



Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and Netherlands Helsinki Committee:

Respect for the Right to Freedom of Religion, Freedom of Expression and Freedom of Peaceful Assembly in Kazakhstan

*Briefing Paper to the 102nd Session of the UN Human Rights Committee
(11-29 July 2011), Geneva*

This briefing paper has been prepared as a contribution to the consideration of the first periodic report submitted by the government of Kazakhstan under the International Covenant on Civil and Political Rights (ICCPR), which was ratified by Kazakhstan on 24 January 2006.¹ It focuses on the implementation of three fundamental rights protected by the ICCPR, namely freedom of religion, freedom of expression, and freedom of peaceful assembly. Based primarily on a review of relevant legislation, as well as information about the current situation reported by the Kazakhstan International Bureau for Human Rights and Rule of Law (hereafter the “Bureau”), other Kazakhstani NGOs and international NGOs, it highlights concerns with respect to law and practice and describes individual cases that illustrate these concerns. It also makes recommendations for steps that the authorities of Kazakhstan should be urged to take to address existing problems.

The Right to Freedom of Religion (Article 18, 26 of the ICCPR)

When considering the situation with respect to freedom of religion in Kazakhstan, it is important to take into account both the provisions of article 18 of the ICCPR (which protects freedom of conscience and religion as such) and article 26 of the treaty (which protects the right to equality before the law and prohibits discrimination on the basis of religion and other grounds). The Constitution of Kazakhstan guarantees these rights in article 22² and article 14,³ even if using different wording than the ICCPR.⁴ However, both national legislation and the practice of authorities violate these two rights in a number of ways.

The Law on Freedom of Worship and Religious Associations (hereafter the “Law on Religion”)⁵ prohibits activities of religious associations that have not been registered with the authorities (article 4).⁶ Involvement in the activities of unregistered religious organizations is also subject to sanctions under the Code of Administrative Offenses (hereafter the “Administrative Code”).⁷ In accordance with this law (article 375), failure of a religious association to obtain registration may result in a warning, fines of up to about 700 EUR⁸ and suspension of its activities. Under the same law (article 374-1), leading, participating in or financing the activities of an unregistered religious association is punishable by fines of about 350 to 1,400 EUR.⁹ Consequently, religious groups that are not registered with the authorities are considered “illegal” and their members may be held accountable for carrying out worship, prayer meetings, bible studies and other basic religious activities.

* This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of the Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee and can in no way be taken to reflect the views of the European Union.

According to the Law on Religion (article 9), religious associations that have been established by at least 10 citizens may be registered by the Ministry of Justice, thus obtaining the status of legal entities. Registration may be rejected if the statutes of a religious group are found to be contrary to national legislation.¹⁰ In order to determine the legality of the statutes of a religious community, the registration authority may choose to commission an expert review of them.¹¹ In this case, the deadline for making a decision on registration is deferred.¹² However, no time limit has been set as to how long such a deferral may last, and there are reports of cases where religious groups have been waiting for months and even years on decisions on registration.¹³ In other cases, authorities have rejected registration on arbitrary grounds, in particular in cases of “non-traditional” religious groups that function in rural areas.¹⁴

The Law on Religion (article 6-2) also states that “small” religious groups that “do not have the characteristics of legal entities” may be informally registered (be “put on the record”) by local authorities. While the government of Kazakhstan has indicated that informal registration is sufficient for religious groups that do not wish to obtain legal status,¹⁵ the Law on Religion is not fully clear on this point as the prohibition on unregistered religious activities it lays down (article 4-1) specifically refers to “religious associations”, a status that is tied to legal personality (article 9).

While informal registration was introduced in 2005, government rules on the procedure of this form of registration were adopted only in January 2011.¹⁶ According to these rules, informal registration involves the submission of a simple application form, as well as copies of the passports of the leader and members of the community and a document proving its “location” (a rent agreement or similar). The only ground for rejecting informal registration is failure to submit the documents listed. Prior to the adoption of these rules, authorities in some regions reportedly required religious groups that wished to register to complete detailed questionnaires about their members, e.g. about their ethnicity, political sympathies and views on social problems.¹⁷ In other cases, local authorities have reportedly declined to consider applications for informal registration with reference to the lack of government rules in this area and, later, of local regulations implementing these rules.¹⁸

Religious groups that have failed to obtain registration or that refuse on principle to apply for registration risk being punished under the Administrative Code. Among others, leaders of protestant and Jehovah’s Witnesses congregations have been fined for conducting religious services without registration, and the activities of their congregations have been suspended on these grounds.¹⁹

- A mother of six, Zhanna Raudovich, was convicted by court for holding a religious service without registration in her home in the village Ayteke Bi in January 2010. Raudovich, who belongs to a Baptist church that rejects registration on principle, was fined 141,300 Tenge (some 700 EUR). Later the sanction was reduced to a warning.²⁰
- In June 2009, Maksim Tashenov, pastor of the protestant New Life Church in the city of Aktau, was found by court to have conducted illegal religious activities when addressing a prayer meeting organized by a fellow congregation in the city of Kyzylorda. He was fined 12,370 Tenge (about 60 EUR), while the activities of his community were suspended for six months. Tashenov’s community is registered in Aktau, but the court considered that he would have needed separate registration to speak at the meeting in Kyzylorda.²¹

The Law on Religion (article 4-1) additionally requires individuals who wish to carry out missionary activities to annually go through a process of informal registration with local authorities. In order to

complete this process, a number of documents must be submitted, including proof that the religious associations missionaries represent are registered in Kazakhstan²², as well as copies of any literature, audio or video recordings or other religious materials they will use in their missionary work (article 4-2). If they later wish to use any other material, this must be separately agreed with the authorities. Under the Administrative Code (article 375), missionary activities that are conducted without prior informal registration are punishable by fines and deportation, in the case of foreigners and stateless persons. In recent years, there have been a number of cases where foreign Muslims, Christians, Jehovah's Witnesses and members of other religious movements have been deported from Kazakhstan for conducting "illegal" missionary activities.²³

- In December 2010, a court in the city of Aktobe convicted two representatives of the Shri Chinmoy movement, which is based on the teachings of an Indian spiritual leader, of carrying out unregistered missionary activities in Kazakhstan. The two women, who are citizens of Ukraine, were fined and ordered deported.²⁴

Religious associations may have their activities suspended or terminated by court not only for engaging in activities without obtaining registration, but also for carrying out activities that are contrary to their objectives and mission, contradict their statutes, or violate national legislation (article 10-1 of the Law on Religion, article 375 of the Administrative Code). During a suspension, which may last from three to six months, affected religious associations may not appear in media, hold meetings, rallies or other public meetings or conduct financial activities (with the exception of payment of salaries, damages or fines). These restrictions also apply to other public associations whose activities have been suspended, but are broader than those that apply to other types of legal entities.²⁵ Moreover, religious communities cannot resume their activities following a period of suspension before a court has determined that the violations causing it have been rectified.²⁶ Failure to redress violations is a ground for banning the activities of religious communities permanently.²⁷ Involvement in the activities of groups that have been banned is subject to similar sanctions as involvement in the activities of unregistered groups (under article 374-1 of the Administrative Code).

- A Scientology church in the Karaganda region was liquidated by a court decision in February 2009. According to the court, the activities of the community were not "consistent with its statutes" and threatened national security by "damaging the mental and physical health of citizens."²⁸ In May 2011, the leader of this church, Vadim Vitushkin, was convicted under article 374-1 of the Administrative Code and fined 151,200 Tenge (about 700 EUR) for spreading the community's teachings and conducting ceremonies despite the previous ban. Another person, Zarina Amirova, who had provided facilities for church activities, was fined 75,600 Tenge (about 350 EUR) under the same article.²⁹

The government of Kazakhstan has argued that restrictive provisions concerning the exercise of freedom of religion are necessary because of the threat of religious extremism.³⁰ A series of laws on countering extremism that were adopted in 2005³¹ introduced many of the provisions currently in force that prohibit and penalize unregistered religious activities. Using national security concerns to justify limitations on freedom of religion is, however, not consistent with the provisions of the Constitution of Kazakhstan nor the provisions of the ICCPR. Article 39 of the Constitution includes freedom of conscience among rights and freedoms that may not be restricted at any time, and national security is not among the grounds on which freedom of religion may be subject to limitations under article 18 of the ICCPR. General restrictions on the peaceful exercise of freedom

of religion also do not appear to meet the requirements that restrictions be directly related and proportionate to the need for which they were introduced.³²

Moreover, while the government of Kazakhstan champions its country as “a leader among the countries of the former Soviet Union in advancing the idea of religious tolerance”,³³ minority religious communities are often subject to negative and hostile attitudes. The Russian Orthodox Church and Muslim communities functioning under the state-backed Muslim Board are considered to be “historically present” in Kazakhstan, while some other larger communities such as Roman Catholics and Jews are generally tolerated. Smaller religious communities such as independent Muslim, Protestant, Hare Krishna and Jehovah’s Witnesses communities are viewed as “non-traditional”. These communities have repeatedly been labeled “sects” and “cults” and associated with “extremist” organizations in official rhetoric and officially approved documents.³⁴ In addition to being punished for conducting “illegal” religious activities, members of “non-traditional” groups (both unregistered and registered) are also subject to other forms of harassment, including police surveillance, raids, interrogations and media attacks based on information believed to originate with security services.³⁵

The National Action Plan on Human Rights for 2009-2012³⁶ lists a number of measures planned to be adopted for the purpose of improving respect for freedom of conscience and religion. A major measure proposed is the development of a draft law amending existing legislation on religion, among others on the basis of recommendations made by NGOs. However, in March this year, it was announced that the work on such a draft law has been postponed.³⁷ A previous draft law on religion, which included a number of controversial provisions that would have introduced new restrictions on the exercise of religion, was declared unconstitutional by the Constitutional Council in February 2009. It was therefore not signed into law by the president, although it had been adopted by parliament. There are concerns among NGOs that problematic provisions included in this draft law may resurface in a new draft law on religion.

Recommendations:

The government of Kazakhstan should be urged to take the following steps:

- Adopt a new law on religion, and amend other relevant legislation to ensure that all provisions concerning the exercise of freedom of religion are fully compatible with the country’s constitution, the ICCPR and other instruments of international human rights law;
- In particular, abolish the requirement that religious associations undergo registration (in any form) in order to legally conduct activities and repeal provisions that make it possible to impose sanctions on religious communities and their members for engaging in peaceful and legitimate activities to exercise freedom of religion, including missionary activities;
- When developing new draft legislation on the exercise of freedom of religion, request and make use of international expert advice, draw on international best practice and consult closely with civil society;
- Stop using national security concerns to advocate and justify restrictions on the right to freedom of religion, condemn any statements or actions by authorities at any level that contribute to religious intolerance, and take effective measures to deal with problems of harassment and discrimination of religious minority communities.

The Right to Freedom of Expression (Article 19 of the ICCPR)

While article 20 of the Constitution of Kazakhstan safeguards the right to freedom of expression and prohibits censorship,³⁸ the authorities of the country use different means to limit this freedom and to encourage self-censorship among journalists and media.

The activities of media are primarily regulated by the Law on Media from July 1999.³⁹ According to this law (article 5, 10), all media outlets are required to register with authorities and to re-register in cases such as change of name, address, area or frequency of distribution.⁴⁰ A compulsory licensing procedure applies to TV and radio outlets (article 4-1).

The Law on Media (article 13) also sets out grounds on which the activities of media may be suspended or terminated by court. Grounds for suspension (which may last for up to three months) include, among others: failure to re-register in cases required by law; distribution of information that “amounts to state secrets or other secrets protected by law”; and “advocating social, racial, national, religious, class or sex superiority.” When committed repeatedly within the period of one year, the following “violations” may also result in suspension: issuing newspapers without including basic publishing information (such as information about the owner, chief editor and publisher); broadcasting TV and radio programs without regularly announcing the name of the station; neglecting to provide authorities with free copies of newspapers; or omitting to keep recordings of TV and radio broadcasts. If media do not redress the “violations” that resulted in suspension, their activities may be terminated.

In accordance with the provisions of the Law on Media, dozens of media related offenses are punishable under the Administrative Code by fines, confiscation of print runs or broadcast recordings and/or suspension or termination of activities. With regard to both of these laws, it is of serious concern that some of the grounds on which the activities of media may be terminated or suspended are vaguely worded, thus granting wide scope for interpretation, and that violations of a primarily technical character may result in disproportionately harsh sanctions (including suspensions, terminations and confiscations).

In the course of 2010, three cases were reported when the activities of media were suspended or terminated and 12 cases when the print runs of newspapers were confiscated.⁴¹

A law signed by the president in July 2009⁴² introduced new restrictions on the internet. The law equated all internet resources (blogs, chat rooms, forums, internet stores, etc.) with media outlets and made the owners of such resources liable for the same criminal, civil and administrative offenses as journalists. It obliged internet providers and owners of websites to store, for a period of two years, all personal information that internet users provide when registering online. The law also introduced new, broadly worded grounds for suspending or closing down media outlets (including internet sites) in relation to coverage of elections and public protests.

In the last few years, there have been dozens of cases where access has been blocked to independent and oppositional Kazakhstani internet sites, as well as international sites containing critical content.⁴³

Insult and slander remain criminalized and punishable by imprisonment for up to three years. Four articles of the Criminal Code (articles 318, 319, 320, 343) provide for enhanced protection of the honor and dignity of public officials, including the president, members of parliament and

representatives of the state. In the last few years, there have been numerous cases when media and journalists have been subject to criminal investigation in cases of alleged defamation.⁴⁴ While most of these cases have not resulted in convictions, the fact that criminal prosecution remains possible on these grounds has a decidedly negative impact on freedom of speech.

The Law on the “Leader of Nation”, which was adopted in June 2010, introduced a new Criminal Code article (article 317-1) protecting the honor and dignity of the current president. Under this article, “public insult and other offense” against the honor and dignity of the president, as well as “profanation of images” of him are punishable by penalties ranging from fines of up to around 5,000 EUR⁴⁵ to imprisonment for up to one year. The penalties for the same offenses committed with the use of media are more severe and include imprisonment for up to three years. The law also criminalizes “obstructing the legal activities” of the president, which may be punished with up to five years’ imprisonment.

- On 22 January 2007, an Almaty district court found journalist Kazis Toguzbaev guilty of insulting the honor and dignity of the president (under article 318 of the Criminal Code). The charges against him were based on articles he had published on the website kub.kz, including an article entitled “The Roman Pope and the Astana Pope”. He was given a suspended prison sentence of two years. In April 2008, his conviction was expunged on grounds of “good behavior”.
- A criminal investigation was opened into the publication in June 2010 of an article entitled “Nazarbayev’s gift” in the weekly *Nasha Gazeta* in the city of Kostanay. The regional prosecutor asked the security services to set up an expert committee to determine whether the article, which appeared in the weekly’s section of “opinions” and criticized the Law on the “Leader of the Nation”, contained elements insulting the honor and dignity of the president. In an official letter dated 1 September 2010, the founder of the weekly was informed that the security services had determined that criminal charges should not be brought.

Further to amendments to the Criminal Code that entered into force in February 2011,⁴⁶ insult and slander-related offenses that carry a maximum penalty of two years’ imprisonment will give rise to administrative responsibility for a first offense and to criminal liability if the offense is repeated within a year. While the objective of these amendments was to “humanize” existing provisions, they did not really improve the situation since they primarily changed the way these offenses are denoted and did not clearly specify how the new regime will be applied.⁴⁷ Recommendations made by civil society for a full decriminalization of slander and insult were rejected.

Civil defamation legislation is also problematic for freedom of expression. Article 143 of the Civil Code of Kazakhstan, which grants the right to demand refutation and compensation through court for the spread of information damaging honor, dignity and business reputation, does not distinguish between statements of facts and statements of opinions and does not make any provision for reporting fair allegations in the public interest.⁴⁸ In practice, defamation suits often take aim at critical reports published by independent and opposition media and journalists.

The following case, where the verdict eventually was cancelled, highlights the problem of court-sanctioned restrictions of freedom of expression in the name of protecting honor and dignity:

- On 1 February 2010, a district court in Almaty granted a claim for defamation brought by Timur Kulibaev, son-in-law of the president and vice-president of a national welfare fund that owns major companies in the country. The court deemed as untrue corruption allegations against Kulibaev, which had been published by the independent newspapers *Respublika*, *Goloz Respubliki*, *Vzgljad* and *Kyrsiv*. It prohibited these and other media outlets from publishing any information discrediting the honor, dignity and business reputation of Kulibaev and ordered the confiscation of media material containing information of this kind.⁴⁹ Following the court's decision, authorities in different parts of the country took measures to confiscate issues of the four newspapers targeted by the suit, as well as other newspapers that featured articles mentioning Kulibaev. The director of the publishing house *Vremya Print*, which printed a newspaper that ran two articles about Kulibaev, was charged with "hindering the lawful activities" of judicial authorities.⁵⁰ Representatives of the independent journalist community of Kazakhstan expressed concern that the court decision introduced de facto censorship and opened the way to a witch-hunt against independent newspapers.⁵¹ On 9 February 2010, the Almaty court cancelled its previous decision, arguing that the claimant had violated the procedure for filing a suit.⁵²

No legal limitation periods apply to defamation suits and no maximum limits have been established for moral damages that may be imposed in defamation cases. As a result, increasingly high damages have been demanded in recent years. According to the International Foundation for the Protection of Free Speech Adil Soz, in the course of 2010, a total of 85 defamation suits were brought against media outlets and journalists, out of which 33 were brought by government officials. The total amount of compensation demanded in these suits was more than 2.8 billion Tenge (or more than 13 million EUR). In 2009, a total of 156 defamation suits were brought, while the amount of compensation demanded was 2.6 billion Tenge (or more than 12 million EUR).⁵³

The imposition of excessively high moral damages has in several cases resulted in bankruptcy and closure of media outlets. The oppositional newspapers *Tazhargan* and *Respublika – Delovoe obozrenie* both went out of business in 2009 due to defamation suits. A court decision from March 2011 also brought the newspaper *Ural'skaja nedelja* on the brink of bankruptcy by ordering it to pay 20 million Tenge (close to 100,000 EUR) in compensation for damaging the business reputation of the company *Metalloizdelija*. This decision was, however, overturned on appeal in May 2011, following the entry into force in April 2011 of amendments to the Civil Code.⁵⁴ According to these amendments, legal entities no longer have the right to request compensation for moral damages in court cases concerning the protection of honor, dignity and business reputation.⁵⁵ While this was a welcome measure, it remains of concern that moral damages can still be imposed without any upper limit in cases that do not involve legal entities. For example, on 26 May 2011, an appeal court in Almaty upheld a decision by a lower court, according to which the newspaper *Vzgljad* should pay 15 million Tenge (close to 80,000 EUR) in compensation to a doctor for an article it had published. This article told the story of a patient who had accused the doctor of concealing information about a surgical procedure.

In a climate where state officials enjoy special protection of their honor and dignity, and defamation suits frequently are used to put pressure on journalists, authorities sometimes go to extreme lengths to try to prevent the distribution of "unfavorable" information. For example, in May 2009, an official representative of the Office of the Public Prosecutor of Kazakhstan declared that citizens who distribute or read the book *God father-in-law*, authored by the president's former son in law Rahat Aliev, will be held criminally liable on grounds of cooperating with a criminal and

disclosing state secrets. Aliev, who fell out of favor with the president in 2007 and now lives abroad, has been convicted in absentia of a number of serious crimes, including treason, corruption and kidnapping. His book discloses intimate details about the president and his family.⁵⁶

Journalists and media also face other forms of intimidation and harassment than defamation charges and suspension or termination of their activities. On the basis of its monitoring in 2010,⁵⁷ Adil Soz reported, among others, seven cases where journalists were threatened because of their professional activities and 20 cases where journalists and media representatives were subjected to physical attacks. The latter figure included several cases of beatings of journalists representing oppositional and independent newspapers.

In recent years, there have also been a number of cases when journalists have been imprisoned on charges related to their professional activities. One journalist remains imprisoned on such grounds:

- Ramazan Yesergepov, chief editor of the independent weekly *Alma Aty Info*, was convicted in August 2009 of “illegally collecting and disclosing state secrets”. He was sentenced to three years in prison and was banned from carrying out editorial activities for two years after serving his sentence. The charges against him were related to the publication in *Alma Aty Info* of information about the correspondence by security service officials in a tax evasion case involving a private company. According to independent experts, this information did not contain any state secrets and could be considered to be of public interest. The trial against Yesergepov was held behind closed doors and his access to legal assistance was restricted.⁵⁸

Recommendations:

The government of Kazakhstan should be urged to take the following steps:

- Amend the Law on Media and related legislation to ensure that media are not subject to restrictions that are inconsistent with the international human rights obligations of Kazakhstan. In particular, ensure that any sanctions that may be imposed on media are necessary, reasonable and proportionate to the seriousness of the offense they concern and that suspension or termination of the activities of media outlets may only be ordered in exceptional and clearly defined cases;
- Fully decriminalize insult and defamation, including with respect to public officials;
- Establish a limit on damages that may be awarded in civil defamation cases, introduce a statute of limitation for filing such actions and provide protection for statements of opinions and reasonable publication of information in the public interest;
- Condemn any instances of intimidation and harassment of journalists and media and take effective measures to investigate threats and attacks against journalists and hold accountable those responsible;
- Refrain from prosecuting journalists on politically motivated grounds;
- Refrain from restricting access to internet websites that contain content that is critical of authorities.

The Right to Freedom of Peaceful Assembly (Article 21 of the ICCPR)

Article 32 of the Constitution of Kazakhstan guarantees the right to freedom of peaceful assembly⁵⁹ as protected by ICCPR article 21. However, current legislation, regulations and practice of law enforcement authorities and courts seriously restrict the exercise of this right.

The major instrument regulating freedom of assembly is the Law on the Procedure for Organizing and Holding Peaceful Meetings, Rallies, Processions, Pickets and Demonstrations (hereafter the “Law on Assemblies”).⁶⁰ The key terms used in this law (“meetings”, “rallies”, “processions”, “pickets” and “demonstrations”) are not defined. This makes it possible for authorities to interpret them widely and to consider any kind of gathering of people to be an “assembly”, even if it would not qualify as such an action in other countries. Thus, for example, flash mobs, artistic happenings, street photo exhibitions, distribution of brochures, carrying out sociological surveys, reading poetry in public places and laying flowers at memorials can all be interpreted as “assemblies”.

The lack of clarity as to what is considered an assembly is particularly problematic given the requirement to obtain permission to stage assemblies (article 2 of the Law on Assemblies). A written application must be submitted to local authorities no later than 10 days before the planned date of an assembly, providing details, among others, about the objective, form and estimated number of participants, as well as the organizers (article 3). No provision is made for spontaneous assemblies. A decision on an application should be made at the latest five days before the planned date of an assembly (article 4).

When considering applications, local authorities enjoy wide discretion to restrict or prohibit the conduct of assemblies. They may suggest another time and place for holding an assembly “when necessary” for the purpose of ensuring the rights and freedoms of others, public security and “the normal functioning of transportation and infrastructure”, as well as “the protection of green areas and small architectural objects” (article 4 of the Law on Assemblies). What is more, they may prohibit an assembly if it is aimed at “inciting racial, national, social or religious intolerance” or “violating other provisions of the Constitution, laws and other regulatory acts” or if the conduct of it “threatens public order and security” (article 7). There is no requirement for authorities to justify decisions to ban assemblies on these grounds or to explain in what way they consider assemblies to pose a threat, etc. Local authorities may also reject applications to hold meetings in the vicinity of organizations “responsible for the defense or security of the state” or for “vital public services” (such as public transport, water supply and energy) (article 7).

Although it is possible to appeal decisions on applications to hold assemblies (article 4 of the Law on Assemblies), the legal protection offered in this case is weakened by the fact that consideration of appeals may take up to one month.⁶¹ In other words, even if a decision to reject an application eventually is overturned, it may no longer be relevant to hold the planned assembly when this decision is made.

Organizers and participants in assemblies that have not been sanctioned by authorities may be held accountable under the Administrative Code (article 373) and the Criminal Code (article 334). Penalties range from warnings, fees and administrative arrest for up to 15 days (under the Administrative Code) to imprisonment for up to one year (under the Criminal Code). The wording used in the relevant articles of these codes is generally broad and no clear distinction is made between administrative and criminal responsibility, thus granting wide discretion to authorities in

the implementation of the provisions. The responsibility of organizers and participants in assemblies is also not clearly distinguished, and it is not explained who is to be considered a participant in an unsanctioned assembly. Moreover, the Administrative Code (article 373) penalizes *facilitating* unsanctioned assemblies, in addition to organizing and participating in them. For example, the provision of premises, transport or equipment to the organizers of unsanctioned meetings may result in liability under this provision.

In another problematic provision, the Law on Assemblies grants local representative bodies the right to “additionally regulate” the conduct of assemblies “with regard to local conditions”, and in compliance with the requirements of the law (article 10). As noted by the Kazakhstani government,⁶² the local representative bodies of several major cities have assigned certain locations for holding assemblies. However, while these are “large, quiet squares” with plenty of space, they are also typically located on the outskirts of cities and difficult to reach by public transportation. For example, the representative body of Almaty has adopted a recommendation to use a square located more than 30 minutes from the city center for the “conduct of nongovernmental events of a public political character”.⁶³

In practice most applications to hold assemblies filed by representatives of political movements and NGOs that are critical of the authorities are rejected on different pretexts. When such organizations are allowed to conduct assemblies, they are as a rule never given permission to do so in downtown areas, but only in specifically designated areas outside city centers. This practice deprives protests and pickets of much of their meaning, as a major rationale behind them is to express concerns and attract attention in a visible manner, which it is difficult to do in isolated and little frequented areas far away from where authorities are located. At the same time, representatives of the governing Nur Otan party and pro-government organizations are allowed to organize meetings anywhere, including in central city squares.⁶⁴

Because of the restrictive legislation and the restrictive practices of local authorities with respect to assemblies, a growing number of unsanctioned assemblies have been held in recent years, as noted by the Kazakhstani government.⁶⁵ About 80% of all assemblies held in 2009-2010 had not been sanctioned by the authorities.⁶⁶

The Bureau carried out a project to monitor respect for freedom of assembly in the cities of Almaty, Astana, Karaganda, Uralsk, Ust-Kamenogorsk and Pavlodar in January-November 2010. During this period, a total of 172 applications for permission to hold assemblies were submitted in the six cities. An overwhelming majority of these (94%) were rejected. Among those rejected were 159 applications filed by activists of the unregistered Alga Party, who requested permission to carry out pickets in front of Nur Otan party offices to protest the adoption of the Law on the “Leader of the Nation” (for more information on this law, see the section on “Freedom of expression”). The monitoring also showed that the organizers of many assemblies did not even attempt to obtain permission from the authorities. The major reason was that they did not believe that their applications would be approved anyway. Other reasons cited were refusal in principle to apply for permission since this requirement is considered to be in violation of international human rights standards and a belief that no permission was needed for the kind of assembly they were organizing.⁶⁷

Not all unsanctioned meetings held in Kazakhstan are dispersed by police, and assemblies on non-political issues are generally tolerated by the authorities. However, measures taken in response to unsanctioned assemblies held by groups that are openly critical of the authorities are

often excessive and disproportionate. For example, a large number of police and special police force officers are detached to patrol such meetings and carry out mass detentions of participants, sometimes without giving them any prior warning as required by law,⁶⁸ and/or with the use of force. Courts readily convict organizers and participants in protest meetings of administrative violations simply because they have failed to obtain permission from authorities in advance, without considering whether these actions posed any threat to public security or the rights or freedoms of others.⁶⁹ The Bureau is not aware of any case where a court would have taken into consideration the provisions of the ICCPR, which has precedence over national legislation, when considering administrative charges related to unsanctioned meetings. What is more, not only organizers and participants in unsanctioned protest meetings, but also observers, journalists and bystanders are detained and held accountable for violations of the law. Trials are frequently held in the absence of a lawyer.

The cases described below illustrate some of the problems highlighted in this section:

- The local authorities of Almaty organized a parade on 1 May 2011 to celebrate the Day of Unity. While the parade was announced to be open to all interested groups, the Communist Party, the association “Let’s leave accommodation for the people” (“Ostavim narodu zhil’e”) and the organization Talmas were denied permission to participate without any reasons being stated. Moreover, when some 30 activists from “Let’s leave accommodation for the people” and Talmas still joined the procession, police forcefully removed them and beat several of them. Participants in the parade included members of Nur-Otan, national and cultural centers, labor unions and students.
- On 16 March 2011, a local Astana court sentenced activist Esenbek Ukteshbaev from “Let’s leave accommodation for the people” to 15 days of administrative arrest under article 373 of the Administrative Code. The court considered that he staged an unsanctioned assembly when he and other members of his association tried to gain access to the building of the presidential administration during the campaign for the April 2011 presidential elections (where incumbent president Nazarbaev was re-elected). The trial was held without the participation of a lawyer.
- On 20 March 2010, an Almaty court sentenced Yermek Narymbaev, leader of the movement Armand, to 15 days’ administrative arrest for staging an unsanctioned assembly (under article 373 of the Administrative Code). He was arrested when he and several other activists from his movement arrived to the city’s Republic Square, where they planned to hold a picket to call for impeachment of the president. In other words, he was sentenced for planning to hold an unsanctioned assembly rather than actually doing so. On 2 May 2010, Narymbaev was given another sentence of 15 days’ administrative arrest after participating in an opposition gathering in the facilities of the unregistered Alga party. During his arrest, he was additionally charged with violently resisting police and offending a judge in connection with the hearing on 2 May. On 23 June 2010, he was convicted and sentenced to four years’ imprisonment. The court did not take into account video recordings made both in and outside the court building on 2 May that documented the instances in which Narymbaev was alleged to have committed the offenses of which he was convicted.
- Journalists Zhanna Bajtelova from the opposition newspaper *Golos Respubliki* and Bozzhan Kurakbaev from the regional newspaper *Samala* were convicted of participating

in an unsanctioned assembly because they covered an opposition meeting held in the offices of the unregistered Alga party in Almaty on 1 May 2010 (see also the previous case). The two journalists were fined about 250 EUR and 100 EUR, respectively,⁷⁰ under article 373 of the Administrative Code.

- Ajnur Kurmanov, leader of the social movement Talmas, was fined some 150 EUR⁷¹ for participating in an unsanctioned picket held outside a bank in Almaty in February 2010. He was convicted even if he did not actually participate in the picket, but only observed and photographed it. The court deemed that his guilt was proved by statements he had made in an interview to a newspaper, where he simply said that the city's NGO activists plan to continue to hold protest actions.

According to the National Action Plan on Human Rights for 2009-2012, a new law on freedom of assembly, as well as corresponding changes to other legislation will be drafted during the period this plan covers. However, in March 2011, the process of drafting such a law was suspended in connection with the wave of protests in Arab countries.⁷²

Recommendations:

The government of Kazakhstan should be urged to take the following steps:

- Amend existing legislation on the conduct of assemblies to ensure that relevant provisions are clearly and unambiguously worded, consistent with Kazakhstan's international human rights obligations and not open to implementation arbitrarily restricting the right to freedom of peaceful assembly. Recommendations made by NGOs should be used as the basis for new draft legislation;
- Abolish the requirement to obtain permission to organize peaceful assemblies and ensure that any process of notifying authorities about assemblies is simple and quick and cannot be used to routinely impose restrictions on fundamental characteristics of assemblies, such as the place where they can be held. Provision should also be made for spontaneous assemblies and all groups and individuals (irrespective of their status or political affiliation) should be granted equal right, in law and practice, to carry out peaceful assemblies and enjoy access to centrally located areas when doing so;
- Ensure that no one is penalized for the legitimate and peaceful exercise of freedom of assembly, including those who organize, participate in, facilitate and monitor and report on assemblies;
- Ensure that law enforcement operations to police assemblies are consistent with the principles of legality, necessity, proportionality and non-discrimination and other relevant international standards.

The organizations submitting this briefing paper are:

Kazakhstan International Bureau for Human Rights and Rule of Law

Almaty, Kazakhstan (head office)

Tel.: + 7-727 225 42 71

<http://www.bureau.kz/>

International Partnership for Human Rights

Brussels, Belgium

Tel.: +32-475 39 2121

Email: IPHR@IPHRonline.org

<http://www.IPHRonline.org>

The Netherlands Helsinki Committee

The Hague, the Netherlands

Tel .: + 31-70 392 6700

Email: office@nhc.nl

<http://www.nhc.nl/>

¹ According to article 4 (part 3) of the Constitution of Kazakhstan, the ICCPR and other international treaties ratified by Kazakhstan "shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law."

² This article states: "1. Everyone shall have the right to freedom of conscience. 2. Realization of the right to freedom of conscience must not weaken or restrict universal human rights and civil rights and responsibilities before the state."

³ This article states: "1. Everyone shall be equal before the law and court. 2. No one shall be subject to any discrimination on grounds of origin, social, occupational or property status, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances."

⁴ In particular, article 22 protects only the right to freedom of conscience, not explicitly freedom of religion; while article 14 does not explicitly prohibit discrimination on grounds of religion, only on grounds of "attitude to religion".

⁵ Law on Freedom of Worship and Religious Associations ("Law on Religion"), 15 January 1992. Available in Russian at <http://www.pavlodar.com/zakon/?dok=00160&all=04001>.

⁶ This article reads: "Activities of religious associations that have not been registered in accordance with the procedure established by the law of the Republic of Kazakhstan are not permitted."

⁷ Code on Administrative Offenses ("Administrative Code"), 30 January 2001. Available in Russian at <http://www.pavlodar.com/zakon/?dok=00524&ogl=all>.

⁸ In Kazakh legislation, the amount of fines that may be imposed for different offenses is defined by stating how many units of a pre-determined indicator ("monthly assessment indicator") it may result in. For 2011, the value of this indicator has been set at 1,512 Tenge, or some 7 EUR. Thus, in this case, the maximum fine that may be imposed is 100 monthly assessment indicators (151,200). This is close to 10 times the minimum monthly salary, which has been set at 15,999 Tenge for 2011. See <http://www.egov.kz/wps/portal/Content?contentPath=/library2/trud/tryd/mrp%202010&lang=ru>.

⁹ Fifty to 200 monthly assessment indicators. See footnote 7.

¹⁰ Article 11 of the Law on State Registration of Legal Entities and Registration for the Record of Branches and Representatives Offices, 17 April 1995. Available in Russian at <http://www.pavlodar.com/zakon/?dok=00049&ogl=all>.

¹¹ Article 9 of the Law on Religion.

¹² See the previous footnote.

¹³ See also Joint NGO report to the Human Rights Committee on the implementation of the ICCPR in the Republic of Kazakhstan (2011), p. 29-30. This report is available at <http://www.bureau.kz/news/download/167.pdf>.

¹⁴ See Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan* (compiled by Forum 18), June 2010, p. 25, at http://www.nhc.no/filestore/Publikasjoner/Rapporter/2010/Report_1_2010.pdf; and Forum 18, *Kazakhstan: Religious Freedom Survey*, September 2009, at http://www.forum18.org/Archive.php?article_id=1352.

¹⁵ See par. 74 of the state party's replies to the list of issues to be dealt with during the consideration of the initial periodic report of the Republic of Kazakhstan under the ICCPR (November 2010). This document is available at <http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm>.

¹⁶ Decree No. 20 of the Government of Kazakhstan from 21 January 2011 establishing state standards for informal registration and re-registration of missionaries and small religious groups that do not have the characteristics of legal entities. Available in Russian at <http://www.zhetysu-gov.kz/content-view-409.html>.

¹⁷ See Joint NGO report to the Human Rights Committee on the implementation of the ICCPR in the Republic of Kazakhstan (2011), p. 30.

¹⁸ Since mid-2009 authorities in the Karaganda region have declined to consider numerous applications for informal registration filed by scientology groups on these grounds.

¹⁹ See Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan*, June 2010, p. 24; and Forum 18, *Kazakhstan: Religious Freedom Survey*, September 2009.

²⁰ Almaty Helsinki Committee, Review of freedom of religion and conscience in Kazakhstan in February 2010 (in Russian), at http://www.humanrights.kz/press_review_99.php; Forum 18, "Women's prayers led to massive fine – and more?," 8 February 2010, at http://www.forum18.org/Archive.php?article_id=1405; Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan*, June 2010, p. 24.

²¹ Almaty Helsinki Committee, Review of freedom of religion and conscience in Kazakhstan in July-September 2009 (in Russian), at http://www.humanrights.kz/press_review_91.php; «На полгода приостановлена деятельность церкви в Казахстане» ("Activities of church suspended for 6 months in Kazakhstan"), 30 July 2009, at <http://www.invictory.org/news/story-22447-%D1%81%D1%83%D0%B4.html>.

²² See also Decree No. 20 of the Government of Kazakhstan from 21 January 2011 establishing state standards for informal registration and re-registration of missionaries and small religious groups that do not have the characteristics of legal entities. It should also be noted that the requirement that a missionary represents a religious community that is registered in Kazakhstan is not consistent with the definition of missionary activities included in article 1-1 of the Law on Religion, which describes missionary activities as "preaching and spreading" a faith that "is not contained in the statutes of a religious association that carries out its activities" in Kazakhstan.

²³ See Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan*, June 2010, p. 26; and Forum 18, *Kazakhstan: Religious Freedom Survey*, September 2009.

²⁴ Almaty Helsinki Committee, Review of freedom of religion and conscience in Kazakhstan in December 2010 (in Russian), http://www.humanrights.kz/press_review_119.php; «Из Казахстана за незаконную миссионерскую деятельность выдворены двое украинков» ("Two Ukrainians deported from Kazakhstan for unlawful missionary activities"), 13 December 2010, at <http://www.newsru.com/arch/religy/13dec2010/chinmoy.html>.

²⁵ Part 2, article 375 of the Administrative Code.

²⁶ Article 10-1 of the Law on Religion.

²⁷ Article 10-1 of the Law on Religion.

²⁸ Almaty Helsinki Committee, Review of freedom of religion and conscience in Kazakhstan in February 2009 (in Russian), at http://www.humanrights.kz/press_review_80.php; «Судом удовлетворен иск о ликвидации религиозного объединения «Церковь саентологии города Караганды»» ("Court granted suit about liquidation of Church of Scientology in the city of Karaganda"), 16 February 2009, at <http://www.zakon.kz/133487-sudom-udovletvoren-isk-o-likvidacii.html>.

²⁹ See «В Караганде лидер запрещенной «Церкви сайентологии» отделался штрафом» ("Leader of banned Church of Scientology fined in Karaganda"), 4 May 2011, at <http://thenews.kz/2011/05/04/809744.html>.

³⁰ See, for example, paragraphs 72 and 74 of the state party's replies to the list of issues to be dealt with during the consideration of the initial periodic report of the Republic of Kazakhstan under the ICCPR (November 2010).

³¹ Law on Countering Extremism, 18 February 2005; Law on introducing changes and additions to a few legislative acts of the Republic of Kazakhstan on issues of counteracting extremist activities, 23 February 2005; and Law on introducing changes and additions to a few legislative acts of the Republic of Kazakhstan on issues of ensuring national security, 8 July 2005.

³² Compare par. 8 of Human Rights Committee, *General Comment 22 – the right to freedom of thought, conscience and religion* (1993), at <http://www.unhcr.ch/tbs/doc.nsf/0/9a30112c27d1167cc12563ed004d8f15>. See also par. IA of the Siracusa principles on the Limitation and Derogation of Provisions in the ICCPR, at <http://graduateinstitute.ch/faculty/clapham/hrdoc/docs/siracusa.html>.

³³ See par. 127 of the report submitted by the state party for the first periodic review of Kazakhstan under the ICCPR (July 2009), at http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.KAZ.1_en.pdf.

³⁴ Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan*, p. 12, 13.

³⁵ For more details and examples, see the chapter on "Freedom of religion issues in Kazakhstan" in Norwegian Helsinki Committee, *Broken Promises: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan*, and Forum 18, *Kazakhstan: Religious Freedom Survey*, September 2009.

³⁶ *National Human Rights Action Plan of the Republic of Kazakhstan 2009-2012*, available at http://www2.ohchr.org/english/issues/plan_actions/docs/Kazakhstan2009-2012.pdf.

³⁷ «В Казахстане приостановлена разработка нового закона о мирных собраниях» ("Elaboration of new law on peaceful assemblies halted in Kazakhstan"), 28 March 2011, at <http://news.gazeta.kz/art.asp?aid=336999>.

³⁸ This article reads: "1. The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited. 2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law. 3. Propaganda of or agitation for the forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, and advocating war, social, racial, national, religious, class and clannish superiority as well as the cult of cruelty and violence shall not be allowed."

³⁹ Law on Mass Media, 23 July 1999. Available in Russian at <http://www.pavlodar.com/zakon/?dok=00084&ogl=all>.

⁴⁰ The registration requirements do not apply to websites even if these are generally equated with media.

⁴¹ See Adil Soz International Foundation for Protection of Freedom of Speech ("Adil Soz"), *Statistics on the violations of the rights of media outlets and journalists in Kazakhstan in January-December 2010*, at <http://old.adilsoz.kz/?lan=english&id=7&newsid=972>.

⁴² Law on the introduction of changes and additions to the legislation about informational-communicative networks, 10 July 2009, at <http://www.pavlodar.com/zakon/?dok=04418&all=all>.

⁴³ For a list of websites that were blocked (temporarily or on an ongoing basis) in 2010, see Adil Soz, *Statistics on the violations of the rights of media outlets and journalists in Kazakhstan in January-December 2010*, at <http://old.adilsoz.kz/?lan=english&id=7&newsid=972>.

⁴⁴ For figures on the number of criminal prosecutions in cases of alleged defamation, see statistics compiled by Adil Soz for 2010 <http://old.adilsoz.kz/?lan=english&id=7&newsid=972> and for 2009, 2008 and 2007 at <http://old.adilsoz.kz/index.php?lan=english&id=83>.

⁴⁵ The law sets the maximum amount of fines at 700 monthly assessment indicators. See footnote 7 for an explanation of this measurement.

⁴⁶ Law on the introduction of amendments and additions to a number of legal acts of the Republic of Kazakhstan on questions concerning the further humanization of criminal legislation and strengthening of the guarantees for rule of law in the criminal process, 18 January 2011. Available in Russian at http://online.prg.kz/Document/Default.aspx?doc_id=30919212#SUB0.

⁴⁷ See Article 19, "Kazakhstan: Defamation Still Problematic Despite Changes of the Criminal Code", 25 February 2011, at <http://www.article19.org/pdfs/press/kazakhstan-defamation-still-problematic-despite-changes-of-the-criminal-code.pdf>; and chapter 5 in Adil Soz, *The Situation with Respect to Freedom of Expression in Kazakhstan in 2010* (in Russian), at <http://www.adilsoz.kz/programms/issledovaniya/situaciya-so-svobodoj-slova-v-kazaxstane-v-2010-godu-analitcheskij-doklad/>.

⁴⁸ Statement by Article 19 and Adil Soz, "Kazakhstan: OSCE Commitments Remain Unfulfilled," 26 November 2010, at <http://www.article19.org/pdfs/press/kazakhstan-osce-commitments-remain-unfulfilled.pdf>.

⁴⁹ Среднему зятю Назарбаева предъявят иск ("Nazarbaev's middle son in law brings suit"), *Deutsche Welle*, 15 February 2010, at <http://www.dw-world.de/dw/article/0,,5248860,00.html>.

⁵⁰ Adil Soz, «За содержание газеты «Свобода слова» к суду привлечена директор типографии «Время-Принт» Елена Бурмистрова» ("Yelena Byrmistrova, director of *Vremya Print*, brought to court for contents of newspaper *Svoboda slova*"), 8 February 2010, at <http://www.adilsoz.kz/news/za-soderzhanie-gazety-svoboda-slova-k-sudu-privlechena-direktor-tipografii-vremya-print-elena-burmistrova/>.

⁵¹ «Заявление журналистской общественности Казахстана о недопустимости насаждения цензуры и ограничения свободы слова» ("Statement by the journalist community in Kazakhstan about the unacceptability of censorship and restrictions of freedom of speech"), 9 February 2010, at <http://www.adilsoz.kz/news/zayavlenie-zhurnalistskoj-obshhestvennosti-kazaxstana-o-nedopustimosti-nasazhdeniya-cenzury-i-ogranicheniya-svobody-slova/>.

⁵² Adil Soz, «Судья Д. Махметова отменила свое определение в отношении независимых СМИ» ("Judge D. Mahmetova cancelled her decision regarding independent media"), 9 February 2010, at <http://www.adilsoz.kz/news/sudya-d-mahmetova-otmenila-svoe-opredelenie-v-otnoshenii-nezavisimyx-smi/>.

⁵³ See chapter 8 in Adil Soz, *The Situation with Respect to Freedom of Expression in Kazakhstan in 2010* (in Russian), at <http://www.adilsoz.kz/programms/issledovaniya/situaciya-so-svobodoj-slova-v-kazaxstane-v-2010-godu-analitcheskij-doklad/>.

⁵⁴ Adil Soz, «Апелляционная инстанция отменила решение, разоряющее газету «Уральская неделя» и журналиста Замиру Космурзиеву» ("The appeal court overturned decision ruining the newspaper *Uralskaya Gazeta* and journalist Zamir Kosmurziev"), 18 May 2011, at <http://www.adilsoz.kz/news/apellyacionnaya-instanciya-otmenila-reshenie-razoryayushhee-gazetu-uralskaya-nedelya-i-zhurnalista-zamiru-kosmurzievu/>.

⁵⁵ Adil Soz, «Законодательство о СМИ: одна проблема решена, множество других остались» ("Legislation on media: One problem resolved, many others remain"), 15 April 2011, at <http://www.adilsoz.kz/news/zakonodatelstvo-o-smi-odna-problema-reshena-mnozhestvo-drugix-ostalis/>.

⁵⁶ See "Former Kazakh Presidential Son-in-Law Publishes Tell-All Book", *Radio Free Europe-Radio Liberty*, 22 May 2009, at http://www.rferl.org/content/Former_Kazakh_Presidential_SoninLaw_Publishes_TellAll_Book/1737423.html. Incidentally, while still a member of the presidential family, Aliev often brought defamation suits against journalists and media that published critical articles about him and his media holdings.

⁵⁷ See Adil Soz, *Statistics on violations of the rights of media outlets and journalists of Kazakhstan in January-December 2010*, at <http://old.adilsoz.kz/?lan=english&id=7&newsid=972>.

⁵⁸ Committee to Protect Journalists, "Kazakh editor imprisoned for collecting state secrets," 26 August 2009, at <http://cpj.org/2009/08/kazakh-editor-imprisoned-for-collecting-state-secr.php>; Adil Soz, «Суд приговорил редактора газеты «Алма-Ата Инфо» Рамазана Есерепова к трем годам лишения свободы» ("Court sentenced Ramazan Yesergerov, editor of *Alma Ata Info*, to three years in prison"), 8 August 2009, at <http://www.adilsoz.kz/news/sud-prigovoril-redaktora-gazety-alma-ata-info-ramazana-eserepova-k-trem-godam-lisheniya-svobody/>.

⁵⁹ This article reads: "Citizens of the Republic of Kazakhstan shall have the right to peacefully and without arms assemble, hold meetings, rallies and demonstrations, street processions and pickets. The use of this right may be restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons."

⁶⁰ Law on the Procedure for Organizing and Holding Peaceful Meetings, Rallies, Processions, Pickets and Demonstrations in the Republic of Kazakhstan ("Law on Assemblies") 17 March 1995. The text of the law is available in Russian at <http://www.pavlodar.com/zakon/?dok=03163&all=all>.

⁶¹ Under the Civil Procedure Code.

⁶² Par. 81 of the state party's replies to the list of issues to be dealt with during the consideration of the initial periodic report of the Republic of Kazakhstan under the ICCPR (November 2010).

⁶³ Decision of the XVII session of the Maslikhat of the City of Almaty of 29 July 2005 "Some Issues Regarding the Rational Use of Places of City Infrastructures."

⁶⁴ For more information, see Kazakhstan International Bureau for Human Rights and Rule of Law, *Freedom of Peaceful Assembly in Kazakhstan: Authorization Denied (final report on Monitoring freedom of peaceful assembly in the Republic of Kazakhstan during its chairmanship of the OSCE)*, December 2010, at http://www.bureau.kz/data.php?n_id=2498&l=en.

⁶⁵ Par. 81 of state party's replies to the list of issues to be dealt with during the consideration of the initial periodic report of the Republic of Kazakhstan under the ICCPR (November 2010). This document is available at <http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm>.

⁶⁶ For more information, see Kazakhstan International Bureau for Human Rights and Rule of Law, *Freedom of Peaceful Assembly in Kazakhstan: Authorization Denied*, December 2010.

⁶⁷ For more information, see Kazakhstan International Bureau for Human Rights and Rule of Law, *Freedom of Peaceful Assembly in Kazakhstan: Authorization Denied*, December 2010.

⁶⁸ According to article 8 of the Law on Assemblies, unsanctioned assemblies should be "unconditionally terminated at the request of a representative of local executive authorities." If such requests are not adhered to, "necessary measures" may be taken to put an end to assemblies. Also, Ministry of Interior Order № 665 from 6 December 2000 prohibits detentions directly at the place where assemblies are held.

⁶⁹ Kazakhstan International Bureau for Human Rights and Rule of Law, *Freedom of Peaceful Assembly in Kazakhstan: Authorization Denied*, December 2010.

⁷⁰ Forty vs. 15 monthly assessment indicators. For an explanation of this measurement, see footnote 7.

⁷¹ Twenty monthly assessment indicators. For an explanation of this measurement, see footnote 7.

⁷² See «В Казахстане приостановлена разработка нового закона о мирных собраниях» ("Elaboration of new law on peaceful assembly halted in Kazakhstan"), 28 March 2011, at <http://news.gazeta.kz/art.asp?aid=336999>.