

List of Kazakhstani political prisoners and other politically prosecuted persons

(updated)

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OPEN DIALOGUE



Syrym
Rakhmetov



Serik
Zhakhin



Akmaral
Kerimbayeva



Igor
Chuprina



Mukhtar
Dzhalishev



Oksana
Shevchuk



Igor
Sichev



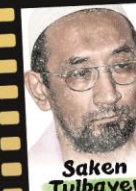
Gulmira
Kalykova



Gulzira
Dzhauberova



Aron
Atabek



Saken
Tulbayev



Zhazira
Demeuova



Aset
Abishev



Zhanara
Akhmetova



Bolatkhon
Zhunusov



Iskander
Yerimbetov



Sanat
Bubenov



Anuar
Ashiraliyev



Ruslan
Gimatullin



Kenzhebek
Abishev



Almat
Zhumagulov



Yerzhan
Yelshibaev



Maks
Bokayev



Kaiyrly

The Open Dialogue Foundation (ODF) was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, [statutory objectives](#) of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. The Foundation originally focused its attention primarily on Kazakhstan, Russia, Ukraine and – since 2016 – Moldova, but this area of interest was expanded in July 2017 due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments.

ODF pursues its goals through the organisation of observation missions, monitoring especially individual human rights' violation cases. It also advocates for international legislation better serving human rights, such as the Magnitsky Act or the adding of conditionality clauses to EU & international financial assistance programmes directed at non-democratic states and hybrid regimes. The Foundation also has extensive experience in the field of protection of the rights of political prisoners and refugees.

Based on its work, ODF publishes [analytical reports](#) and distributes them among EU institutions, OSCE, Council of Europe, the UN, other human rights organisations, foreign ministries and parliaments, as well as the media. It is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relations with monitored third countries.

ODF advocates for the [reform of Interpol](#) and - more recently - the Schengen Information System (SIS), preventing their mechanisms from being used by authoritarian and hybrid regimes to persecute their opponents.

In 2013/14 the Foundation organised a mission to support Ukrainian civil society in their struggle for European integration during [the Revolution of Dignity](#) in Kyiv's Maidan square. Following the Russian aggression in 2014, ODF's [humanitarian aid programme](#) started on Maidan, was expanded to help those affected by the occupation of Crimea and the war in the East of Ukraine. From 2014 to 2016, ODF run a large support centre in Warsaw under the name ["Ukrainian World"](#), offering everyday life assistance for migrants and fostering Polish-Ukrainian integration.

The Foundation has its permanent representative offices in Warsaw and Brussels.

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1. SUMMARY

This report examines the cases of **56 victims of politically motivated criminal prosecutions** in Kazakhstan. Among them, at least **21 are political prisoners who remain in prisons or pre-trial detention facilities**.

In Kazakhstan, civil society representatives are subjected to criminal prosecutions, imprisonment and torture for their civil society, human rights, and trade union activities, participation in peaceful protests and criticism of the authorities on social networks.

In March 2019, Nursultan Nazarbayev, who had been President for 30 years, announced his resignation. On 9 June 2019, extraordinary presidential election was held, which was won, as expected, by **Nazarbayev's protege, Kassym-Zhomart Tokayev**. International observers noted gross falsifications in favour of Tokayev, as well as lack of competition (Amirzhan Kosanov, who positioned himself as an “opposition candidate”, was only nominally so)¹. The OSCE reported systemic election irregularities², but the newly elected President called the OSCE conclusions “politically biased”.

In this way, **the transit of power in Kazakhstan was formalised**. Nursultan Nazarbayev is now the Chairman of the Security Council of Kazakhstan and has control over all key government agencies. His protege, Kassym-Zhomart Tokayev, who became President, continues Nazarbayev's policy, strengthens the authoritarian regime and suppresses civil liberties.

However, the attention and pressure of the international community reduces the scale of repression. As a result, several political prisoners have been released over the past year. **However, the total number of politically prosecuted persons is growing rapidly**, primarily due to the detentions of participants in peaceful rallies.

In the period from March to October 2019, another wave of protests took place in Kazakhstan. Anti-government protests of thousands of people were held in various regions of the country. Protesters called for a boycott of the election, spoke out against election fraud, against the renaming of Astana to Nur-Sultan (in honour of Nazarbayev), and against Chinese expansion.



9 June 2019. Almaty. Photo: Petr Trotsenko (RFE/RL).

¹ <https://en.odfoundation.eu/a/9330/election-in-kazakhstan-gross-falsifications-and-mass-arrests-of-peaceful-protesters>

² <https://www.osce.org/odihr/elections/kazakhstan/422501>

Peaceful rallies ended with **mass arbitrary detentions of protesters, unprecedented in the history of Kazakhstan**. In order to disperse the rallies, the authorities used police officers, special police units and internal troops, as well as internal troops' equipment.

During the peaceful rallies on 21–22 March 2019, 1 May 2019 and 9 May 2019, about 400 people were detained. At the rallies on 9–12 June 2019, according to official data alone, **about 4000 people were detained** (677 people were awarded administrative arrest - they were tried at night directly at police stations and without access to lawyers). About 700 people were also detained during the rally on 6 July 2019. On the threshold of the rally on 21 September 2019, at least 65 people were detained, 43 of whom were subjected to administrative arrests or fines³. According to observers, on the days of peaceful rallies (21 September 2019 and 26 October 2019), the authorities detained more than 200⁴ and more than 80⁵ people, respectively. The police beat peaceful protesters and dragged them into transport vehicles, holding them by their arms and legs. The detainees included minors and the elderly, as well as journalists and human rights activists.

Several mass peaceful protests were also held in 2018. In general, **from February 2018 to October 2019, more than 6000 people** were arbitrarily detained for participating in peaceful rallies. Over these two years, more than 230 victims of these persecutions have sent their powers of attorney to the Open Dialogue Foundation with the aim of having their rights protected.



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

Persons detained at peaceful rallies were taken to police stations and **interrogated about their political views**. The police also confiscated phones from detainees and checked whether they were subscribed to the pages of 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*”. In its resolution on the human rights situation in Kazakhstan dated 14 March 2019, the European Parliament noted the peaceful nature of the DCK. Referring to the court's decision to ban the DCK, the Kazakhstani prosecutor's office criminalised “*positive approval*” of the ideas of the DCK and its leader Mukhtar Ablyazov.

³ <https://www.facebook.com/groups/2333831603602776/permalink/2442462392739696/>

⁴ <https://www.facebook.com/lyudmyla.kozlovska/posts/10215189802440844>

⁵ <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2478809299105005/>

Mukhtar Ablyazov is a Kazakhstani opposition politician who has been prosecuted by the Kazakhstani authorities for many years. The reason for his prosecution is the long-standing conflict between him and Nazarbayev. Ablyazov, being the majority shareholder and head of the private BTA Bank, supported the opposition. In 2009, the Kazakhstani authorities accused Ablyazov of embezzlement of BTA Bank's funds. For 10 years now, Kazakhstan has been abusing the Interpol system and seeking the extradition of Ablyazov and his associates from the EU. In December 2016, the French Council of State recognised **the request for Ablyazov's extradition as politically motivated**⁶. Interpol removed him from the search list.

Based on the decision of the Kazakhstani court to ban the DCK, the Kazakhstani authorities regard their criticism in social media and participation in peaceful rallies as **“participation in the activities of the organisation after its recognition as extremist” (Article 405 of the Criminal Code)**. On this charge, 3 people were sent to prison, at least 4 people remain in pre-trial detention, at least 6 people are under investigation and subject to a measure of restraint that does not include detentions, and at least 15 people have been sentenced to suspended sentences.

Among those who were sent to pre-trial detention facilities under the “extremist” Art. 405 of the CC are **single mothers Gulzipa Dzhauberova and Zhazira Demeuova**, as well as **mother of many children Oksana Shevchuk**, whose younger daughter is still breastfed. In September, Demeuova was placed under house arrest. Mothers of many children Akmaral Kerimbayeva and Gulmira Kalykova received suspended sentences under this article.



Zhazira Demeuova, Gulzipa Dzhauberova and Oksana Shevchuk, who were arrested under “extremist” article 405 of the CC. Photo: Radio Azattyk.

In their indictments in the DCK cases, investigators **accuse activists with such “criminal actions”** as *“active support for the ideas of the DCK and Ablyazov”, “reposting materials from the pages of the DCK and Ablyazov”, “posts in social networks that discredit the Head of State and the current government”* and *“shouting out ideas at rallies that form a negative image of authorities”*. At the same time, investigators in these cases refer to physical evidence: Kazakhstani flags and blue balloons (which are regarded as “prohibited propaganda materials”).

⁶ <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/ce-9-decembre-2016-m.-o>

Persons prosecuted under Art. 405 of the Criminal Code also face threats from intelligence services and pressure on their families. Criminal charges were brought under this article against Daniyar Khassenov, **an observer of the Italian Federation for Human Rights**. He monitors violations of the rights of peaceful protesters. Due to the wide international publicity, in September 2019, the criminal case was closed.

Thus, the authorities interpret **the expression of opposition views as “support for the DCK”, and, as a result, as “extremism”**. In fact, this criminalises any opposition activity in the country. UN Special Rapporteur Fionnuala Ní Aoláin expressed concern about Kazakhstan's practice of *“the use of extremism laws against political groups and critical voices.”*⁷

In several cases, UN bodies, within the framework of adversarial proceedings, taking into account the position of the authorities and of the persecuted persons, concluded that the prosecution was illegal and politically motivated. In particular, the UN Working Group on Arbitrary Detention recommended the immediate release of **Maks Bokayev**⁸ and **Iskander Yerimbetov**⁹, and the UN Human Rights Committee recommended the immediate release of **Mukhtar Dzhakishev**¹⁰. However, **the Kazakhstani authorities fail to comply with the requirements of the UN bodies**. Maks Bokayev and Iskander Yerimbetov became victims of torture. Moreover, Dzhakishev suffers from life-threatening diseases and can die in prison at any time.

In general, the UN treaty bodies have issued more than 30 decisions that recognise violations committed by Kazakhstan. Of these, at least 23 decisions were not executed by Kazakhstan. One of the examples is the failure to comply with the decisions regarding violation of the right to freedom of assembly in relation to human rights activist Bakhytzhan Torezhina and activist Dilnar Insanova, as well as violation of the right to protection from torture in respect of Zhaslan Suleymenov, Arshidin Israil, and Dmitriy Tyan.

The results of our monitoring, as well as data from the UN and human rights organisations, confirm the **systematic nature of torture** in Kazakhstan's prisons and detention facilities. According to Penal Reform International, there were 1413 cases of torture during criminal proceedings in Kazakhstan in 2015 and 1460 in 2016¹¹. However, from 2008 to 2018, only 8 claims for compensation for torture were approved, and **2026 investigations were discontinued** due to “lack of evidence.”¹²

This report examines the cases of several politically prosecuted persons who have been **subjected to torture and ill-treatment**: Iskander Yerimbetov, Mukhtar Dzhakishev, Kenzhebek Abishev, Almat Zhumagulov, Ablovas Dzhumayev, Aset Abishev, Aron Atabek, Yerkin Kaziev and Aset Nurzhaubay.

In Kazakhstan, more than 99.8% of sentences are convictions. In case of political prisoners, the authorities **set the following condition: “plead guilty ”in exchange for release or reduction of the sentence**. More and more often, video recordings appear in pro-government media, in which the defendants in political cases “repent ”and give up their opposition ideas. Aset Nurzhaubay and Muratbek Tungishbayev, who were subjected to ill-treatment, were released due to the fact that they “repented”, called on “not to support Mukhtar Ablyazov ”and said that the work of human rights defenders ended with “no results”. Their statements were similar to each other and **repeated paragraphs of state propaganda**.

Serikzhan Bilash and Maks Bokayev reported that **representatives of the Presidential Administration gave them the opportunity to “repent ”in exchange for their release**. This is another confirmation of the lack of an independent judiciary in Kazakhstan. In political affairs, decisions “come from above”, in particular from the Presidential Administration.

⁷ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24620&LangID=E>

⁸ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf

⁹ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf

¹⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en

¹¹ <https://informburo.kz/novosti/pochti-1500-sluchaev-pytok-zaregistrirovano-v-kazahstane-v-2016-godu.html>

¹² <https://www.kazpravda.kz/news/obshchestvo/rost-kolichestva-pitok-i-zhestkogo-otnosheniya-nabludaetsya-v-turmah-kazahstana>

In addition, through criminal prosecutions, the authorities are seeking the cessation of the activists' civic actions. It has become common for Kazakhstani courts to impose additional restrictions on defendants when passing a suspended sentence. For example, the court forbade Bakiza Khalelova to “attend rallies ” and write comments on social networks “aimed at discrediting the activities of the authorities ”for 1 year. Larisa Kharkova and Serikzhan Bilash were **banned from engaging in civil society activities** for 5 and 7 years, respectively.

The cases of Serikzhan Bilash, as well as the case of asylum seekers Murager Alimuly and Kaster Musakhanuly, are examples of how the Kazakhstani authorities, not wishing to spoil relations with China, hush up the problem of re-education camps in Xinjiang. At the moment, only international pressure would help ensure the safety of the arrested Alimuly and Musakhanuly, as well as save them from being deported to China.

This report examines the cases of politically prosecuted persons (including those who remain in pre-trial detention facilities and prisons - political prisoners) who are prosecuted under both general criminal articles and “**political**” **articles of the Criminal Code of Kazakhstan**. The latter include charges of “inciting social discord ” (Art. 174 of the CC), “participation in the activities of the organisation after its recognition as extremist ”(Art. 405 of the CC), “deliberately disseminating false information ”(Article 274 of the CC), “violation of the procedure for holding rallies ”(Art. 400 of the CC) and “public calls for the seizure of power ”(Article 179 of the CC).

The authorities include persons prosecuted under “extremist ”articles (Art. 174 and 405 of the CC) in the national **list of persons linked to the financing of terrorism and extremism**, which results in a ban on the use of banking, postal, notarial, and insurance services (this list includes, in particular, former political prisoners Vladimir Kozlov and Ablovas Dzhumayev).

The inclusion in the list of politically prosecuted persons means the presence of confirmed facts that the person is persecuted for expressing opinions, participating in peaceful rallies and social activities, as well as for other political reasons. This does not mean that the Open Dialogue Foundation shares the views and opinions of all persons included in this report.



10 June 2019. Almaty. Photo: Reuters.

2. PERSONS IN DETENTION – POLITICAL PRISONERS

2.1. Persons whom UN bodies demand to be released immediately, but authorities refuse to do so



Mukhtar Dzhakishev – the former head of the state company ‘Kazatomprom’ (1998–2001, 2002–2009).

Charges: ‘embezzlement of entrusted property’ (Article 176 of the CC), ‘accepting bribes’ (Article 311 of the CC) and ‘fraud’ (Article 177 of the CC).

In 2010 and 2012, two court trials were held against Dzhakishev. He was sentenced to 14 years in prison.

In December 2015, the UN Human Rights Committee acknowledged that Dzhakishev had not been provided with the right to a fair and public trial, the right to defence, the right to communicate with lawyers and the right to humane treatment. The UN demanded the verdict be annulled and Dzhakishev released (Communication No. 2304/2013)¹³. However, Kazakhstan refused to comply with the decision of the UN Committee.

Dzhakishev has been in prison for more than 10 years. Dzhakishev's life-threatening diseases have been aggravated. He is now at risk of stroke and heart attack. The latest examinations have revealed impaired brain function. The Kazakhstani authorities are failing to provide him with effective and long-term treatment, which may result in his death at any time. At the same time, representatives of the Ministry of Internal Affairs refer to his state of health as ‘relatively satisfactory’, and the prosecutor's office reports that ‘no complaints have been filed in this regard’.¹⁴

In June 2018, Dzhakishev was officially recognised as a person with disability. According to the lawyer, there is no place in Kazakhstan adequately equipped to treat complex disorders such as those from which Dzhakishev suffers.

Dzhakishev's mother died in September 2018, but the Interior Ministry did not allow the prisoner to say goodbye to her.

In November 2018 and July 2019, a Kazakhstani court twice refused to release Dzhakishev on parole. The formal reason for the refusal was that Dzhakishev failed to pay over 260 million dollars of damages stipulated by the sentence. The court did not take into account the lawyer's arguments that Dzhakishev has a disability, as well as the fact that it is impossible to earn such a sum in prison. On 10 September 2019, the court rejected his appeal, once again refusing to release him. This court decision is a “sentence to a slow, agonising death in captivity” - said the Kazakhstan International Bureau of Human Rights¹⁵. Dzhakishev refused to “repent” and “confess guilt”. The authorities systematically refuse to allow international human rights missions to visit Dzhakishev.

¹³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fD%2f2304%2f2013&Lang=en

¹⁴ https://tengrinews.kz/kazakhstan_news/izni-muhtara-djakisheva-kolonii-rasskazali-genprokurature-342466/

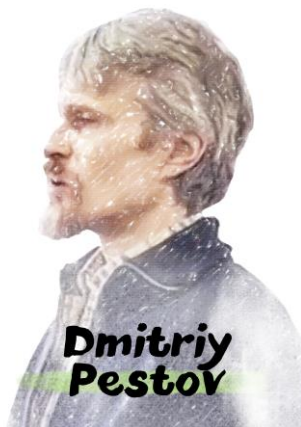
¹⁵ https://bureau.kz/novosti/sobstvennaya_informaciya/djakishev_prigovoren_k_medlennoi_smerti/



Iskander Yerimbetov is a Kazakhstani businessman, the brother of Kazakhstani human rights defender and lawyer Botagoz Jardemalie. She provided legal consulting services to opposition politician Mukhtar Ablyazov and victims of political persecution in Kazakhstan. Jardemalie resides in Belgium, where she has been granted political asylum.

Charges: ‘money laundering’ (Article 193 of the CC), ‘fraud’ (Article 177 of the CC).

In November-December 2017 and January 2018, Yerimbetov was subjected to repeated brutal torture at a Kazakhstani detention center. Employees of the special services demanded that he testify against Ablyazov and convince his sister to return to Kazakhstan to “cooperate with the investigation” in the Ablyazov's case. Yerimbetov noted that he was placed in a cell with convicted persons who severely beat him, including with a wooden stick given to them by a facility guard.



Yerimbetov spoke about torture at meetings with representatives of the EU, Great Britain, Germany, USA and Poland who have been allowed to visit him in the detention facility. Ignoring the data of human rights defenders and the demands of the international community, on 22 February 2018 authorities closed the criminal case on torture.

A politically motivated trial was organised against Yerimbetov, which was accompanied by an unprecedented number of violations. The prosecution stated that the Sky Service company (founded by Yerimbetov) had allegedly overpriced its services “in violation of the law”. In the legislation of Kazakhstan, however, there is no such notion as “unlawful overpricing”. The company was selling its services via open tenders.

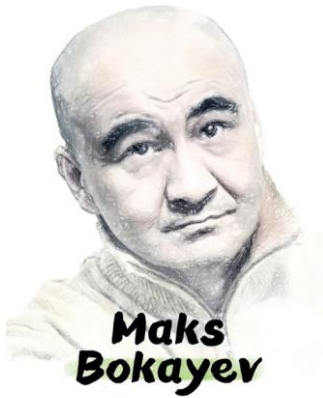


On 22 October 2018 Iskander Yerimbetov was sentenced to 7 years in prison, and his colleagues Dmitriy Pestov and Vasilina Sokolenko, who stated about pressure by investigators, to 5 years in prison. Another defendant, Mikhail Zorov, who had agreed to cooperate with the investigating officers, was given 3 years of suspended sentence.

On 20 November 2018, the UN Working Group on Arbitrary Detention demanded the immediate release of Iskander Yerimbetov (Opinion No. 67/2018)¹⁶, but the authorities did not fulfil this requirement.

Yerimbetov's lawyer and relatives stated that, while in prison, Iskander's health condition has seriously deteriorated. He has persistent severe headaches and stomachaches, swollen legs, and vision problems. After several months of unsuccessful appeals, in September 2019, his relatives managed to bring about Yerimbetov's medical examination. He was diagnosed with a cerebral aneurysm, which could lead to a stroke. These problems are the result of torture exerted on him in jail. On 1 November 2019, the prison authorities informed the counsel that, according to the law, Yerimbetov has the right to medical care, and they promised to provide it to him.

¹⁶ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf



Maks Bokayev – civil society and human rights activist from the city of Atyrau.

Charges: incitement of social discord' (Article 174 of the CC), 'dissemination of knowingly false information' (Article 274 of the CC) and 'violation of the order of organising rallies' (Article 400 of the CC).

In April 2016, Bokayev was participant in mass peaceful rallies against amendments to the Land Code. After then-President Nazarbayev threatened that the government will take "the harshest measures" against the protesters, more than 1,000 participants of peaceful rallies were detained¹⁷. Subsequently, on 28 November 2016, the court sentenced Bokayev to 5 years' imprisonment and banned him from engaging civil society activity for 3 years.

In January 2017, Bokayev was transferred to a penal colony in Petropavlovsk – 2,000 km from Atyrau, where his relatives live. He made several unsuccessful attempts to appeal against the transfer decision. For six months, the administration of the colony kept Bokayev in strict conditions of detention. In September 2018, Bokayev was transferred to the penal colony in Aktobe.

In September 2019, Bokayev said that a representative of the Presidential Administration suggested that he write an application for parole. *"They stubbornly want me to plead guilty in my statement. The same Tokayev's representative hinted that they could release me if I guaranteed that I would no longer participate in public trials"*, – said Bokayev, who refused to accept the authorities' terms¹⁸.

In April 2017, the UN Working Group on Arbitrary Detention called for Bokayev's immediate release and compensation (Opinion No. 16/2017)¹⁹. The Kazakhstani authorities have not yet complied with the UN request.

While in detention, Bokayev has suffered with severe health problems, specifically, Hepatitis C and osteochondrosis.

On 30 September 2019, Bokayev reported that the Ministry of Internal Affairs again refused to transfer him to a colony at his place of residence.

¹⁷ <https://en.odfoundation.eu/a/7944,report-oppression-of-participants-in-rallies-against-land-reform-in-kazakhstan>

¹⁸ <https://www.uralskweek.kz/2019/09/02/maks-bokaev-zona-eto-kazaxstan-v-miniatyure/>

¹⁹ https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf

2.2. Individuals who have been prosecuted for participating in peaceful rallies, supporting the DCK opposition movement and criticising the authorities in social media



**Kenzhebek
Abishev**

Kenzhebek Abishev and Almat Zhumagulov

Zhumagulov is an activist of the opposition movement DCK. **Abishev** is a poet and blogger, who said that he didn't support the DCK.

Charge against Abishev: “propaganda of terrorism” (part 2, Art. 256 of the CC).

Charges against Zhumagulov: “propaganda of terrorism” (part 2, Art. 256 of the CC), “inciting national discord” (part 1, Art. 174 of the CC).

According to the charges, between August and November 2017, Zhumagulov and Abishev “distributed leaflets in support of the DCK programs” with the goal of “destabilizing the situation in the society. In addition, Zhumagulov and Abishev were accused of preparing a video calling for jihad, even though neither of them was present in the video. The facts indicate that Abishev and Zhumagulov were victims of a provocation by the Kazakhstani security services. The purpose of the provocation was to categorise the opposition as terrorists. The video message was recorded at the initiative of a former law enforcement officer – said Oralbek Omyrov, a former prisoner who participated in the recording.

In the detention center, investigators demanded that Abishev and Zhumagulov sign incriminating statements and dismiss their lawyers. They were threatened that “something might happen” to their families. From December 2017 to January 2018, Zhumagulov and Abishev were held in cold cells in unsanitary conditions. Abishev suffers from pyelonephritis and heart problems. In the detention facility, he had several episodes of severe pain in the heart area. He was refused hospitalisation.

On 21 December 2018, the court sentenced Zhumagulov to eight years in prison, and Abishev to seven years in prison. On 20 May 2019, the appellate court upheld the sentence.



**Almat
Zhumagulov**

Aset Abishev is a resident of Almaty.

Charge: “providing information services to a criminal group” — the DCK (Art. 266 of the CC) and “participation in the activities of an organisation after its recognition as extremist” (Art. 405 of the CC).

He was accused of publishing posts on Facebook in support of the DCK that ‘discredit the Head of State, members of his family and the current government of Kazakhstan’. According to the investigation, Abishev ‘formed a negative image of the authorities’ and ‘provoked a protest mood among the citizens’.

On 3 November 2018, the court sentenced Abishev to four years in prison.

According to the lawyer Gulnara Zhuaspayeva, at the end of April 2019, internal troops were introduced into the LA 155/14 colony in Almaty region, where Aset Abishev is being held. As a result, prisoners were severely beaten.



**Aset
Abishev**

Aset Abishev received bruises and a concussion. He demands that those responsible for torture be held criminally accountable, but the investigation so far gave no results²⁰.



Oksana Shevchuk - the mother of four minor children младшая 9; her youngest 9-month-old daughter is breastfed.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation accuses Shevchuk of *"actively supporting the ideas of the DCK and Ablyazov, who called for participation in unauthorised rallies"*. She was also accused of participating in rallies, during which she *"shouted out the ideas of the DCK, forming a negative image of the current government"*.

On 9 May 2019, Shevchuk and her child were held for 3 hours in a temporary detention facility. On 4 July 2019, the measure of her restraint was changed from house arrest to pre-trial detention. Shevchuk's lawyer reported that in the pre-trial detention facility, law enforcement officers put pressure on her, demanding her to "give up her beliefs" and threatening to prosecute her husband²¹. For several days, she was held in a cell with murder suspects.



Gulzipa Dzhaukerova - a single mother, and her 9-year-old child, who has a disability, needs special care and supervision by doctors.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Dzhaukerova is accused of *"actively supporting the ideas of the DCK and Ablyazov"* and *"encouraging citizens to take part in the DCK movement"*. Since 4 July 2019, she remains in a pre-trial detention facility.

On 19 August 2019, she went on hunger strike in protest against the politically motivated prosecution. Due to the fact that Dzhaukerova suffers from diabetes, she ceased her hunger strike on 24 August 2019.



Anuar Ashiraliyev is a civic activist from Almaty.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Since 4 July 2019, he has remained in pre-trial detention. 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".

²⁰ <https://www.facebook.com/gulnara.iu/posts/1718640954948756>

²¹ <https://www.youtube.com/watch?v=SkRzKj5MUL8>



Syrym Rakhmetov is a doctor from Almaty.

Charge: “Calls for riots ”(Art. 272 of the CC).

Rakhmetov was detained on 14 June 2019. He was accused of “calling for rallies and riots on social networks“. 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 waylaw enforcement ni ice of KazakhstanpractGiven the .²²” agencies, this video message is most likely the result of pressure on the detained.

2.3. Persons persecuted for civil society activity



Aron Atabek (Aron Edigeyev) – a dissident, poet.

Charge: ‘organising mass riots’ (Article 241 of the CC).

Atabek was the chairman of the housing committee of the Shanyrak district (the suburbs of Almaty). Here, on 14 July 2006, clashes broke out between the law enforcement agencies and local residents who protested against the demolition of their homes. Atabek was accused of ‘mass riots’ that resulted in the death of a policeman.

On 18 October 2007, the court sentenced Atabek to 18 years in prison. Twice, following the publication of the series of opposition poems, he was placed in solitary confinement in the strictest prison in Kazakhstan in Arkalyk.

For attempts to defend his rights, he was repeatedly put in a punishment cell as a ‘malicious offender’. In prison, 65-year-old Atabek’s health condition has significantly deteriorated; he has been diagnosed with ischemic heart disease, cerebroscclerosis, and osteochondrosis.

In August 2018, when a human rights mission came from Switzerland and wanted to visit Atabek in his prison, the government of Kazakhstan denied the mission members access to Atabek.²³

²² <https://tengrinews.kz/crime/vracha-zaderjali-za-prizyvnyi-k-besporiadkam-v-almaty-371377/>

²³ <https://fidu.it/en/kazakhstan-report-on-august-2018-human-rights-monitoring-mission/>

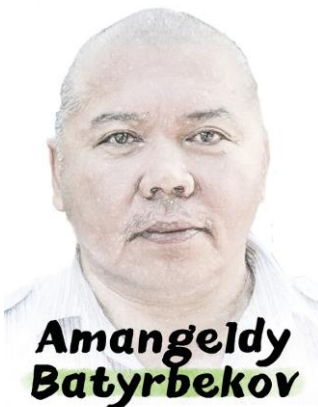


Sanat Bukenov – a human rights activist from the town of Balkhash.

Charge: ‘knowingly false denunciation’ (Article 419 of the CC)

In 2014, Bukenov, speaking in court as a defender in one case, stated that the police leadership, judges, prosecutor and employees of the administration of Balkhash have been involved in corruption schemes related to apartment fraud.

On 3 March 2017, the court sentenced him to 4 years in prison.



Amangeldy Batyrbekov – a journalist and activist from Turkistan region, chairman of the civil society organisation ‘Saryagash-Adilet’, editor of newspaper ‘Saryagash-info’.

Charges: “libel” (Art. 130 of the CC), and “insult” (Art. 131 of the CC).

On 29 October 2015, the court sentenced him to one and a half years in prison for his article with the information on the involvement of prosecutor Nurlan Saparov in the fabrication of a criminal case. On 19 January 2017, the court acquitted the journalist of ‘false denunciation’, but found him guilty of ‘libel’, sentencing him to one and a half years of restriction of freedom.

On 23 September 2019, Saryagash district court (Turkistan region) sentenced Batyrbekov to 2 years and 10 months in prison on charges of “libel” and “insult”. Batyrbekov posted a Facebook post about an official from the district education department, Bakhtiyar Abdiyev. The latter accused him of “defamation of honour and dignity”. Batyrbekov says that the real reason for his sentence was the fact that his newspaper has recently published critical articles on violations in the work of the head of the Turkistan regional court²⁴.



Yerzhan Yelshibaev is a civic activist from Zhanaozen.

Charge: “Deliberate infliction of grievous bodily harm from hooligan motives” (Article 106, section 2 of the CC).

Yelshibaev was an active participant in mass peaceful rallies of the unemployed in Zhanaozen, which took place in February 2019. The protesters demanded employment, improved social security and democratic change. Dozens of them were detained.

During the protests, police came to Yelshibaev several times. On 26 March 2019, he was placed in a pre-trial detention facility. The investigation states that he allegedly participated in a fight in 2017. The lawyer notes that the person who is involved in the case as the victim has no claims against Yelshibaev. There are reasons to believe that the authorities have made an attempt to eliminate the undesirable activist with the help of this case.

On 17 October 2019, the court sentenced him to 5 years’ imprisonment.

²⁴ <https://aigultv.blogspot.com/2019/09/blog-post.html?fbclid=IwAR3SqohB-v4CuFDIqeCqQE8IviBYXoG8AuoiooHi3zGvUrRqga7cKNRHnrs>



Kaiyrly Omar is an activist from Nur-Sultan.

Charge: “Misappropriation or embezzlement of entrusted property ”(part 2, Art. 189 of the CC), “Abuse of authority” (Article 250, section 1 of the CC).

In 2016, Omar was an active participant in peaceful protests against the land reform. He is also the chairman of a cooperative of apartment owners. One of the members of the cooperative wrote to the police that he would like to know how the residents' contributions are spent on repairs of the house, in particular, how the 4000 tenge (10 euros) he contributed were spent. As a result, the authorities opened a criminal case and accused Omar of embezzling 11 143 450 tenge (26 000 euros). The case is being handled by the anti-extremism unit. Subsequently, the charges in the case were reclassified to the article on “abuse of authority”. Since 16 October 2018, Omar was held in a pre-trial detention facility. Currently, court hearings in his case are being held. On 29 October 2019, he was sentenced to 2 years’ imprisonment.

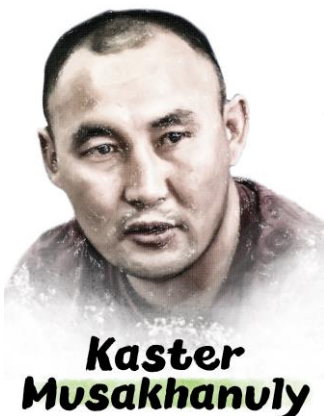


Saken Tulbayev is one of many citizens of Kazakhstan who have been convicted of involvement in the religious organisation ‘Tablighi Dzhamaat’ that was banned in Kazakhstan in 2013.

Charge: ‘inciting religious hatred’ (Article 174 of the CC).

Unlike other ‘religious’ cases, the case of Tulbayev was publicised. He refused to ‘admit his guilt’ and claimed that the criminal charges against him had been fabricated.²⁵

On 2 July 2015, Tulbayev was sentenced to 4 years and 8 months’ imprisonment. Human rights activists claimed that hematomas appeared on his body in prison, which may indicate that he had been subjected to torture.²⁶



Murager Alimuly and **Kaster Musakhanuly** are Chinese citizens who applied for asylum in Kazakhstan.

Charge: “Illegal crossing of the state border” (Article 392 of the CC).

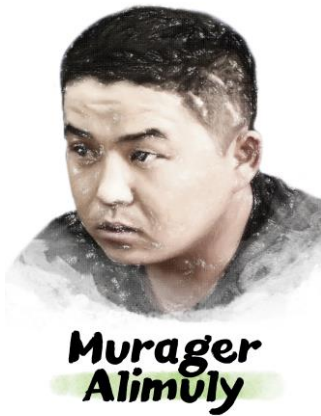
In October 2019, two Chinese citizens, ethnic Kazakhs Murager Alimuly and Kaster Musakhanuly, illegally crossed the border of Kazakhstan and applied for political asylum. On 14 October 2019, they held a press conference. Alimuly and Musakhanuly stated that they had been persecuted in the Xinjiang Uygur Autonomous Region of China due to their ethnic origin²⁷.

Musakhanuly noted that, for more than four years, he had been held in a political re-education camp where he was tortured. Previously, the Minister of Foreign Affairs of Kazakhstan stated that “there are no ethnic Kazakhs” in these camps. Immediately after the press conference, Alimuly and Musakhanuly were detained by intelligence officers. They are being held in

²⁵ <https://rus.azattyq.org/a/prigovor-saken-tulbaev-tabligi-zhamaat/27105551.html>

²⁶ <https://rus.azattyq.org/a/jamaatovec-saken-tulbaev-v-turme/27334050.html>

²⁷ https://bureau.kz/novosti/sobstvennaya_informaciya/chujie_sredi_svoikh/



detention centre.

On 30 October 2019, the migration service provided them with certificates of asylum seekers, which can be regarded as the result of wide public attention drawn to this case.

It was only due to publicity of the case that in 2018 Kazakhstan did not deport Chinese citizen Sairagul Sauytbai who had illegally crossed the border to Kazakhstan. Sauytbay applied for political asylum in Kazakhstan, but her application was denied. After that, with the assistance of the UN, she left for Sweden.

2.4. Prosecuted bloggers



Ruslan Ginatullin – a resident of the city of Pavlodar.

Charges: 'inciting ethnic hatred' on social networks (Article 174 of the CC) and 'participating in a transnational criminal organisation' (Article 264 of the CC).

On the social network 'Vkontakte', Ginatullin published links to a publicly available video footage about military operations in the East of Ukraine and nationalists in Russia.

On 14 December 2016, the court sentenced him to 6 years in prison.



Igor Chuprina – a resident of North-Kazakhstan Province.

Charges: 'inciting ethnic hatred' on social networks (Article 174 of the CC) and 'spreading propaganda of violation of the integrity of the Republic of Kazakhstan' (Article 180 of the CC).

In comments on the social network 'Vkontakte', he called for the 'unification' of Kazakhstan and Russia.

On 5 December 2016, the court sentenced him to five and a half years in prison.



Igor Sychev – a resident of the city of Ridder.

Charge: ‘spreading propaganda of violation of the integrity of the Republic of Kazakhstan’ (Article 180 of the CC)

Sychev was the administrator of the "VKontakte" page named ‘Podslushano v Riddere’ [‘Overheard in Ridder’]. The investigators accused him of allowing the publication of a survey on the prospect of ‘joining’ Russia by East Kazakhstan Province on the page.

On 18 November 2015, the court sentenced him to 5 years in prison.

3. POLITICALLY PERSECUTED PERSONS WHO ARE UNDER HOUSE ARREST, UNDER INVESTIGATION, AND THREATENED WITH IMPRISONMENT



Zhazira Demeuova - a single mother.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation noted that Demeuova *“actively supported the ideas of the DCK and Ablyazov”* and *“shouted out ideas, provoking protest moods in the population”* during unauthorised rallies. Since 4 July 2019, she remains in a pre-trial detention facility.

According to human rights defender Bakhytzhana Toregozhina, Demeuova agreed to cooperate with the investigation and renounced her lawyer. In exchange for a “plea bargaining”, she was placed under house arrest at the end of September 2019²⁸. She may be forced to express “remorse” and testify against other defendants in the DCK case.



Kalas Nurpeisov is a school teacher from Almaty.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Nurpeisov was subjected to administrative arrests for his participation in rallies on 1 May 2019, 9 June 2019 and 6 July 2019. When the persecution began, he was fired from school. 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.

On 9 August 2019, news was released that Nurpeisov's pre-trial restriction was changed into one not involving detention.

²⁸ <https://www.facebook.com/photo.php?fbid=708902182854560&set=a.126334794444638&type=3&theater>

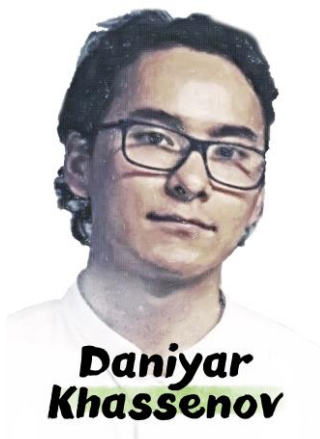


Muslim Sapargaliyev - is an activist from Almaty.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Sapargaliyev recorded himself in a video clip where he said: "Freedom to political prisoners!" ²⁹. For that, he was placed under house arrest on 3 June 2019.

According to the information available, the investigators demanded that he name the other persons who appeared in the video clip.



Daniyar Khassenov - an observer of the Italian Federation for Human Rights (FIDU).

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

As a FIDU volunteer, Daniyar Khassenov monitors violations of the rights of peaceful protesters. In response to a request from MEP Julie Ward, the Embassy of Kazakhstan in Belgium reported that Khassenov "*actively participated in unauthorised rallies*" called for by the DCK. However, this information is false. Khassenov, through social networks, gathered information about the arbitrary detentions of peaceful protesters and was not even present in the places where the rallies were held.

On 13 August 2019, he held a press conference after which he was immediately detained and his house was searched. For more than 3 months, the police illegally prohibited him from leaving Kazakhstan, which prevented him from taking part in human rights meetings. Khassenov had the status of a "witness entitled to protection".

On 30 September 2019, the information about the closure of the criminal case against Khassenov 'due to the lack of elements of crime' was publicised. His lawyer received the investigator's decision regarding this matter. Currently, Khassenov is holding meetings in PACE, the UN and the parliaments of European states. Taking into account the Kazakhstani authorities' reaction to Khassenov's human rights activities in Kazakhstan, the risk remains that the criminal case will be resumed or further criminal prosecution against him will be carried out.

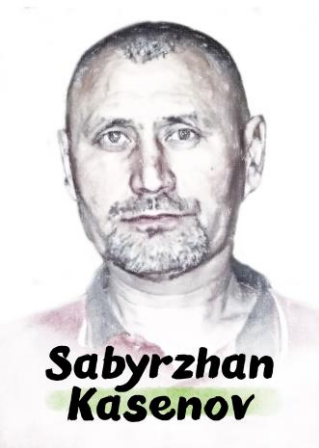
²⁹ <https://www.facebook.com/groups/2333831603602776/permalink/2403783213274281/>



Aigul Akberdiyeva is the wife of Ablov Dzhumayev, who was sentenced to prison for his support of the DCK and criticism of the authorities in social media.

Charge: "propaganda or public calls to seize or retain power" (part 2 Art. 179 of the CC).

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 case³⁰. As a result, the prosecutor's office succeeded in cancelling the acquittal. Now, Akberdiyeva's case should be reconsidered in court.



Sabyrzhan Kasenov is an activist from Almaty.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Kasenov was repeatedly detained and interrogated in March, May and June 2019. He is accused of participating in unauthorised rallies called for by the DCK as well as of supporting the organisation.



Abaibek Sultanov is an activist from Almaty.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Sultanov is one of the detainees at the peaceful 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.

³⁰ <https://en.odfoundation.eu/a/9102.kazakhstan-illegally-expelled-fidu-human-rights-defenders-in-retaliation-for-publicising-the-politically-motivated-case-of-judge-kenzhaliyev>

4. INDIVIDUALS WHO CONTINUE TO SERVE SUSPENDED SENTENCES



Bolatkhan Zhunusov is a 68-year-old pensioner from the city of Taldykorgan (Almaty region).

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation charged Zhunusov with calling for a rally on 6 July 2019. 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.

Since 5 July 2019, he was held in pre-trial detention. On 21 October 2019, he was sentenced to one year and four months of restraint of liberty.



Aslan Makatov is an activist from Aktobe.

Charge: "violence against a representative of the authorities" (Art. 380 of the CC).

Investigators claim that during the rally on 6 July 2019, Makatov "grabbed a policeman by his uniform", "tore his trousers" and "hit him once". On 8 July 2019, Makatov was placed under house arrest. He has a disability and needs eye surgery.

On 7 October 2019, Makatov was sentenced to one year of restraint of liberty.



Karlygash Asanova is an activist from Aktobe.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Investigators charge Asanova with the fact that during the rally on 6 July 2019, she "demonstrated resistance" during her arrest, namely she allegedly pricked a policeman in the buttock with a needle. In the case of Asanova, the victim is the same policeman as in the case of Makatov. The police blocked her bank account.

On 25 October 2019, she was sentenced to 1.5 years of restriction of freedom.



Gulmira Kalykova is a mother of many children from Nur-Sultan.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation charged her with the fact that on her Facebook page she reposted campaign materials of the DCK and its leaders, and also made a post demanding freedom for political prisoner Mukhtar Dzhakishev.

During the searches, Kazakhstani flags were confiscated from her, which were included in the physical evidence.

Since 9 June 2019, she was held under house arrest. .

On 21 October 2019, the court sentenced her to one year of restriction of freedom and banned her from using social networks for two years.



Akmaral Kerimbayeva is an activist from Nur-Sultan and a mother of many children.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation stated that Kerimbayeva committed *"an offence against morality and the socio-political, moral and ethical ideas of the population, which pose a real threat to the foundations of statehood"*. Her "criminal actions" consist in the fact that on her Facebook page she *"reposted propaganda materials from the pages of the DCK and leaders of the movement Mukhtar Ablyazov and Zhanara Akhmetova"*. As an example, investigators cite Kerimbayeva's repost in support of Kazakhstan's political prisoners, the content of which, according to the charge, *"is aimed at inciting political disobedience"*.

Kazakhstani flags and blue balloons seized from her house are used as evidence in the case.

Since 9 June 2019, Kerimbayeva was held under house arrest.

On 28 October 2019, the court sentenced Kerimbayeva to one year of restriction of liberty, and also banned her from participating in rallies and engaging in civil society and political activities, including on social networks, for two years.



Yerkin Kaziev is an activist from Kaskelen, Almaty region.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

Kaziev 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.

He was held under house arrest. On 15 October 2019, Kaziyev was sentenced to one year of restriction of liberty.



Serik Zhakhin is a civic activist from Nur-Sultan.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

The investigation accuses Zhakhin of reposting materials from the DCK and Ablyazov's pages on his Facebook profile. Since 9 June 2019, he was held in a pre-trial detention facility.

According to his relatives, Zhakhin has a long history of pituitary glandular adenoma and should be regularly observed by doctors.

On 15 October 2019, a Kazakhstani court sentenced Zhakhin to one year of restriction of liberty, and also banned him from using social networks and participating in rallies for two years.



Dianara Mukatova is a civic activist from Atyrau.

Charge: "participation in the activities of an organisation after its recognition as extremist" (part 2 Art. 405 of the CC).

In 2018, Mukatova was accused of "inciting social discord" (Article 174 of the Criminal Code) for her likes and comments under the posts of the DCK's pages in social networks. Her case received wide publicity and was closed.

On 1 May 2019, the police brutally detained Mukatova for holding a poster with the inscription "You can't run away from the truth". Mukatova was also detained during the rallies on 9 May 2019 and 9 June 2019. As a result of police brutality, she had bruises on her body.

In 2019, a criminal case was brought against her again for "reposting the information materials of the DCK in social network"³¹. On 21 October 2019, she was sentenced to one year of restriction of liberty with a ban on the use of social networks.



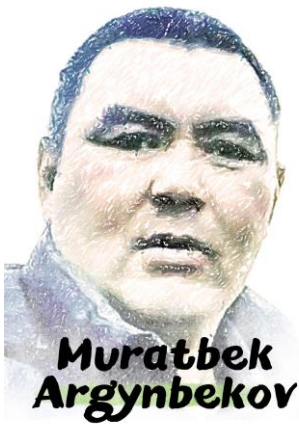
Serikzhan Bilash is the leader of the "Atazhurt eryktileri" public association. He is known for protecting the rights of ethnic minorities in Xinjiang, China. In particular, he raises the problem of "political education camps" located in China.

Charge: "Inciting national discord" (Art. 174 of the CC).

In March 2019, the authorities opened a criminal case against Bilash. He was under house arrest for several months. Bilash's lawyer stated that the investigators were exerting pressure on him.

As a result, he signed a "plea bargain". According to Bilash, he was persuaded to do so by a presidential advisor. On 16 August 2019, the court sentenced him to a fine and a ban on running public associations for 7 years. As a result, Bilash cannot now engage in human rights activity.

³¹ <https://azh.kz/ru/news/view/61791>



Muratbek Argynbekov – is a resident of Akmola region.

Charge: 'participation in the activities of an organisation after its recognition as extremist' (Art. 405 of the CC)

The indictment states that Muratbek Argynbekov '*published a brochure with Mukhtar Ablyazov's photographs on Facebook*' and '*urged to support DCK*' while '*being well aware*' that '*the country's population will read the information he published*'.

The investigators claimed that Argynbekov's Facebook entries show 'signs of approving the idea of support of DCK's ideology' as well as 'negative assessment of the current government and the President of Kazakhstan, N. Nazarbayev'.

On 2 November 2018 the court of the town Akmol, Akmol region, sentenced Argynbekov to 1 year's restriction of liberty and to 100 hours of compulsory labour.



Larisa Kharkova – former chairperson of the Confederation of Independent Trade Unions.

Charge: 'abuse of power' (Article 250 of the CC)

Kharkova was prosecuted after oil workers' hunger strike by which they protested against the ban on the activities of the Confederation of Independent Trade Unions.

On 25 July 2017, the court sentenced her to 4 years of restraint of liberty, confiscation of property and 5 years of a ban on holding senior positions in civil society associations.

5. THOSE INCLUDED IN THE LIST OF "PERSONS LINKED TO THE FINANCING OF TERRORISM AND EXTREMISM"

In 2016, a joint order³² of the Ministry of Internal Affairs, the National Security Committee, the General Prosecutor's Office, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Finance approved the national list of "persons linked to the financing of terrorism and extremism."³³

The list now includes more than 1 500 Kazakhstani citizens convicted on charges that the authorities regard as "extremist".

Inclusion in the list is based on the court's verdict, and removal is possible after the expiration of the sentence. In practice, however, persons remain on the list for several years after the end of the sentence.

³² https://tengrinews.kz/zakon/pravitelstvo_respubliki_kazahstan_premier_ministr_rk/natsionalnaya_bezopasnost/id-V1500013007

³³ <https://kfm.gov.kz/ru/the-list-of-organizations-and-individuals-associa/>

Persons included in the list face restrictions in their use of banking, postal, notary, and insurance services. As a result, they are unable to find jobs or even drive a car, because they cannot conclude an insurance contract.



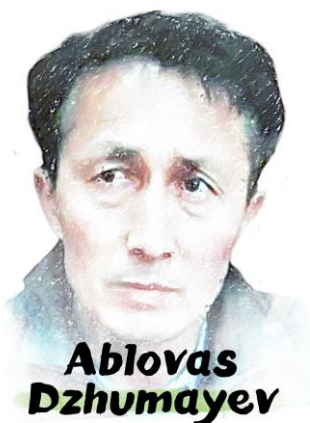
Vladimir Kozlov is an opposition politician, civil society activist and publicist.

Charges³⁴: “inciting social discord” (Art. 164 of the CC), “demanding overthrow of the constitutional order” (Art. 170 of the CC), “establishing a criminal enterprise” (Art. 235 of the CC).

In October 2012, the Kazakhstani authorities sentenced him to 7,5 years in prison for supporting the peaceful strike of oil workers who were shot on 16 December 2011 in Zhanaozen (Mangistau Region). Kozlov met with peaceful protesters and represented their interests at meetings in the European Commission, the European Parliament, the OSCE and the Polish Sejm. The authorities said that Kozlov's actions “provoked” the Zhanaozen tragedy “on the instructions” of opposition politician Mukhtar Ablyazov.

UN bodies, as well as the EU, PA OSCE and US bodies, recognised the verdict as politically motivated. Testimony of the arrested oil workers was used against Kozlov, although the oil workers themselves stated in court that they had given the evidence under severe torture. In prison, Kozlov was subjected to ill-treatment. As a result of prolonged international pressure, the authorities released him on parole in August 2016.

After his release, he found out that he was included in the “list of extremists”. According to Kozlov, law enforcement officials threatened him that, since he would have a criminal record in the next 7 years, any of his opposition or public activities would be regarded as a “relapse”.



Ablovas Dzhumayev is a resident of Aktau.

Charges: ‘inciting social discord’ (Article 174 of the CC) and ‘publicly calling for the seizure of power’ (Article 179 of the CC).

The investigation accused Dzhumayev of “subscribing to the pages of the DCK and Ablyazov” on social networks, “reading the DCK programme” and “calling for participation in rallies”

Ablovas Dzhumayev stated that special service officer exerted pressure on him in the detention facility and demanded to sign accusatory statements. Dzhumayev's elderly sick father was brought to him in the detention centre, where he said: *“Son, confess. ...They say that tomorrow something might happen to you and then they will bring your body”*.

The court refused to summon the special service officer (who participated in Dzhumayev's case) for questioning. On 18 September 2018, Dzhumayev reported the death of his father. The defendant felt ill and asked to postpone the trial. Judge Aralbai Nagashibayev refused, saying: *“Aren't you the one responsible for this situation?”*.

On 20 September 2018, the court sentenced Dzhumayev to 3 years in prison.

³⁴ The numbers of articles refer to the Criminal Code of 1997, according to which Kozlov was tried.

On 11 July 2019, the Kazakhstani court granted the request of Dzhumayev and replaced the unserved part of his sentence with restriction of freedom. As it turned out, he was included in the “list of extremists” on 23 January 2019.



Bakiza Khalelova – is a resident of Uralsk.

Charge: ‘participation in the activities of an organisation after its recognition as extremist’ (Art. 405 of the CC)

According to the prosecution, after that she ‘called for a rally in support of the DCK and a change of power’, thereby ‘positively endorsing the ideas of the DCK’. During the search, three Kazakh flags and a deflated blue balloon were seized from Khalelova. They have been attached to the case as evidence.

On 26 September 2018 the Criminal Court of the city of Uralsk sentenced Khalelova to one year’s restriction of freedom. In addition, the court prohibited Khalelova from “attending actions, protests and meetings” and writing comments “aimed at discrediting the activities of the authorities” on social networks.

Khalelova's bank accounts were blocked for some time. On 9 April 2019, the court granted her request for early release. However, it is still unknown whether she has been removed from the “list of extremists” and whether all the restrictions imposed on her have been removed.



Azat Ibrayev and Arman Alakayev – civil activists from Kostanay.

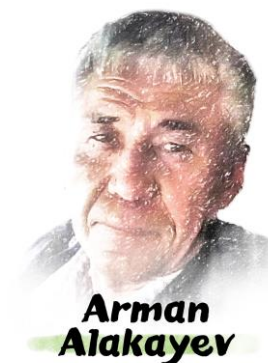
Charge: ‘participation in the activities of an organisation after its recognition as extremist’ (Art. 405 of the CC).

Azat Ibrayev and Arman Alakayev were accused of conducting ‘propaganda activities in support of the DCK’, which was ‘accompanied by ‘giving ‘two blue balloons’ to police officers. In this way, Ibrayev and Alakayev wanted to celebrate the Day of Defender of the Fatherland.

During a search of Ibrayev's car, officers found blue ribbons and balloons as well as photographs of political prisoners Mukhtar Dzhakishev and Iskander Yerimbetov. During the search, 3 blue balloons and 4 blue ribbons were seized from Alakaev.

On 19 June 2018, the Court № 2 of the City of Kostanai sentenced Azat Ibrayev to one year of restriction of freedom. On 13 July 2018, the same court sentenced Arman Alakayev to one-and-a-half years of restriction of freedom. The court also prohibited Alakayev from posting information and comments ‘related to the support of the DCK’ on the Internet.

After their conviction, they were included in the “list of extremists” and their bank accounts were blocked.





Farit Ishmukhametov – is a resident of Semey.

Charge: 'participation in the activities of an organisation after its recognition as extremist' (Art. 405 of the CC).

According to the charges, Farit Ishmukhametov *'published a Facebook post expressing negative attitude towards the current government and therefore creating conditions for other social network users to comment. Then Ishmukhametov expressed his dissatisfaction with the current government in his comments'*. The case files state that Ishmukhametov *'claimed the necessity of calling for the resignation of the current government', 'demanded that the social status of the working people be raised' and 'expressed his approval of DCK's ideas'*.

On October 24 2018, the court No. 2 of the city of Semey sentenced Ishmukhametov to one year's restriction of liberty and to one hundred hours of compulsory labour.

On 23 January 2019, he was included in the "list of extremists".



Evgeniy Kravets – is a DCK activist from Pavlodar.

Charge: 'participation in the activities of an organisation after its recognition as extremist' (Art. 405 of the CC).

DCK activist Yevgeniy Kravets was detained and arrested in the Kazakh city of Pavlodar for participating in meetings of 10 May 2018 and 23 June 2018. He recorded video material in support of the DCK, for which he faced criminal charges.

Yevgeniy Kravets arrived in Ukraine, where he continued his participation in the DCK. In conversation with him, the investigator 'asked' him to return to Kazakhstan. The Kazakhstani authorities may begin to seek his extradition.

On 25 July 2019, he was included in the "list of extremists".



Aset Nurzhaubay is a resident of Almaty.

Charges: 'storing and distributing the property of a criminal group' (Article 266 of the CC), 'participating in the activities of an organisation following its recognition as extremist' (Article 405 of the CC), 'fraud' (Article 190 of the CC).

Nurzhaubay was accused of having written the phrase "Shal ket" ("Old man, leave") and "Alga DVK" ("Go, DCK") at several bus stops. He also put up a poster on the street with the same inscriptions. Subsequently, the police seized a poster and some paint used for drawing from Nurzhaubay.

Nurzhaubay was arrested in April 2018. Nurzhaubay said that in the pre-trial detention centre, law enforcement officers had wrung his arm and hit him several times on the kidneys. Doctors noticed a bruise on Nurzhaubay's right shoulder.

He was asked to give 'confessions'. According to Nurzhaubay, officers of the NSC promised to 'close the case' if he made a 'video message to people' with

the statement that allegedly “Mukhtar Ablyazov promised to pay him and them deceived him. The investigator threatened to imprison his mother. As a sign of protest, Nurzhaubay cut his veins.

In the court Nurzhaubay read a statement of 'repentance'. Nurzhaubay read the words that repeat verbatim the theses of the Kazakhstani state propaganda, *'that... in Kazakhstan, no one is being persecuted for political reasons. Everyone is punished for acts committed'*. Nurzhaubay called Ablyazov's promises 'false and empty' and stated that Ablyazov 'is trying to justify himself before the European community'.

After the reading of the 'repentance', the court sentenced Nurzhaubay to 4 years of probation.

On 20 December 2018, the authorities included him in the “list of extremists”.



Muratbek Tungishbayev is a well-known Kazakhstani blogger who used to create videos about human rights violations in his country.

Charges: 'providing information services to a criminal group', that is the DCK (Article 266 of the CC), and 'participation in the activities of the organisation after its recognition as extremist' (Article 405 of the CC).

On 26 June, 2018, Muratbek Tungishbayev was extradited from Kyrgyzstan to Kazakhstan with gross violations of the law. The authorities of Kyrgyzstan did not wait for his appeal and for the end of the procedure for the consideration of Tungishbayev's application for asylum.

Upon arrival in Kazakhstan, Tungishbayev was put in a detention centre in Almaty. According to the lawyer, the investigator told Tungishbayev that he could be released under house arrest only in exchange for “confessions.”

Previously, before his arrest, Tungishbayev underwent an eye surgery. Tungishbayev was diagnosed with central retinal vein thrombosis caused by hypertension. In detention centre Tungishbayev repeatedly reported vision impairment and pain, but the Kazakhstani authorities ignored him. In the detention centre, due to the lack of proper medical care, he risked completely losing his sight.

On 11 October, 2018, Kazakhstan's propaganda media distributed a video recording of Mira Kaliyeva, Tungishbayev's wife. Kaliyeva's statements may indicate that she 'cooperated with the investigation'. Mira Kaliyeva said that her husband suffered *'because of Ablyazov's ambitions and the fact that he wanted to build his own image as an opposition politician'*.

After Mira Kaliyeva's public repentance, Muratbek Tungishbayev was released from pre-trial detention. On 26 November 2018, a video with the participation of Muratbek Tungishbayev was distributed in Kazakhstani pro-government media, in which he stated that he “realised his guilt” and urged “not to believe what Ablyazov was saying”. He also repeated the propaganda theses previously voiced by Nurzhaubay.

Tungishbayev has been on the “list of extremists” since 4 June 2019.

6. KAZAKHSTAN MISUSES THE MECHANISMS OF INTERPOL AND INTERNATIONAL LEGAL ASSISTANCE

Using the mechanisms of INTERPOL and international cooperation in criminal cases, the Kazakhstani authorities are striving to lay hands on their opponents residing abroad. In most cases, it is a question of 'hunting down' of former colleagues of oppositionist Mukhtar Ablyazov, whom President Nazarbayev considers his personal enemy.

On 9 December 2016, the French Council of State recognised this case as political. INTERPOL removed the names of Ablyazov and several other defendants in the case of BTA Bank from the wanted list. 13 colleagues and relatives have been granted asylum or additional protection in the EU and the US.

Ignoring the decisions of France and other EU states, the Kazakhstani authorities began to search for new ways to bring about Ablyazov's extradition, making attempts to obtain 'additional testimony' against him. To this end, Kazakhstani investigators have been using threats, torture, exerting pressure on their counsels, and harassing their relatives.

On 18 February 2019, the European Parliament held a presentation of the report 'Misuse of Interpol's Red Notices and impact on human rights'³⁵, prepared at the request of the European Parliament's Subcommittee on Human Rights. This report identified several victims of the abuse of INTERPOL by Kazakhstan, in particular, Zhanara Akhmetova, Tatiana Paraskevich, Viktor and Ilyas Khrapunov.



Zhanara Akhmetova is a journalist and activist of the opposition movement DCK. In 2009, a Kazakhstani court sentenced her to 7 years' imprisonment on charges of fraud. The execution of the court sentence was postponed until the time when her child turns 14 years old (i.e. until 2021).

Zhanara Akhmetova began to actively engage in journalism and opposition activities, after which the Kazakhstani authorities began shadowing her and exerting pressure on her. In June 2017, with no legal grounds, the authorities cancelled the postponement of the execution of the court sentence.

In October 2017, Akhmetova was arrested in Ukraine based on an extradition request from Kazakhstan. In November 2017, the court released her from custody, which was made possible thanks to the efforts of human rights organisations, counsels, MEPs and the international community. The trial revealed facts that could indicate cooperation between the Ukrainian and Kazakhstani special services for the purpose of extraditing Akhmetova.

On 5 July 2018, Zhanara Akhmetova reported that unknown persons had tried to kidnap her in Kyiv. In Ukraine, the activist often notices that she is being shadowed.

The Migration Service of Ukraine refused to grant her refugee status. However, on 31 July 2018, the Kiev Appellate Court ordered that the migration service reconsider the application of Akhmetova. On 17 September 2018, the Supreme Court of Ukraine confirmed this decision. However, the Migration Service repeatedly refused Akhmetova's application for asylum. Akhmetova again appealed to the court, but on 19 September 2019, the Kyiv

³⁵ [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU\(2019\)603472](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2019)603472) ; [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU\(2019\)603472_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf)

Administrative Court rejected her complaint. The court reckoned that Akhmetova is being prosecuted on the basis of non-political charges of fraud, in so doing having ignored that the real reason for the prosecution is her activity as a journalist and one of the leaders of the DCK opposition movement, recognised in Kazakhstan as “extremist”. Akhmetova intends to appeal to subsequent courts in order to obtain refugee status.

Akhmetova is still facing the risk of extradition. If Akhmetova is granted asylum, then legislation obliges Ukraine to deny her extradition.

Reposts from the Facebook page of Zhanara Akhmetova became the basis for the criminal prosecution of Akmaral Kerimbayeva and Gulmira Kalykova in Kazakhstan. This gives grounds to believe that a new criminal case has been initiated against Akhmetova on charges of “organising the activities of the organisation after its recognition as extremist” (Art. 405 of the CC).

Ardak Ashim is a Kazakhstani opposition activist and blogger from Shymkent. She was accused of “inciting social discord” (Art. 174 of the CC) and “insulting a representative of the authorities” (Article 378 of the CC).

Ardak Ashim was accused of publishing posts “*negative of the authorities*” on Facebook. Investigators stated that Ashim had written about Mukhtar Ablyazov and President Nazarbayev.

The authorities of Kazakhstan forcibly placed Ardak Ashim in a mental hospital, where she spent more than a month. There, Ashim complained of feeling unwell, which, in her opinion, could be related to the addition of psychotropic drugs to her food in order to make her appear “insane”. On 5 May 2018, under pressure from the international community, the authorities released Ashim from the mental hospital.

On 10 May 2018, the Abay District Court of Shymkent ruled that at the time of the crime, Ardak Ashim “*was in a state of insanity*”. On this basis, the court released her from criminal responsibility and, instead, appointed compulsory outpatient treatment in a mental hospital. In June 2018, the court additionally ordered a psychiatric examination.

Currently, Ardak Ashim is residing in Ukraine, where she is waiting for a response to her application for refugee status from the migration service.



Viktor Khrapunov – the former Minister of Energy of Kazakhstan, former Mayor of Almaty. **Leila Khrapunova** – a businesswoman and former head of the state-owned Television Corporation. **Ilyas Khrapunov** is a Kazakhstani businessman, the son-in-law of Kazakhstan's opposition politician Mukhtar Ablyazov.

The authorities of Kazakhstan are persecuting the Khrapunov family due to their opposition views and family ties with Ablyazov. Viktor Khrapunov is the author of the book ‘About the dictatorship of Nursultan Nazarbayev’. The Khrapunovs have reported that between 2008-2011, the Kazakhstani authorities demanded that they sever relations with Ablyazov and give a testimony against him. They refused to do so, and, consequently, they





became victims of criminal prosecution.

Between 2011-2012, the Kazakhstani authorities initiated 21 criminal cases against Viktor Khrapunov and other members of the Khrapunov family. The Kazakhstani investigators labelled the Khrapunovs 'a criminal group bound by family ties'. According to the Kazakhstani authorities, Ilyas Khrapunov "was a member of a criminal group" at the age of 14 when he was attending a Swiss school.

Switzerland refused to extradite Victor Khrapunov to Kazakhstan twice (in 2011 and in 2014). According to the Khrapunovs, they received a notice from the Swiss authorities stating that they also refused to extradite Leyla Khrapunova to Kazakhstan.



The family of Khrapunovs has officially resided in Switzerland. In the European media, information about Kazakhstani authorities' attempts to bribe some Swiss parliamentarians and former officials in order to persuade them to lobby for the Khrapunovs' extradition, received wide reverberation.

On 11 October 2017, in a written declaration, 26 PACE members stated that the case of the Khrapunovs is one of the examples of politically motivated prosecution in Kazakhstan.³⁶



Tatiana Paraskevich – Mukhtar Ablyazov's former colleague who resides in the Czech Republic. In 2014, the Czech Republic refused to extradite Paraskevich to Russia and Ukraine. However, Russia and Ukraine have expressed their disagreement with this decision. In 2016, the countries almost simultaneously sent repeated requests for the extradition of Paraskevich, but in December 2017, they received a second refusal from the Czech Republic.

In 2014 and 2015, the Czech Republic provided Paraskevich with subsidiary protection. Counsels of the nationalised Kazakhstani BTA Bank repeatedly appealed to the Czech law enforcement agencies to prevent the granting of international protection to Paraskevich. In April 2017, INTERPOL removed Paraskevich's name from their wanted list. In September 2018 the Czech Republic provided Paraskevich with international protection (asylum) due to the political nature of the case.

³⁶ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24151&lang=EN&search=dHlwZV9zdHJfZW46IldyaXR0ZW4gZGVjbGFyYXRpb24i>



Artur Trofimov is a defendant in the same case as Paraskevich. In January 2014, Austria refused Russia to extradite Trofimov. In 2016 Interpol removed him from the wanted list. However, Russia has achieved a second extradition arrest.

In October 2018, the government of Uzbekistan invited Trofimov to Tashkent for the International Investment Forum. According to Trofimov, the Consul of Uzbekistan provided him with security assurances. In November 2018, Trofimov was arrested in Tashkent at the request of Russia. However, as a result, he was extradited to Kazakhstan. This was reported on 28 January 2019, by the General Prosecutor's Office of Kazakhstan. Thus, the authorities of Uzbekistan, Kazakhstan and Russia, being close allies, jointly carried out the illegal extradition of a person accused in a politically motivated case.

The extradition was carried out with the aim of bringing Trofimov to criminal responsibility in the case of Mukhtar Ablyazov in Kazakhstan. However, earlier Trofimov, Russian citizen, was accused only in the Russian criminal case against Ablyazov. In Russia, the case against him is being conducted by investigators included in the 'Magnitsky List'. Austria provided Trofimov with international protection against Russia, which means that his extradition to Russia is expressly prohibited by international law.

Most likely, in order to avoid another scandal, it was decided to extradite Trofimov to Kazakhstan. There is every reason to believe that for this purpose, the Kazakhstani authorities 'organised' a criminal case against Trofimov and submitted an extradition request in such a short time.

In September 2019, the Kazakhstani authorities announced that Trofimov "voluntarily returned" to Kazakhstan "with of a written declaration of will", after which he "fully cooperated with the investigation" and "sincerely repented"³⁷.

Given the methods of Kazakhstan's law enforcement agencies, there is every reason to believe that the authorities can now obtain from Trofimov any statements and "confessions" that are beneficial to them. Earlier, there were several similar cases in which victims of illegal extradition to Kazakhstan declared a "voluntary return" having arrived in the country, went to "cooperate with the investigation" and disseminated theses of state propaganda.

In January 2017, the Kazakhstani authorities transferred **Zhaksylyk Zharimbetov**, another defendant in Ablyazov's case, from Turkey on a charter plane. Zharimbetov was granted refugee status in Great Britain. Therefore, Turkey and Kazakhstan violated one of the basic norms of international law: the principle of non-refoulement. After the illegal extradition, Zharimbetov began to "contribute to the investigation".

In June 2017, Zharimbetov made a phone call to **Yerzhan Kadesov**, another defendant in the case, who was arrested in Hungary at the request of Kazakhstan and at that time stayed in the Hungarian prison. Zharimbetov promised Kadesov 'guarantees of protection' if he would come to Kazakhstan

³⁷ <http://anticorruption.gov.kz/ru/news/vynesen-obvinitelnyy-prigovor-7-mi-soobshchnikam-ablyazova-dobrovolno-vozvrativshimsya-iz> ; https://tengrinews.kz/kazakhstan_news/delo-o-soobschnikah-ablyazova-peredali-v-prokuraturu-372447/

and give an incriminating testimony. Following this phone call, Kadesov abruptly changed his position and requested that he be 'voluntarily extradited' to Kazakhstan.

Earlier, in November 2016, the Hungarian authorities allowed a Kazakhstani prosecutor and diplomat to visit Kadesov in prison; both of them threatened him. They shouldn't have been allowed to visit Kadesov, who, at that time, had the status of an asylum seeker.

In Kazakhstan, Zharimbetov and Kadesov were placed in a detention centre, they "pled guilty", testified against Ablyazov and stated that they had "voluntarily returned to Kazakhstan". They also began to spread libellous information regarding human rights defenders, including the Open Dialogue Foundation, that had stood in their defence. In fact, the Kazakhstani authorities are using those defenders for propaganda purposes.

In exchange for "cooperation with the investigation" and indictment against Ablyazov, they were both given non-custodial sentences. In June 2017, Zharimbetov received a five-year suspended sentence. In August 2019, Trofimov and Kadesov were fined.



Botagoz Jardemalie - a human rights lawyer from Kazakhstan, a member of the New York Bar Association. Her case is a vivid example of how, by misusing interstate legal assistance mechanisms, Kazakhstan obtains confidential information about political refugees, and also brings about their interrogations and searches.

She was providing legal advice to the opposition politician Mukhtar Ablyazov and victims of political persecutions in Kazakhstan. Kazakhstan accused Jardemalie within the framework of the Ablyazov case and made attempts to bring about her extradition. In 2013, Belgium's authorities granted her political asylum. In 2016, Interpol removed her from their wanted list.

There was an attempt to kidnap her in Belgium ³⁸. According to a Belgian prosecutor, the perpetrators of the crime are likely to be associated with the Kazakhstani authorities.

In November-December 2017 and January 2018, Iskander Yerimbetov, the brother of Botagoz Jardemalie, was subjected to repeated brutal torture at a Kazakhstani detention centre. Employees of the special services demanded that he testify against Ablyazov and convince his sister to return to Kazakhstan to "cooperate with the investigation" in the Ablyazov case.

On 1 October 2019 in Brussels, the Belgian police conducted a search in Jardemalie's flat. The search was conducted at the request of the Kazakhstani authorities. Jardemalie notes that the Belgian police did not produce a search warrant. Present during the time of the search were two unknown Kazakhstani officials, who were allowed to remain without supervision by the police and were photographing the seized documents. Jardemalie had computers, mobile telephones, and information storage media seized, as well as documents containing confidential and privileged attorney-client

³⁸ <https://www.levif.be/actualite/belgique/comment-le-kazakhstan-traque-les-dissidents-politiques-en-exil-aussi-en-belgique/article-normal-781657.html>

information.

Several hours after the search, unknown persons obtained access to four of Jardemalie's email accounts, which contained information connected with her law and human rights activities. Most likely, the access to her accounts was obtained by representatives of the Kazakhstani authorities.

On 4 October 2019, Jardemalie was summoned for interrogation by the Belgian police, having been threatened with arrest in the event of her refusal. At the police office, she was asked questions that the Kazakhstani authorities had sent in their letter of instruction within the framework of interstate criminal cooperation. The questions concerned, *inter alia*, Jardemalie's activity as a lawyer and information about her parents, as well as about opposition activists whom she is defending. The Belgian police ignored the fact that such actions violate Jardemalie's rights as a lawyer and as a person with refugee status.

In the course of the interrogation, it became known to Jardemalie that the Belgian police had already passed on some information about her banking activities and personal life to Kazakhstan. The further transfer to Kazakhstan's authorities of the seized computers and documents, which contain confidential and privileged attorney-client information, will subject victims of political persecutions who are in Kazakhstan and whom Jardemalie is defending to serious danger. Among them - activists, lawyers, journalists.

Kazakhstan's authorities may begin to once again seek Jardemalie's extradition.

7. CONCLUSIONS AND RECOMMENDATIONS

When holding the post of President for 30 years, Nursultan Nazarbayev declared the path to stability and democracy. However, as a result, the opposition was destroyed in Kazakhstan and almost all non-state media, critical of the authorities, were banned. The authorities are fighting dissent, taking control of the Internet, and narrowing down the space for non-governmental organisations to a minimum.

The oil and gas industry remains the backbone of the Kazakhstani economy (crude oil accounts for 45% of all Kazakhstani exports). Most of the energy commodities are exported by European countries (at the same time, the EU is the largest investor in Kazakhstan). Kazakhstan remains dependent on Russia in the area of imports (38% of the imports come from Russia)³⁹.

Relations with China remain a priority for Kazakhstan. China's policy in Central Asia is frequently called 'expansionary'. Currently, Tajikistan and Kyrgyzstan, compared with Kazakhstan, are more economically dependent on China. However, China's influence on Kazakhstan is growing. In Kazakhstan, Chinese companies produce approx. 25% of oil⁴⁰. It is also a well-known fact that at least 22 companies with Chinese capital operate in the country (in 18 of them, the share of the Chinese capital exceeds 50%). Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan jointly owe China more than \$ 25 billion, of which Kazakhstan owes \$ 12.3 billion (in total, Kazakhstan's public debt amounts to \$ 160 billion)⁴¹. In September 2019, several peaceful rallies against Chinese expansion were held in Kazakhstan.

³⁹ <https://oec.world/ru/profile/country/kaz/>

⁴⁰ <https://rus.azattyq.org/a/nazarbaev-xi-jinping-kazakhstan-china/28535574.html>

⁴¹ <https://www.facebook.com/currenttimetv/videos/2652712928113650/?v=2652712928113650>

Participants in mass protests express their dissatisfaction with widespread corruption, low social standards, and the lack of democracy and justice in Kazakhstan. The authorities do not demonstrate their readiness to solve these problems, which leads to an even greater increase in protest sentiment in society.

Against the backdrop of mass protests, the newly elected President Tokayev announced his “openness to dialogue” and initiated the creation of an advisory body - the National Council of Public Trust. This body is composed mainly of persons that are loyal to the authorities, and the first meetings already confirmed that it was being used only to create the impression of dialogue. It does not address issues of justice, real political reform and the release of political prisoners.

An effective factor that restrains repression is international public pressure. Over the past few years, consistent diplomatic and political pressure has **helped to secure the release of several political prisoners**: Zinaida Mukhortova in 2014; Zhanaozen's oil workers in 2014-2015; Vladimir Kozlov and Gyuzyal Baydalina in 2016; journalist Seytkazy Matayev in 2017; journalist Aset Matayev, activists Talgat Ayan, Yerzhan Orazalinov, blogger Sanat Dosov, researcher Sayat Ibrayev and trade union leaders Amin Eleusinov and Nurbek Kushakbayev (and it also stopped the criminal prosecution of human rights activist Elena Semenova) in 2018; activist Makhambet Abzhan, trade union leader Erlan Baltabay and journalist Yaroslav Golyshkin in 2019.

However, the authorities make individual concessions in the cases of political prisoners — either in the event that the political prisoner has already served most of the term, or in exchange for “repentance”, false testimony, and refusal of opposition views and public activities. **Their commitment to democratic freedoms remains merely a declaration.**

Kazakhstan not only ignores the decisions of the UN bodies on the release of political prisoners, but has also failed to comply with most of the decisions of the UN, which identified the state's violations. Over the past few months, the UN bodies have been paying particular attention to dispersals of peaceful protesters⁴², widespread practice of Internet blocking⁴³ and using criminal charges of ‘extremism’ to oppress the civil society⁴⁴ in Kazakhstan. **Still, the Kazakhstani authorities have ignored the UN recommendations.**

In September 2019, the Open Dialogue Foundation presented a list⁴⁵ of 136 employees of Kazakhstani law enforcement agencies and facts, indicating their involvement in the persecution of participants in peaceful assemblies. Still, the Kazakhstani authorities have not responded to these allegations. Thus far, no one has been punished for numerous arbitrary detentions and the use of brute force against peaceful protesters in Kazakhstan.

In order to remain a reliable partner for Western countries, Kazakhstan **should fulfil its international obligations** under the International Covenant on Civil and Political Rights, the UN Convention against Torture and the Enhanced Partnership Agreement with the EU. Otherwise, Kazakhstan's position will become another example of the weakening role of the UN, EU and OSCE in the region.

The Open Dialogue Foundation calls on the competent bodies of the UN, EU, OSCE and the Council of Europe to demand that the authorities of Kazakhstan:

- 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 and the release of political prisoners.

⁴² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24691&LangID=E>

⁴³ <https://www.centralasian.org/a/29950881.html?lflags=mailer>

⁴⁴ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24620&LangID=E>

⁴⁵ <https://ru.odfoundation.eu/a/9457,slugi-rezhima-kto-presleduet-mirnyh-protestuyushchih-v-kazahstane>

- Fulfil the requirements of the UN and EU bodies on the release of political prisoners.
- Cease the persecution of participants in peaceful assemblies and release those who are detained or under house arrest.
- Undertake proper reform of the justice system and, as recommended by the UN and the OSCE, remove explicitly political articles from the criminal law.
- Stop using the “fight against extremism ”as an instrument for violating the rights to freedom of peaceful assembly and freedom of opinion.
- Ensure that torture is effectively combated and that all allegations of torture are properly addressed by increasing the number of cases of torture that go to trial.

We emphasise the need to introduce personal sanctions against persons who are responsible for or involved in serious human rights violations in Kazakhstan, including torture and politically motivated criminal prosecutions.



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