>

³⁵ <http://en.odfoundation.eu/a/7442,jean-claude-juncker-s-statement-on-promising-reform-in-kazakhstan-calls-into-question-the-competence-of-representatives-of-the-european-commission-given-their-assessment-of-the-real-situation-in-the-country>

governments of the EU and Western companies to boycott 'EXPO-2017' in order to highlight the systemic problems with the observance of human rights in Kazakhstan.

We also urge the European Parliament and the parliaments of EU member states to refrain from ratifying the agreement on cooperation with Kazakhstan, as well as demand that the signing of the agreement be conditional on the removal of overtly political articles from the Criminal Code, cessation of political oppression as well as compliance with Kazakhstan's obligations regarding the protection of both freedom of speech and freedom of assembly.

All those wishing to support our appeals are requested to address the following persons and institutions:

- EU High Representative for Foreign Affairs and Security Policy, Federico Mogherini - 1049 Brussels, Rue de la Loi / Wetstraat 200, 1049 Brussels, Belgium, phone: +32 2 584 11 11; +32 0 2 295 71 69, e-mail: federica.mogherini@ec.europa.eu;
- President of the European Parliament Martin Schulz – Bât. Paul-Henri Spaak 09B011, Rue Wiertz / Wiertzstraat 60, 1047 Brussels, Belgium, phone: +32 2 28 45503; e-mail: martin.schulz@europarl.europa.eu;
- Chairman of the European Parliament Committee on Foreign Affairs Elmar Brok - Bât. Paul-Henri Spaak 05E240, Rue Wiertz / Wiertzstraat 60, 1047 Brussels, Belgium, phone: +32 2 28 45323, e-mail: elmar.brok@europarl.europa.eu;
- Head of the EU Subcommittee on Human Rights Elena Valenciano - Bât. Altiero Spinelli, 11G354, Rue Wiertz / Wiertzstraat 60, 1047 Brussels, Belgium, phone: +32 2 28 45846, e-mail: elena.valenciano@europarl.europa.eu;
- Special Representative of the European Union on Human Rights Stavros Lambrinidis - phone: +32 2 584 230, e-mail: stavros.lambrinidis@ext.eeas.europa.eu;
- President of the European Council Donald Tusk - 1048 Brussels, Rue de la Loi / Wetstraat 175, e-mail: donald.tusk@european-council.europa.eu, tel: +32 2 28 15650;
- President of the European Commission Jean-Claude Juncker - 1049 Brussels, Rue de la Loi / Wetstraat 200, e-mail: president.juncker@ec.europa.eu;
- Secretary General of the Council of Europe Thorbjørn Jagland - phone: + 33 3 88 41 20 00, e-mail: thorbjorn.jagland@coe.int;
- President of the Parliamentary Assembly of the Council of Europe Pedro Agramunt - phone: +33 88 41 23 41, e-mail: pedro.agramunt@senado.es; mark.neville@coe.int;
- President of the OSCE PA Christine Mouton - e-mail: christine.muttonen@parlament.gv.at ; christine.muttonen@spoe.at , тел: +43 (1) 401 10 3660, +43 (1) 401 10 3444;
- Head of the OSCE PA General Committee on Democracy, Human Rights and Humanitarian Affairs, Ignacio Sanchez Amor - e-mail: cristina.casado@gps.congreso.es, тел: +34 22 739 6919.
- UN High Commissioner for Human Rights Zeid Ra'ad Al-Hussein – Palais des Nations CH-1211 Geneva 10, Switzerland, tel: +41 22 739 9220.
- US House of Representatives - Washington, DC 20515, phone: 202 224 -3121; priim@lrs.lt;
- Chairman of the US Helsinki Commission, Senator Chris Smith - – 20515, Washington, D.C., USA, 2373 Rayburn House Office Building, phone: +1 (202) 225 37 65;