
Key trends regarding the protection of fundamental rights in Kazakhstan

**Briefing paper for EU-Kazakhstan Human Rights
Dialogue, March 2023**

International Partnership for Human Rights (IPHR) and Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) have prepared this paper as input for the EU-Kazakhstan Human Rights Dialogue in March 2023. It covers key trends of concerns since the last dialogue took place in December 2022, features descriptions of individual cases that illustrate these trends and provides recommendations for measures the Kazakhstani authorities should be requested to take. The paper was finalised in mid-February 2023.

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Introduction

In January 2022, Kazakhstan experienced its most severe crisis of its 30 years of independence when peaceful mass protests for social and political change turned bloody as the authorities used forceful tactics to end the protests and some groups in the crowd resorted to violence. One year later, the circumstances under which the protests evolved into violence and the role of different actors in these events have yet to be clarified. While rejecting calls for an international, independent inquiry into the January 2022 events, the Kazakhstani authorities have **failed to take effective measures to impartially and thoroughly investigate allegations of the excessive use of force, torture and ill-treatment and other violations** reported during these events and **to hold the perpetrators accountable** (see more in chapter 1 below). We are seriously concerned that this failure **might result in that there will be no justice for most victims of human rights violations** during the January events and their families.

In the aftermath of the January 2022 events, President Kassym-Jomart Tokayev vowed to roll back the “super presidential” rule put in place by his predecessor Nursultan Nazarbayev, promote political modernisation, and create “a new Kazakhstan”. As part of this drive, a referendum was organised on 5 June 2022, during which voters approved a [set of amendments](#) to the constitution, which, among others, reduced the president’s powers in some areas, introduced a new electoral system for parliament and strengthened its role in certain aspects, prohibited the president’s family from holding government posts, and removed references to ex-President’s Nazarbayev as the “leader of the nation”. While welcoming reforms aimed at strengthening democratisation and human rights, civil society representatives have [expressed concerns](#) that the reforms initiated by President Tokayev are limited in nature and are **not likely to translate into any substantial improvements, unless more systematic measures** are taken to change current undemocratic practices. Moreover, the president’s modernisation drive has been **undermined by ongoing persecution of critics and opponents of the government** (as documented in more detail below in this briefing paper).

When delivering his annual [state of the nation address](#) on 1 September 2022, President Tokayev called for holding early presidential and parliamentary elections in autumn 2022 and spring 2023, respectively, saying that this was necessary to ensure the successful implementation of the reforms initiated by him. The next regular elections would have been due in 2024 and 2025. Tokayev also proposed increasing the presidential term from five to seven years, without the right to be re-elected. Legislation to this end was subsequently [adopted](#).

In the early presidential elections held on 20 November 2023, **President Tokayev was re-elected with over 80 percent of the vote without facing any real competition**. Local election monitors documented numerous violations and the election observation mission deployed by the OSCE Office of Democratic Institutions and Human Rights (ODIHR) **issued a critical assessment**. In its [statement of preliminary findings and conclusions](#), the ODIHR mission concluded that the election “took place in a political environment lacking competitiveness” and that the incumbent “was not meaningfully challenged in a low-key campaign”. The mission also found that although the election was efficiently prepared, election day was calm and voting procedures were largely followed, “important safeguards were disregarded and substantial procedural errors and omissions were observed during counting and tabulation, undermining

transparency". It noted that a number of its interlocutors had raised concerns that the space for independent observers was shrinking, and government affiliated organisations were becoming more prominent.

Kazakhstan's government was not pleased with the conclusions of the ODIHR mission, although they were based on the findings of a team of over 300 international experts, long-term observers and election day observers who carried out their monitoring in accordance with international election observation principles. Kazakhstan's Ministry of Foreign Affairs issued an [official response](#), claiming that ODIHR's statement was characterised by "a lack of objective", contained "unsubstantiated accusations" and "biased conclusions" and "called into question" ODIHR's effectiveness as an OSCE institution.

Early parliamentary elections are scheduled to take place in Kazakhstan on **19 March 2023**. In accordance with constitutional amendments approved at the June 2022 referendum, the elections will be held under a new a mixed electoral procedure, where 70 percent of the members of the lower house of parliament (*Mazhilis*) will be elected based on party lists, and 30 percent from single-mandate constituencies. No opposition party will run in the elections as no such party has been granted registration (see more in chapter 5). Some of the candidates in single-mandate constituencies are, however, [self-nominated](#), aside from those nominated by parties. Among the registered self-nominated candidates are some lawyers, civil society activists and journalists. Independent candidates have reported facing [various obstacles](#) in their campaigning and are struggling to gain visibility in a playing field dominated by those connected to the political establishment. In addition, there have been reports about independent candidates being de-registered by local election commissions on spurious grounds.

An ODIHR [mission](#) will also monitor the parliamentary elections. In accordance with recent legislation, NGOs wishing to monitor the elections are [required](#) to obtain official accreditation, unlike previously, and only those whose statutes stipulate election monitoring as an activity can be accredited. While NGOs expressed concerns about the new requirements when they were initiated, no NGOs are known to have experienced difficulties with obtaining accreditation so far.

In the period leading up to the parliamentary elections, **independent media and journalists have come under growing pressure** (see more in chapter 2) and human rights defenders fear that the authorities **might further step-up efforts to silence government critics ahead of the elections**, including through so-called "preventive" detentions of well-known activists, as also seen prior to the November 2022 presidential elections. **Opposition groups and activists face intimidation and harassment**. Opposition leader Zhanbolat Mamai from the unregistered Democratic Party is currently on trial on charges initiated in apparent retaliation for his opposition activities and his criticism of the government. He stands accused of being the main instigator of the unrest seen in Almaty during the January 2022 events, although the prosecution has failed to present any credible evidence to back up these far-fetched accusations (see more on his case in chapter 3).

1. Human rights fallout of the January 2022 events and lack of accountability¹

Under circumstances that remain unclear, peaceful mass protests for social and political change turned bloody in Kazakhstan in January 2022, as the authorities used force to put down the protests and ensuing unrest, and some groups in the crowd resorted to violence. As a result, over 230 people were killed and several thousand injured.

As documented in a [special update](#) on the January 2022 events prepared by IPHR and KIBHR for the CIVICUS Monitor, there are serious concerns about the [manner](#) in which the authorities responded to this crisis. In particular, they **failed to make a clear distinction between non-peaceful and peaceful protest participants**, when branding protesters as “terrorists”; carried out **arbitrary mass detentions** of protesters when rounding up a total of around 10,000 people; reportedly **used excessive force**, including lethal force against peaceful protesters, activists monitoring the events and passers-by; subjected detained protesters to **torture and ill-treatment** and **violated their due process rights**; and **prosecuted people for merely peacefully exercising their freedoms of peaceful assembly, association and expression**.

During the January 2022 events, the authorities also implemented [a nationwide internet shutdown](#) over several days, thereby preventing access to information about the crisis, and media workers covering were [obstructed and attacked](#) when covering the events. Civil society actors and lawyers working on documenting and assisting victims of violations committed in connection with the January events have [faced various obstacles](#), including lack of transparency by authorities, smear campaigns, and incidents of intimidation and harassment.

The authorities have rejected calls for an international investigation into the January 2022 events, pledging to investigate the events themselves. However, **the investigative measures taken by the authorities have lacked transparency, impartiality, and effectiveness**, resulting in a widespread lack of accountability for reported human rights violations to date.

The government refused to publish the names of those who were killed during the January 2022 events for several months and when it finally published an official list of the victims in August 2022, it **failed to provide any details about the victims and the nature of their deaths**, thus leaving it unclear how they were killed. The authorities have also **failed to take effective measures to investigate and ensure accountability for the killing of protesters, activists and passers-by** during the January events. According to [official information](#), more than 200 criminal investigations were opened in cases where people died

¹ For more information on these issues, see IPHR-KIBHR special update on the January 2022 events, prepared as part of our cooperation with the CIVICUS Monitor: <https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html>, as well as the following updates: <https://www.iphronline.org/kazakhstan-lack-of-accountability-for-bloody-january-events-persecution-of-critics-undermine-pledged-modernisation.html>, <https://www.iphronline.org/kazakhstan-ongoing-concerns-about-lack-of-impartial-investigations-into-bloody-january-events-criminal-prosecution-of-activists.html>, <https://www.iphronline.org/kazakhstan-civic-space-limited-by-continued-fallout-from-january-2022-events.html>; and report published by IPHR, KIBHR, the Coalition against Torture, in partnership with the World Organisation against Torture in January 2023 concerning the use of torture and ill-treatment during the January 2022 events: <https://www.iphronline.org/we-don-t-even-cry-anymore.html>

during these events. However, many investigations have reportedly been closed on the grounds that the actions of law enforcement officers involved did not constitute a crime.

The recent decision to close the investigation in this case prompted particular outrage:

- *Four-year-old **Aikorkem Meldekhan** died when her family's car came under fire in Almaty on 7 January 2022 as they were on their way to a grocery store. Aikorkem became a symbol of the peaceful residents who suffered from the harsh measures used by security forces during the January 2022 events. A forensic investigation concluded that the bullets that hit the car where she was travelling originated from firearms used by the military. However, in early January 2023, Aikorkem's father learned that the criminal case concerning his daughter's death had been closed as "no elements of a crime being committed" allegedly had been found. He filed a complaint against this decision, resulting in that the investigation was re-opened. In February 2023, Aikorkem's father **told** media that the case would soon be handed over to court, involving one suspect: the commander who ordered the shooting which hit the car where his daughter was travelling. The commander is facing charges of abuse of power (under Criminal Code article 451) rather than murder (Criminal Code article 99), under which the case initially was investigated. Aikorkem's father expressed regret that only one official would be tried over his daughter's death, and on these lesser charges. The case material concerning the requalification of the charges has reportedly been classified so Aikorkem's family and lawyer do not have access to them. Aikorkem's father has previously **reported** being pressured by security officials to refrain talking to journalists or making public statements about his family's ordeal.*

As of early February 2023, only one conviction had been handed down over a killing of a civilian related to the January 2022 events:

- *In November 2022, a local military court **sentenced** military officer Mark Zlunyaev to six years in prison for "abuse of power" in a case in which **Ernazar Krykbaev**, a shepherd, was shot dead near a military unit located on the outskirts of the city of Taldykorgan in Almaty region on 5 January 2022. The defence argued that the military officer had "carried out his duty" to protect the military base, while the lawyer representing the victim's family said that the case should have been classified as attempted murder rather than abuse of power. Both sides appealed the ruling, which, however, was **upheld** unchanged by an appeals military court in mid-January 2023.*

The authorities have acknowledged the use of torture and ill-treatment against people detained during the January 2022 events (which resulted in the death of six people according to official information) and opened investigations into several hundred complaints received about such treatment. However, as detailed in a recent **report** issued by IPHR, KIBHR, the Coalition against Torture, together with the World Organisation against Torture (OMCT), **the investigations have not met international standards, victims have not been afforded adequate protection and many investigations have been prematurely closed** due to the alleged lack of elements of crime. As of early 2023, more than 50 percent of the 190 torture complaints about torture, which the NGO Coalition against Torture had received and passed on to authorities, had been closed on such grounds. Official figures confirm this pattern. Thus, in January 2023, the head of the Anti-Corruption Agency – the state body with main responsibility for investigating torture

allegations up until then² - [stated](#) that the investigations into 347 out of 432 torture complaints related to the January events received by this agency had been closed due to the alleged lack of evidence of crimes.

As of the beginning of February 2023, **only a few trials against law enforcement and security officials charged with the use of torture** during the January 2022 events had started, and **convictions had only been handed down in two such cases:**

- *On 16 January 2023, an Almaty court [sentenced](#) two police officers to three years in prison each for torture (under article 146 of the Criminal Code), while a third officer was given a non-custodial sentence of 1,5 years of restricted freedom for inaction during service (under article 370 of the Criminal Code). The victim in this case was **Timur Radchenko**, who was detained when stopped in his car at a police block post on 8 January 2022 and taken to a local police station, where he reported being beaten, having his clothes ripped apart, a scarf tied over his eyes and his hands tied together with a belt, while being told that “this is for ours”. The court [concluded](#) that the first two police officers acted on the assumption that Radchenko had been involved in riots and tortured him to revenge for the harm inflicted on their colleagues during the law enforcement operations to quash the mass protests and unrest. The third officer was convicted for failing to inform his superiors about Radchenko’s treatment. Unlike in many other cases of abuse of detainees during the January events, Radchenko’s beating was [caught on surveillance camera](#), with the footage being used as main evidence during the trial.*
- *On 10 February 2023, a local court in the city of Taldykorgan in Zhetysu region [issued its verdict](#) in a case involving five law enforcement officials charged with torturing **more than 20 people** detained during the January events. The officials were accused, among others, of using torture methods such as applying a hot iron to detainees, pulling out their teeth and raping them with a truncheon. The court found all five defendants guilty of torture (under article 146 of the Criminal Code), but despite the serious nature of the alleged torture, it **issued comparatively lenient sentences**: two of the defendants were each given four-year year prison sentences, while three of them received three-year prison sentences. According to one of the lawyers representing victims, they planned to appeal the verdict. In the course of the trial, which began in August 2022, IPHR, KIBHR, the Coalition against Torture and the OMCT [raised concerns](#) about procedural violations, and lawyers from the Coalition against Torture who defended victims were [subjected to pressure](#).*

Concerns about the lack of accountability for torture during the January events are further reinforced by the fact that **the complaints received by authorities are believed to concern only a fraction of all cases of abusive treatment**. Many victims have been reluctant to file complaints about their experiences due to the fear of reprisals and the lack of confidence in obtaining justice. In a [survey](#) of people detained during the January 2022 events, their lawyers and relatives, which KIBHR carried out in the framework of the NGO Human Rights Defence Alliance, over 70 percent of the respondents reported experiences of torture and ill-treatment. This suggests that such treatment was used much more widely than the number of official investigations opened into torture allegations would indicate.

² In accordance with recent amendments to national law, as of January 2023, prosecutor’s offices will be in charge of investigating all cases of torture.

In comparison with the low number of court cases against law enforcement and security officials related to the January 2022 events, **hundreds of protest participants have been charged and convicted for various crimes** -- ranging from theft and property damage to mass riots and terrorism related offenses. It is of great concern that these **include people who are believed to have been targeted merely for peacefully protesting or observing the events** (see more in chapter 3 on cases initiated against activists) and that trials reportedly have been **marred by violations of international fair trial standards**. In some cases, people who were killed during the January events have been posthumously charged and convicted of rioting and other offenses, although the circumstances of their deaths have not been clarified.

In an initiative described as an act of humanism aimed at ensuring reconciliation of society, President Tokayev **announced an amnesty for people charged with criminal offenses in relation to the January 2022 events** during a state of the nation address delivered on 1 September 2022. Two months later, on 2 November 2022, the president signed the corresponding legislation. According to the **amnesty law**, those charged with crimes of minor and medium gravity are eligible for being cleared of charges and freed from penalty, while those charged with more serious offenses are eligible for a reduction of their sentences. However, people charged with certain serious offenses such as terrorism, extremism and the organisation of riots do not have the right to obtain amnesty. In addition to protest participants, the amnesty law also affects law enforcement and military officials charged in relation to the January events, except officials charged with particularly serious crimes such as torture and intentional murder. According to official information, the amnesty law was **expected** to benefit around 1500 people in total, with courts deciding on its application in individual cases.

While welcoming the idea of an amnesty as such, human rights defenders **expressed concerns** that the implementation of the amnesty law **might allow some law enforcement and security officials guilty of human rights violations related to the January events to escape responsibility**, if charges initiated against them concern offenses to which the law applies or if the charges against them are reclassified into such offenses. Human rights defenders have also voiced concern that **not all civil society and opposition activists believed to have been charged over the January events in retaliation for their peaceful and legitimate activities** (see more in chapter 3) **will be able to benefit from the amnesty law**. In some cases, activists are ineligible for amnesty because they have been charged with crimes that are excepted from the scope of the law (such as the organisation of riots or extremism-related offenses) or because they have previously been convicted of other charges relating to their civic engagement and therefore are considered repeat offenders, a category to whom the law does not apply.

Recommendations

The Kazakhstani authorities should:

- Agree to an international, independent inquiry into the January 2022 events to clarify what happened during the crisis (with a particular focus on human rights aspects), establish the chronology of events, and determine the role and responsibility of different actors.³

³ See more in joint statement by 10 NGOs: <https://www.iphronline.org/civil-society-groups-call-on-kazakhstan-to-establish-a-fully-independent-investigation-into-the-january-2022-events.html>

- Ensure that all allegations of human rights violations, including the use of excessive force, extrajudicial killings, arbitrary detentions, torture and ill-treatment, and due process violations are investigated in an impartial, transparent, and effective manner and that those responsible are brought to justice in fair trials and given penalties commensurate with the severity of the violations committed. As part of this, the authorities should re-open investigations that have been prematurely closed and invite international experts to take part in the investigations.
- Ensure that no one is committed of criminal offenses related to the January 2022 events because of their peaceful exercise of the freedoms of assembly, association, and expression.
- Ensure that the implementation of the amnesty law does not result in that law enforcement and security officials guilty of serious human rights violations escape responsibility.
- Ensure that the amnesty law is applied in a fair and consistent manner to civil society members and that they are not denied amnesty on selective grounds, e.g., because additional charges are initiated against them for offenses exempted from the scope of the law.

2. Pressure on independent media and journalists

As described in detail in our [special update](#) on the January 2022 events, **media workers covering these events faced different forms of harassment, including physical attacks by security forces and non-state actors**, resulting in that several journalists were injured and one person affiliated with a media outlet died. None of those responsible for these attacks are known to have been held accountable.

Following the January events, **the country's few independent media outlets continue to operate under pressure** and in recent months there has been **a growing number of incidents of intimidation and harassment** targeting independent outlets and journalists. These are a few examples:

- *The office of the independent, Almaty-based [Elmedia](#) online information source was [attacked six times](#) from October 2022 to January 2023 by unknown perpetrators who smashed the windows at the entrance of the building where the office is located. The outlet's chief editor, veteran journalist [Gulzhan Yergalieva](#) and her team have also been subjected to [social media and telephone harassment](#), [false bomb threats](#), and other intimidation.*
- *The independent [Orda](#) news outlet, based in Almaty, has reported repeated attacks on its website as well as other several acts of intimidation. For example, in October 2022, a parcel was delivered to the outlet's office [containing a pig's head](#), which had a torn-apart photo of the outlet's chief editor [Gulnara Bazhkenova](#) in its mouth. Threatening messages were also left outside the office. In another incident, in December 2022, Bazhkenova [received](#) a tombstone featuring her name, photo and a fictitious death date by mail.*
- *In January 2023, the website of the independent news site [Ulysmidia](#), based in the capital, was [hacked](#) and personal information about its chief editor [Samal Ibrayeva](#) and her children were posted online. In another incident that appeared aimed at intimidating Ibrayeva and her team, a [parcel was](#) delivered to Ulysmidia's office in early February 2023 containing a piece of meat with a photo of Ibrayeva's children*

lying below it. Prior to these incidents, Ulysmidia's site had repeatedly been the target of distributed denial-of-service (DDoS) attacks.

- Independent journalist **Dinara Yegeubayeva's** car was [set on fire](#) near her home in Almaty in January 2023 in what she believed was an attempt to blow up the car. Earlier, in November 2022, unknown perpetrators [slashed](#) the tires of her car and glued the windshield wipers and lock. In a third incident, the journalist reported in early February 2023 that her son had been approached and [threatened](#) by an unknown person armed with a pistol before managing to escape. Yegeubayeva has linked all these incidents to her professional activities. She has prominently covered human rights abuses related to the January 2022 events on her social media accounts and in December 2022, she announced the creation of a new political movement with plans to field candidates in the parliamentary elections in spring.
- On 19 January 2023, unknown perpetrators [applied](#) construction foam around the door of journalist **Vadim Boreiko's** apartment in Almaty. The journalist said that the foam smelled of fuel, making him suspect that the perpetrators might have planned to set the door on fire after blocking it. The perpetrators ran off when neighbours saw them. The perpetrators also sprayed the name of Boreiko's YouTube channel on the entrance door to the building where his apartment is located. On his YouTube channel, the journalist has covered issues sensitive to the authorities such as the January 2022 protests and Russia's war in Ukraine. Later, on 20 February 2023, Boreiko [reported](#) that unknown perpetrators had blown up two cars belonging to his operator at night.
- On 22 February 2023, journalist **Daniyar Moldabekov**, [reported](#) being attacked by an unknown perpetrator as he was entering the house where he lives in Almaty. According to him, the perpetrator, who wore a medical mask, hit him in the face while using obscene language. Moldabekov noted that the perpetrator did not attempt to take anything from him and suggested that the attack was linked to critical materials he has published.

Typically acts of intimidation and harassment targeting media outlets and journalists go unpunished, particularly as concerns those orchestrating and ordering such attacks. It was therefore welcome that a spokesperson for President Tokayev publicly [stated](#) on 20 January 2023 that the president had ordered a "thorough investigation" into the recent series of attacks, saying that "not only the perpetrators, but also those who ordered these illegal acts" must be identified. It was also welcome that the EU delegation [issued](#) a statement about these attacks, stressing that "All cases must be investigated and those responsible for these wrongdoings should be brought to justice." The authorities must now take **effective measures in practice** to this end.

In mid-January 2022, police [reported](#) that five young people had been arrested on suspicion of carrying out the attacks earlier the same month in which Dinara Yegeubayeva's car was set on fire and the windows of the building housing Elmedia were broken. According to the police, the young men said they were contacted by unknown individuals on the internet who engaged and paid them for these attacks. Later, in mid-February 2023, the police [announced](#) that **a total of 18 people had been arrested on suspicion of involvement in unlawful acts against journalists** taking place since September 2022, without providing any details on the incidents and journalists concerned. It said that the investigations in these cases were under way. At the end of February 2023, the Ministry of Interior [stated](#) that a professional

hacker with foreign citizenship had been arrested on suspicion of coordinating more than 30 acts of provocation against media and journalists, using anonymous Telegram channels to recruit and communicate with those implementing the attacks. According to the Ministry, the purpose of the attacks was to “simulate the persecution of representatives of the media” in order to “discredit” President Tokayev and “the democratic reforms he is carrying out”. Four of the hacker’s accomplices were also identified. In yet a further development, the Ministry of Interior reported on 4 March 2023 that an individual suspected of organising the recent attacks had been arrested and was facing multiple charges, among others, obstructing journalistic activities, threats and intentionally destroying or damaging property (under articles 115, 158 and 202 of the Criminal Code). According to the Ministry, he had been driven by “personal grievances” against media outlets and journalists and had chosen the targets and methods used for the attacks at his own initiative. Thus, the motives of his actions were allegedly different from those of the suspected coordinator.

To prove their commitment to ending the cycle of impunity for acts of intimidation and harassment against independent media outlets and journalists, the authorities must ensure that the investigations and legal proceedings against arrested suspects fully correspond to international due process and fair trial standards and that all those responsible for attacks are brought to justice and given penalties commensurate with the seriousness of the offences.

In another recent development, a new controversial draft media law was put up for public discussion by the government in early February 2023. Media organisations and journalists expressed concerns that it would seriously increase state control over the activities of media, if adopted. They also criticised the fact that the draft law was introduced in a way that side-stepped the activities of a government working group including NGO representatives and journalists, which has been discussing new draft media legislation for several months, and thereby ignored recommendations made by civil society members of this group.

Among others, the draft media law included controversial provisions to equate internet resources with media outlets, thereby extending the law’s scope beyond traditional media outlets and journalists; introduce a registry of accredited journalists while setting out broad grounds for denying accreditation; and impose extensive restrictions on the work of media and journalists in “exceptional circumstances”, including through a requirement to agree articles with relevant officials before publication in such situations, which could result in censorship. The draft law also does not define any statute of limitations for initiating defamation lawsuits over journalistic materials, which could result in journalists being sued over articles years after their publication.

Following an outpour of criticism, which included an appeal to the president signed by a large number of journalists and media representatives, the ministry of information indicated readiness to revise the draft law with account of the feedback received.

During the January 2022 events the authorities seriously restricted internet access in the country. Following periodic inaccessibility of internet services in different regions of Kazakhstan, a nation-wide internet shutdown began on 5 January 2022 and lasted for several days. While national law allows for suspending access to communications networks during a state of emergency such as the one declared during the January 2022 events, the restrictions imposed by the authorities

violated [international standards](#) safeguarding freedom of expression. In this way, the authorities effectively **implemented an information blockade and prevented independent reporting** and communication about the crisis. In an ongoing trend, internet access is often arbitrarily restricted in central areas of Almaty and the capital Astana in connection with planned peaceful protests.

New legislation adopted in spring 2022 [requires](#) foreign social media and messenger platforms with more than 100,000 visitors a month to respond promptly to requests to remove material deemed to amount to cyberbullying against children based on complaints submitted by citizens. Following widespread criticism of the initial draft legislation, it was revised when considered by the upper house of parliament and some of the most problematic provisions were amended prior to its adoption. Nevertheless, civil society representatives remain concerned that **the implementation of the law might result in undue restrictions on the freedom of expression on internet platforms.**

Recommendations

The Kazakhstani authorities should:

- Ensure that all reported acts of intimidation and harassment against media and journalists are promptly, thoroughly, and impartially investigated and that both those who carry out and order attacks are held accountable.
- As called for by civil society representatives, withdraw the draft media law put forward for public discussion in its current format and ensure that a new media law is elaborated with due account of the recommendations made by media experts, journalists, and civil society representatives, as well as international standards and best practice.
- Safeguard the right to freedom of expression on internet resources and ensure that any restrictions enforced in this regard meet the strict requirements for permissible limitations set out by international human rights law.

3. Persecution of civil society, human rights and opposition activists

Civil society, human rights and opposition activists who are critical of the authorities **continue to face intimidation and harassment** ranging from threats and surveillance to detention and prosecution on charges initiated in retaliation for their peaceful activities.

Dozens of activists were among [those detained](#) in connection with the January 2022 events, and some of them subsequently faced criminal charges because of their alleged role in the unrest. According to [information](#) obtained by KIBHR and its partners in the Human Rights Defence Alliance (an NGO network created to monitor and analyse human rights violations during the January events), **at least 30 civil society, human rights and opposition activists are among those charged with rioting and other crimes despite the lack of any evidence of their involvement in violent, unlawful actions** during the January protests. Some of them have faced charges of “knowingly spreading false information” during the protests under a broadly worded provision of the Criminal Code (article 274), which has repeatedly been used to stifle free speech.

The investigations and legal proceedings against activists charged in relation to the January events have been characterised by **allegations of procedural violations** and several activists have **reported** being subjected to **torture and ill-treatment in detention**.

While the criminal cases against some activists subsequently have been closed, and some activists have been **amnestied**, other activists are now serving sentences issued against them or are still under investigation.

The most high-profile case of an activist charged over the January 2022 protests is that of the leader of the unregistered opposition Democratic Party:

- *In June 2022, Democratic Party leader **Zhanbolat Mamai** was charged with organising riots and spreading false information in an emergency situation (under articles 272.1 and 274.4 of the Criminal Code) during the January events. The charges **concerned a peaceful protest held by his party in Almaty on 4 January 2022** to express solidarity with protesters in Kazakhstan's Mangystau region, where the January protests began, and to call for political and social change. He was accused of "influencing the mood" of the crowd, "aiming to create social tension" and "turning people against the authorities" by speaking about the need for reforms at the protest. He was also accused of spreading false information by telling protesters that "10,000" people had gathered in Zhanaozen – a figure that might not have been exact. The new charges came on top of earlier charges initiated against Mamai on spreading false information (under article 274 of the Criminal Code) in relation to his campaigning for measures to help people burdened by financial debt, as well as on insulting law enforcement officers (under article 378 of the Criminal Code) because of critical remarks made during the police dispersal of a peaceful protest held by his party.*

*Before the case against Mamai was handed over to court in late October 2022, the charges relating to January events were **reclassified** as violating the rules for organising an assembly (under article 400 of the Criminal Code), which is a less serious crime. In addition, on 2 November 2022, Mamai was **released** from pre-trial detention – where he had been held since March 2022 – and placed under house arrest instead. These steps came amid heightened international attention to Mamai's case, including through a **visit** by EU Council President Charles Michel to Kazakhstan and the **launch** in the UK of a non-governmental commission of inquiry into his case with the participation of several MPs.*

*The trial against Mamai began on 7 November 2022. When the trial had already been under way for a while, in January 2023, the prosecutor **re-initiated the charges of organising riots against Mamai, portraying him as the main instigator of the unrest seen in Almaty** during the January events – again - **without presenting any credible evidence to back up these accusations**. If convicted on these charges, Mamai could face up to ten years in prison.*

*Human rights groups have denounced the case against Mamai as **politically motivated retaliation** for his opposition activities and his criticism of those in power. In a **joint statement** issued in June 2022, IPHR, KIBHR and partners called on the Kazakhstani authorities to stop persecuting the opposition leader, drop the charges against him and release him.*

These are few examples of other criminal cases opened against activists over the January 2022 protests:

- On 15 July 2022, a local court in the city of Shymkent **convicted** activists **Lyazzat Dosmambetova, Zhanmurat Ashtaev and Kairat Sultanbek** on charges of participating in riots (under article 272 of the Criminal Code) during the January 2002 events following a trial lasting only two days. The court handed down guilty verdicts, although the prosecution failed to provide any compelling evidence to support the charges against the activists, and the defendants insisted that they only protested peacefully. The three activists were all given three-year prison sentences. In September 2022, an appeals court **upheld** the sentences against the three activists, but ruled to postpone Dosmambetova's serving of her sentence for two years on the grounds of her family situation. Thus, she was temporarily released.

Following the entry into force of the amnesty law related to the January events, all three activists turned to court with requests to be amnestied as the offense of which they were convicted is among those to which the law applies. Kairat Sultanbek's request was approved, with a local court sanctioning his **release** in November 2022. However, Lyazzat Dosmambetova's and Zhanmurat Ashtaev's requests for amnesty were **rejected** on the grounds that they had previously been convicted of participation in a banned "extremist" organisation and handed non-custodial restricted freedom sentences because of their involvement in the Street Party, an opposition movement that has been banned in Kazakhstan despite its non-violent nature (see more below on the campaign against this movement). These previous sentences were also considered by human rights defenders to be retaliation for the activists' legitimate civic activities. According to the wording of the amnesty law, it does not extend to individuals convicted of repeat offenses nor of "extremist" offenses.

- **Raigul Sadyrbayeva**, an activist from the human rights association Elimai in the city of Semey, was detained on 12 January 2022 and thereafter charged with participating in mass riots and attacking or seizing public property (under articles 272 and 269 of the Criminal Code) during the January protests in her home city. The charges were believed to be retaliation for her human rights and civic engagement and related to her monitoring of protests in the centre of Semey, which evolved into clashes between protesters and law enforcement authorities on 5 January 2022. Sadyrbayeva spent two months in pre-trial detention on the charges brought against her, which carry a penalty of up to 15 years in prison. She **reported** being subjected to torture and ill-treatment in detention, including suffocation, attempted rape, being threatened at gunpoint, and psychological pressure with the aim of forcing her to confess. She also reported facing restrictions on her contacts with her lawyer and family.

In mid-March 2022, she was **transferred** to house arrest as the investigation in her case continued. Finally, on 2 December 2022, the regional prosecutor's office **issued a decision** to close the criminal case initiated against Sadyrbayeva and several other activists charged over the January events. This was a welcome decision. However, it remains of concern that no one has been held accountable for the torture, ill-treatment, and other violations to which she was reportedly subjected in detention.

- Another activist from Semey, **Kenzhebek Sultanbekov** was also **charged** with participating in riots and attacking public property (under articles 272 and 269 of the Criminal Code) during the January protests in this city. He was placed in pre-trial detention on these charges on 7 January 2022. According to available information, he did not commit any violent or unlawful actions during the protests in Semey but instead attempted to calm down other protesters and called on them to behave peacefully as the protests evolved into clashes with security forces. His wife **reported** that she was not allowed to visit the

activist in custody until three weeks after his detention. When she visited him on 27 January 2022, he told her that he had been repeatedly and severely beaten with truncheons by police and showed her numerous traces of beatings on different parts of his body. Concerns about Sultanbekov's well-being in detention were *reinforced* by the fact that he suffers from diabetes and asthma. Prior to the January events, Sutanbekov had participated in peaceful protests and criticised the authorities on social issues.

At the beginning of 2023, the criminal case against Sultanbekov, was still under way, with his pre-trial detention having been replaced with an order not to leave his home city without permission in December 2022.

- Activists **Erkin Kaziev** and **Aydar Mubarakov** have been *criminally charged* because of an art performance held during the January events. During this performance, which took place in the city of Kaskelen in Almaty region on 4 January 2022, a group of seven co-activists chained themselves to a large cage on wheels and shouted slogans such as "We support Zhanaozen", "Kazakhstan is a large prison", and "Freedom for political prisoners". The activists were stopped by police, who cut open their chains with the help of special scissors and used tear gas against them, reportedly after Kaziev sprayed water on the police using a water gun for children. Kaziev was subsequently charged with the serious crime of using violence against a representative of the authorities (under article 380 of the Criminal Code) because of this action. In October 2022, he was placed in pre-trial detention on this and an additional charge of involvement in a banned "extremist" organisation (under article 405 of the Criminal Code) because of his alleged support for the banned opposition Democratic Choice of Kazakhstan movement. Previously, in 2019, he was sentenced to one year of restricted freedom under this second provision, which has been widely used against activists in retaliation for their peaceful civic activities (see more below).

In late December 2022, Aydar Mubarakov learned that a criminal case had also been opened against him on charges of using violence against a representative of the authorities during the January 2022 art performance, more than 11 months after it took place.

In the following cases, activists were convicted of allegedly spreading "false" information about the January events:

- On 12 August 2022, a local court *sentenced* Stepnogorsk-based activist **Aya Sadvakasova** to three years of restricted freedom on charges of spreading false information and involvement in a banned organisation (under articles 274 and 405 of the Criminal Code). The first charge was initiated against the activist because of an audio message posted on social media in which she accused authorities of "lawlessness" when dispersing peaceful protests during the January events. The second charge was added to her case following a search of her home, when police allegedly found computer material with "signs" of her involvement in the banned opposition movements Democratic Choice of Kazakhstan and the Street Party (see more about the campaign against these movements below).

Following the announcement of the verdict in her case, she was released, but will be subjected to court-imposed restrictions on her movement and activities for the next three years. Sadvakasova, who has engaged in efforts to document and attract international attention to human rights violations taking place in Kazakhstan, has also previously faced intimidation and harassment because of her civic engagement.

- On 24 June 2022, a local court in the city of Kostanay *found* activist **Dias Nurmagambetov** guilty of spreading false information during the January events and sentenced him to one year of restricted freedom, with court-imposed restrictions on his movement and activities. He was *accused* of posting messages on the Telegram channel "Protest Kostanay" calling on people to participate in unsanctioned protests and incorrectly suggesting that police were taking the side of protestors. Nurmagambetov *appealed* the sentence, denying that he had disseminated any false information and saying that he had first confessed to the charges because he was subjected to torture in detention. In August 2022, a regional court upheld his sentence on appeal, but in October 2022, Nurmagambetov was granted parole and freed from serving the remainder of the sentence. This was welcome. However, it would also be important to ensure that his torture allegations are thoroughly and impartially investigated and those responsible are held to account. When considering Nurmagambetov's case, the judge at the regional appeal court criticised law enforcement authorities for failing to properly investigate his torture allegations.

In recent months, new criminal cases have also been opened against activists and other critical voices over incidents unrelated to the January 2022 events. It is of particular concern that the authorities have initiated **a growing number of cases under the broadly worded provision on "knowingly spreading false information"** (article 274 of the Criminal Code), already mentioned above. According to information *provided* by General Prosecutor Berik Asylov in November 2022, 100 investigations on "knowingly spreading false information" were opened only during the first nine months of 2022. Out of these, seven cases had been submitted to court, 19 were still under investigation, 28 had been suspended and 46 closed. It is important that this criminal code provision is **revised and brought into line with international human rights standards** to prevent it from being used to put pressure on government critics and to restrict legitimate free speech.

Both in the context of the January 2022 events, and in the aftermath of them, the authorities have **continued to target supporters and alleged supporters of the opposition movements Democratic Choice of Kazakhstan and the Street Party (Koshe Partiyasy)**. Both movements have been banned by court as "extremist" despite their non-violent agendas (see also the section of obstruction of the activities of opposition groups). In the crackdown on supporters of the two movements, which has been going on for several years, dozens of people have been charged and convicted because of their **participation in peaceful protests, social media posts and other non-violent civil society engagement**. Most convictions have been handed down under article 405 of the Criminal Code, which prohibits involvement in banned "extremist" organisations, with the sentences typically amounting to different terms of restricted freedom -- a non-custodial sentence that entails court-imposed restrictions on the freedom of movement of those affected. In addition, those convicted have typically been banned from engaging in civic and political activities for several years and have had their bank accounts frozen due to their convictions of an extremist-related offense. As mentioned before, the amnesty law related to the January events also does not apply to those charged or convicted for "extremist" offenses, including under article 405 of the Criminal Code.

These are two recent cases that illustrate the use of charges under this provision against activists because of their peaceful engagement:

- On 24 March 2022, a local court in the city of Uralsk **convicted Murat Sapiev** under article 405 of the Criminal Code and sentenced him to three years of restricted freedom. The court also prohibited him from engaging in public and political activities for five years. According to the case materials, Sapiev participated in protests organised by the Democratic Choice of Kazakhstan and Street Party in 2020-2021. When speaking in court, Sapiev stressed that he had only been peacefully exercising his right to protest, criticise the authorities and demand reforms in the country, and that he had not made any calls for violent actions. In May 2022, his appeal against the court decision was **rejected**.
- On 24 January 2023, a local court in the Turkestan region **convicted Murat Baidauletov** under article 405 of the Criminal Code and gave him a one-year restricted freedom sentence, a three-year ban on engaging in public and political activities, and 100 hours of public labour. He was **charged** because of several videos posted on his Facebook page in which he made calls such as for the imposition of sanctions against Kazakhstan's current and former presidents, "radical" measures against those guilty of corruption, the introduction of a parliamentary system of governance, and allowing the DVK and Street Party to take part in elections. The activists **stated** that he only peacefully expressed his opinions on these matters, which was also the conclusion of an independent expert assessment requested by the defence. Baidauletov has repeatedly been penalised for his participation in peaceful, unsanctioned protests and was also previously convicted in 2020 for his alleged involvement in the Democratic Choice of Kazakhstan and Street Party because of a Facebook live stream in which he expressed support for the programmes of these movements. At that time, he was given a similar sentence of one year of restricted freedom and 100 hours of public labour.

In the following case, alleged supporters of the Democratic Choice of Kazakhstan and Street Party are facing more serious charges:

- A few days before the early presidential elections on 20 November 2022, security services **claimed** to have foiled the activities of a group planning to organise riots with the aim of seizing power on election day. During a special security operation, **seven alleged members of this group** were detained. According to the security services, those apprehended were members of the Democratic Choice of Kazakhstan and the Street Party and "sympathised with" and "held similar views" to Mukhtar Ablyazov, a prominent government opponent living in self-imposed exile who initially founded the Democratic Choice movement. The detained activists were subsequently charged with preparing riots and publicly calling for the seizure of power (under articles 179, 272 and 24 of the Criminal Code) and placed in pre-trial detention pending further investigation. However, the authorities have failed to present any tenable evidence to back up the charges against the activists and Kazakhstani human rights defenders has **deemed** the case against them to be politically motivated and **included them on a regularly updated list of political prisoners**.

Those charged in this case include, among others, **Akylzhan Kiysymbaev**, a civil society activist who was detained, injured, and allegedly subjected to torture in connection with the January events. He has since participated in a series of peaceful protests demanding accountability for law enforcement officials who forcibly put down protests and tortured detainees.

Some activists continue to **serve prison sentences handed down in earlier years on charges considered politically motivated**. These are two of them:

- ***Ermek Narymbaev** was arrested in February 2022 upon his return to Kazakhstan from Ukraine where he fled in 2016 to avoid persecution. He was ordered to serve the remainder of a three-year prison sentence, which he was given before fleeing the country in 2016 on charges of inciting national hatred, under another broadly worded provision of the Criminal Code (article 174), which is open to implementation restricting freedom of expression in violation of international standards. The charges related to a text he shared on Facebook which supposedly was “offensive” to the Kazakh people. However, as stressed by IPHR and KIBHR in a joint [statement](#) issued at the time, the real reason behind the charges were believed to be his vocal criticism of the authorities and his civic engagement. In December 2022, a local court [rejected](#) a request from Narymbaev to grant him release on parole or replace his prison sentence with a fine. This decision was [upheld](#) by a regional court on appeal.*
- *Following a trial marred by procedural violations, **Erzhan Elshibaev** was [sentenced](#) to five years in prison in October 2019 for allegedly inflicting serious bodily harm to another person during a fight (under article 106 of the Criminal Code). These charges were believed to have been initiated in retaliation for his civic engagement, in particular his advocacy for the rights of the unemployed and a series of peaceful rallies he organised to this end in the city of Zhanaozen in the oil- and gas-rich Mangystau region. Both Kazakhstani and international human rights groups have called for his release and the UN Working Group on Arbitrary Detentions has [found](#) his detention to be in violation of international law. Elshibaev has repeatedly reported being subjected to pressure by prison officials and has engaged in self-harm behaviour to protest against such treatment: in August 2020, he sewed his mouth shut; in July 2021, he cut himself in the stomach; and in March 2022, he [attempted](#) to commit suicide, a result of which he had to be hospitalised.*

In September 2022, a local court in Kyzylorda, where the prison where Elshibaev was held at the time is located, reportedly [added](#) seven years to his prison sentence based on a complaint from the prison administration, which accused him of disobeying the orders of prison officials and encouraging other prisoners to do the same (under article 428 of the Criminal Code). The activist said that he was being punished for speaking up against unlawful actions of prison officials. The decision was [upheld](#) on appeal and in December 2022, he was reportedly transferred to a different prison facility.

Recommendations

The Kazakhstani authorities should:

- Stop persecuting civil society, human rights, and opposition activists.
- In particular, ensure that no activists are arrested, prosecuted or convicted in retaliation for their peaceful and legitimate exercise of fundamental freedoms and that any activists prosecuted on such grounds are cleared of charges and immediately and unconditionally released if held behind bars.
- Carry out prompt, thorough, and impartial investigations into any allegations of abusive treatment of activists in detention and ensure that those responsible are held accountable.

- Repeal or revise the provisions on “knowingly spreading false information” (article 274) and “inciting discord” (article 174) of the Criminal Code to bring them in line with international standards, and ensure that these provisions do not lend themselves to application stifling legitimate free speech.
- Ensure that article 405 of the Criminal Code, which criminalises for the participation in banned “extremist” organisations, is not misused to penalise activists for their peaceful civic engagement.

4. Continued violations of the freedom of peaceful assembly

After the January 2022 events, the authorities have continued to **systematically violate the right to freedom of peaceful assembly**. The new law on assemblies adopted in 2020 formally provides for a notification procedure, but de-facto requires organisers of assemblies to obtain advance permission from local authorities. The authorities have continued to implement this law selectively, **routinely denying permission for peaceful protests** on issues that are inconvenient to those in power, **dispersing peaceful protests** held without advance permission, and **detaining and penalising the participants** in such protests. They have also carried out new “preventive” detentions of civil society activists ahead of planned or expected protests.

As illustrated by the examples provided below, the authorities have, among others, obstructed peaceful protests by demonstrators demanding justice for victims of the January 2022 events, speaking out against Russia’s war in Ukraine, calling for the release of political prisoners and criticising the unfair nature of the early presidential elections held in November 2022.

- *Opposition groups had called for holding peaceful rallies on 13 February 2022 to **commemorate the victims of the January 2022 events and demand justice for them**. However, because of the lack of official sanctioning of the rallies, they were deemed unlawful by authorities. In several cities, law enforcement authorities prevented civil society activists from participating in the rallies. Thus, in capital Nur-Sultan and other cities such as Kokshetay, Zhanaozen, Shymkent, Aktobe and Uralsk, police held the homes of activists under watch and **detained** activists in- and outside their homes, typically holding them for a few hours before releasing them. In Almaty, the announced rally **took place** without interference, with some 700 people gathering at Republic Square. However, at the end of February and beginning of March 2022, six people were **penalised** for organising this event: two of them were fined, while four were given terms of administrative detention ranging from five to 15 days. Among those sentenced to administrative detention was the leader of the opposition Democratic Party, Zhanbolat Mamai. Instead of being released after serving his 15-day sentence, he remained behind bars on questionable criminal charges initiated against him (see more on his case in the previous section).*
- *On 9 April 2022, a group of activists from the youth movement Oyan Qazakhstan **gathered** outside the Russian consulate in Almaty to carry out **a performance dedicated to the Bucha tragedy** reported from the war in Ukraine. The activists lay down on the ground, covered by Ukrainian flags. As reported by KIBHR, after a few minutes, around 20 police officers detained the participants and took them to a local police station. The activists were released after being required to sign explanatory statements.*

- On 14 July 2022, police **detained** more than a dozen people who assembled outside the presidential residence in the capital to **demand justice for their relatives who died during the January 2022 events**. The protesters had travelled from different regions in Kazakhstan to the capital and spent three days outside the presidential residence, demanding a meeting with the president. On 13 July 2022, a representative of the presidential administration proposed to meet the protesters individually. However, the protesters did not agree, insisting on a common meeting, saying they wanted to discuss **similar issues** concerning the lack of just and transparent investigations into the death of their loved ones and what they consider to be unfair accusations levelled against their relatives over the January events. After being detained, the protesters were reportedly taken to a local police station and thereafter convinced to leave the capital and go home by representatives of local authorities, who promised to look into the issues raised by the protesters.
- On 6 October 2022, a group of activists from the unregistered Democratic Party **gathered** outside the office of the ruling Amanat party in Almaty to **protest against the announced early presidential elections and to call for the release of political prisoners**, including party leader Zhanbolat Mamai. Activists Aruzhan Duysebayeva, Gulnar Mirmambetova, Sharbat Apai, Anar Mukhamedzhanova and Azerbay Aga were all detained and subsequently handed fines ranging from 60 to 200 EUR by a local court on charges of violating the rules for holding assemblies. The same day as the protest took place, the ruling party held a congress in the capital, where it endorsed incumbent President Tokayev as its candidate in the presidential elections.
- On 14 November 2022, police in Astana **detained** six members of the initiative group for the registration of the opposition party Alga Kazakhstan (see more about this group in the next chapter) for the apparent purpose of **preventing them from protesting during the presidential elections**. Those apprehended include Marat Zhylanbayev (a famous marathon runner), Venera Zhanbayeva, Sandugash Kantarbayeva, Semigul Oshakbayeva, Mereke Nugmanov and Marat Musabayev. The same day, a local court ruled to lock up each of them for 15 days for allegedly violating the rules for organising assemblies when holding a small peaceful protest during the Kazakhstan visit of a European Parliament delegation in August 2022. Later the sentence was replaced with a fine in the case of Semigul Oshakbayeva.
- On election day on 20 November 2022, police **detained** more than a dozen participants in small, peaceful protests held by the unregistered Democratic Party and the Oyan, Qazaqstan movement in Almaty to **express discontent with the unfair nature of the presidential elections**. They were released after a few hours. Supporters of the banned Democratic Choice of Kazakhstan movement were prevented from gathering altogether. In the capital Astana and other cities, police also carried out “preventive” detentions of potential protest participants. According to information provided by the ministry of interior, as of the evening of 20 November, administrative cases had been **initiated** against 19 people because they had allegedly called for or taken part in protests held without advance permission.
- On 16 December 2022, when Kazakhstan’s Independence Day was celebrated, 14 activists from the Oyan, Qazaqstan movement were **detained** on their way to Republic Square in Almaty for a planned **gathering in the memory of victims of government crackdowns on protesters**, including during the

Zhanaozen events in 2011 and the January 2022 events. The activists were released after being held for a few hours. However, police reportedly held their homes under guard and prevented them from going anywhere on both 16 and 17 December.

- On 5 January 2023, on the occasion of **the first anniversary of the January 2022 events**, an unofficial gathering to commemorate the victims of these events was allowed to **take place** at Republic Square in Almaty. Most of the around 100 participants were activists. According to media reports, a large police presence was **observed** in the vicinity of the square and mobile internet appeared to have been blocked – a measure also seen in connection with previous peaceful assemblies in the city. Three activists from the unregistered opposition Democratic Party, including Aruzhan Duysebayeva, Gulnar Mirmambetova and Abzal Dostiyarov were “preventively” **detained** by police ahead of the gathering. Dostiyarov was reportedly detained as he was leaving his apartment together with his four-year-old daughter, whom he was planning to take to the kindergarten before going to the gathering. The girl spent one hour in the police station together with her father before being picked up by her mother. The three activists were eventually released without charge after being held for a few hours.
- Local authorities have repeatedly denied permission for holding **protests against Russia’s war against Ukraine**, reportedly resulting in a total of some 50 **rejections** for such protests, including one-person pickets. In a recent example, **Inga Imanbai**, an activist from the unregistered Democratic Party who is married to detained party leader Zhanbolat Mamai and who has also been subjected to harassment herself (see more in chapter 5), was **denied permission** to hold a one-person picket in support of Ukraine in Almaty on the anniversary of Russia’s invasion of Ukraine in February 2023. The rejection was issued on the grounds that she had allegedly submitted her notification about the picket one day too late, although she said that she had handed it in more than the five days in advance required by law. **Artur Alkhastov**, a lawyer working with KIBHR, **received no official response** to a written notification about his plans to hold a one-person picket outside the Russian embassy in Astana on the anniversary of Russia’s invasion but was orally told that the mayor’s office had no objections. However, as he was on his way to the planned picket, he was detained twice by police with both a police officer and representatives of the mayor’s office attempting to convince him to drop his plans, which he refused to do. After being released, Alkhastov was able to protest outside the embassy for 15 minutes, keeping with the time period he had indicated for his protest in his notification. Two human rights defenders and a journalist, who wanted to monitor and cover Alkhastov’s picket, were also briefly detained by police.
- Women and feminist activists have struggled to obtain permission for gathering in Almaty on International Women’s Day, 8 March 2023. The mayor’s office repeatedly **refused to agree** to the activists’ plans to hold a **women’s rights rally and march** on this day because all venues designated for holding assemblies allegedly already had been reserved for events to be organised by a group called the League of Volunteers, which is associated with local authorities. After activists protested for their right to gather on 8 March and **filed a complaint** to court against the mayor’s office, in mid-February 2023 local authorities finally **gave green light** for holding a rally on International Women’s Day at Gandhi Park, which is a less centrally located venue than the activists had requested. The march they planned to hold in connection with the rally was not approved.

Recommendations

The Kazakhstani authorities should:

- Revise the law on organising and conducting peaceful assemblies, in accordance with the advice of national and international experts, to bring it into compliance with international standards, including by providing for a simple notification procedure for assemblies and protecting the right to hold spontaneous protests.
- Allow peaceful protests to take place without hindrance and ensure that citizens are not detained, fined, or sentenced to administrative arrest for organising, calling for or participating in peaceful assemblies, even if these assemblies have not been pre-approved by authorities.
- Put an end to the practice of “preventive” detentions of activists ahead of planned or expected peaceful protests.
- Protect the rights of human rights defenders and journalists who monitor and cover protests.

5. Obstruction of the activities of opposition groups

As part of his initiative to promote political modernisation and create “a new Kazakhstan” following the January 2022 events, President Tokayev [pledged](#) to make it easier for political parties to obtain compulsory state registration. Legislative amendments were subsequently adopted to reduce the number of members or supporters needed for the registration of a political party, and two new parties were granted registration: the green party *Baytak* and the *Respublica* party, bringing the total number of registered parties to seven. However, all registered parties have taken pro-government positions. **Opposition parties continue to face difficulties with obtaining registration** and currently no genuine opposition party is registered in the country, or thus able, to take part in the early parliamentary elections in March 2023.

The difficulties experienced by opposition parties is illustrated by the case of the initiative group for the registration of the opposition party **Alga Kazakhstan!** (“Forward Kazakhstan!”), which was established in spring 2022. It has been unable to obtain registration as the Ministry of Justice **repeatedly has returned its application documents**, with reference to alleged inconsistencies with technical requirements set out in the legislation on the registration of political parties. In February 2023, the group reportedly [applied](#) for registration for the 11th time, after having its application documents returned each previous time when attempting to register.

Members of the Alga Kazakhstan! initiative group have also been **subjected to harassment by law enforcement authorities** when seeking to rally support for the party, such as by handing out leaflets in the street. They have, among others, been [detained](#) and fined for participating in the activities of an unregistered public association. In addition, members of the initiative group have been detained when staging peaceful protests (see the previous section for an example).

In a similar vein, members of other political opposition groups continue to be subjected to pressure. Activists from the opposition **Democratic Party**, which [faced obstruction](#) when seeking to hold its constituent congress in 2020 and therefore was unable to apply for state registration, have been

subjected to **ongoing intimidation and harassment**. Peaceful protests organised by party activists have repeatedly been dispersed and participants detained and penalised (for examples of such cases, see the previous section). Party activists have also reported surveillance, being summoned for questioning, [physical attacks](#) and other harassment. Party leader **Zhanbolat Mamai** is facing multiple criminal charges initiated in retaliation for his opposition activities and criticism of the government and risks a ten-year prison sentence (see more on his case in the section of persecution of activists).

Mamai's wife and co-activist, **Inga Imanbai** reported being [pressured](#) to testify against her husband after the criminal case against him was opened and, in February 2023, she said that she had been [summoned](#) for questioning by police on suspicion of "inciting national discord", which made her fear that she might also be criminally charged on politically motivated grounds. The summons came after she was denied permission to picket in support of Ukraine on the anniversary of Russia's invasion of Ukraine (see more in the previous chapter). Shortly before this, she had been registered to run as a self-nominated candidate in a single-mandate district in Almaty in the March 2023 parliamentary elections.

As covered in earlier sections of this briefing paper, the authorities have continued to **crack down on supporters and alleged supporters of the opposition movements Democratic Choice of Kazakhstan and the Street Party (*Koshe Partiyasy*)** by detaining them when peacefully protesting and bringing criminal charges against them because of their peaceful civic activities (see more in the sections on persecution of activists and violations of the freedom of peaceful assembly). In court decisions that have not been made public, the Democratic Choice of Kazakhstan was banned as "extremist" in March 2018, and the Street Party in May 2020, although neither of the two movements advocates or endorses violence. The authorities have treated the Street Party as an alleged successor to the Democratic Choice of Kazakhstan, although it has [denied](#) links to the latter. In its [resolution](#) on the human rights situation in Kazakhstan, adopted in February 2021, the **European Parliament condemned the abuse of anti-extremism legislation against supporters of these two peaceful opposition movements** (see paragraph 5 of the resolution).

Recommendations

The Kazakhstani authorities should:

- Ensure that opposition political parties can obtain state registration and that they and their members can carry out their activities without undue obstruction and hindrance.
- Stop targeting and penalising individuals for their legitimate civic engagement on the grounds of their association or alleged association with opposition movements.