



**International
Partnership**
for Human Rights



**Appeal to the international community:
Tell Kazakhstani authorities not to repress peaceful protests,
respect the rights of participants**

Almaty, Brussels, The Hague 27 April 2012. With a new round of so-called Disagreement Day rallies scheduled to take place in cities across Kazakhstan tomorrow, Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), International Partnership for Human Rights (IPHR) and the Netherlands Helsinki Committee (NHC) are concerned about actions taken by local Kazakhstani officials to obstruct and prevent the holding of these peaceful rallies. In view of this, the three organizations call on the international community to insist that the Kazakhstani authorities ensure that the protests can go ahead without interference and that the organizers and participants are not punished for their peaceful exercise of freedom of assembly and expression.

Peaceful rallies under the banner of The Disagreement Day are planned to be held in Almaty and eighteen other cities in Kazakhstan on 28 April 2012. This will be the fourth round of protests of this kind held by political opposition and civil society members since the beginning of the year. The Disagreement Day protests were first initiated in response to the January 2012 parliamentary elections, which OSCE monitors concluded did not meet standards for democratic elections. Protest participants have called for a review of the results of these elections, as well as the implementation of political reforms, and an end to politically motivated repression. They have also demanded a transparent investigation of the December 2011 Zhanaozen events and a fair and impartial trial for those accused of involvement in these events.

As independent human rights organizations, KIBHR, IPHR and the NHC do not take a position on any exclusively political demands of the planned rallies or the political affiliations of the rally organizers. However, our organizations are concerned that actions taken by local Kazakhstani authorities during the period leading up to the rallies interfere with the internationally protected rights to freedom of peaceful assembly and freedom of expression.

A total of 141 applications for holding rallies have been filed in accordance with the requirements of national law, which sets out that the organizers of protests must obtain permission in advance. However, these applications have all been rejected by local authorities on different pretexts or without explanation. For example, in Almaty, the application to hold the rally was rejected on the grounds that public non-governmental actions only are allowed in a specifically designated area located more than half an hour from the city center, although the organizers had proposed more than ten other venues more suitable for the purposes of the action.

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Also in previous months, applications to hold Disagreement Day rallies have been rejected, with the exception of one case when a rally was allowed to take place with permission by the authorities in the city of Uralsk.

The arbitrary rejections of applications to hold Disagreement Day rallies are in violation of Kazakhstan's obligations under the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 2005. Article 21 of this treaty protects the right to freedom of assembly and prohibits any restrictions on this right that do not comply with certain, strict requirements laid out in the article. When reviewing Kazakhstan's compliance with the ICCPR last year, the UN Human Rights Committee expressed concern about "undue restrictions" of freedom of assembly in the country and called on its authorities to "re-examine" regulations, policy and practice in this area. 2010 OSCE Guidelines on Peaceful Assembly emphasize that those wishing to assemble should not be required to obtain permission to do so (even if they may be requested to notify authorities in advance) and states should always seek to facilitate assemblies at the organizers' preferred location.

Moreover, in the period leading up to tomorrow's Disagreement Day actions, opposition and civil society activists who have been involved in coordinating and mobilizing support for the rallies, as well as activists who are expected to participate in them have faced various forms of pressure.

In recent days local prosecutors have issued "warnings" to opposition and civil society activists, informing them that they may face legal consequences under the country's administrative and criminal law if they participate in the non-sanctioned protests planned for 28 April. In accordance with Kazakhstani legislation, organizing and participating in an unsanctioned protest may result in penalties ranging from a warning and fines to administrative arrest for up to 15 days (under the Administrative Code) and imprisonment for up to one year (under the Criminal Code). Participants in non-sanctioned protests in the country are routinely brought to court and fined or sentenced to administrative arrest. Dozens of participants in earlier Disagreement Day protests in Almaty have been subjected to such penalties.

- On 25 April, Almaty prosecutors issued warnings to about a dozen members of the Socialist Movement of Kazakhstan, as well as the movement Let's give housing to people (*Ostavim narody zhil'e!*).
- On 24 April, representatives of a local Almaty prosecutor's office also delivered a warning to opposition OSDP Azat party member Marzhan Aspandiarova in the office of this party.
- The head of the *Ar Rukh Khak* foundation, Bakhytzhan Toregozhina, was approached by officials from a district prosecutor's office as she was waiting for a bus in central Almaty on 24 April. These officials began reading out a written "warning" issued to her and demanded that she sign it. However, she refused to do so. All of this was recorded on video camera by one of the officials from the prosecutor's office.
- In the cities of Uralsk city and Pavlodar, local prosecutors have issued "warnings" to several activists from the opposition Alga party, as well as members of different NGOs, similarly threatening them with legal consequences should they participate in the Disagreement Day actions planned to be held in these cities.

Other reported cases of harassment include:

- On 25 April, Dmitry Tikhonov and Zhanna Baitelova, both Almaty-based activists of the Socialist Movement of Kazakhstan, received letters summoning them to appear with police on 28 April at the time when the Disagreement Day rally is scheduled to take place. No explanation was stated in the letter.
- On 25 April, Alga party member Boris Sukhih and civil society activist Anatoliy Romanov were detained by police in Almaty and Uralsk, respectively, as they were disseminating leaflets inviting people to participate in the Disagreement Day action. They were both released after a few hours, but their leaflets were confiscated.
- Kanat Ibragimov, who moderated at the Disagreement Day action held in Almaty in March and who was sentenced to 15 days' administrative arrest for his involvement in that action, has received threats. On 22 April, an unknown person named Yevgeni Kravchuk contacted him on skype and told him that "you will pay for your words." The following day an official from the Almaty akimat (local administration) who introduced himself as Kanat Dailybayev threatened Ibragimov over the phone, saying that he will be arrested on 28 April whether or not he shows up at the Disagreement Day action.
- On 19 April, journalist Lukpan Akhmedyarov was brutally attacked by unknown perpetrators in Uralsk. The circumstances of the attack suggest that he was targeted because of his professional and civic engagement. Akhmedyarov is one of the initiators of the Disagreement day rallies held in Uralsk. A few days prior to the attack on him, security service officials reportedly visited the company where his wife works and tried to intimidate its director to put pressure on her so she would talk her husband out of conducting the planned rally.

KIBHR, IPHR and the NHC appeal to the international community to convey its concerns about the reported incidents of harassment and intimidation of opposition and civil society activists to the Kazakhstani authorities and to call on these authorities to publicly condemn such incidents and ensure that adequate steps are taken to investigate them and hold accountable any officials who are guilty of misconduct. Our organizations also urge the international community to call on the Kazakhstani authorities to comply with their international human rights obligations and to respect the rights of those activists who do decide to participate in peaceful Disagreement Day rallies tomorrow despite the bans and threats that have surrounded the organization of them. The Kazakhstani authorities should refrain from dispersing or interfering with the rallies in any way, as long as they are conducted in a peaceful manner, and ensure that the participants are not punished for using their fundamental rights to freedom of assembly and freedom of expression to voice misgivings about official policies.

KIBHR will monitor and report on the conduct of tomorrow's rallies, in the same way as it has done with respect to earlier Disagreement Day protests.

For additional information, please contact:

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The OSCE Guidelines on Peaceful Assembly are available at <http://www.osce.org/odihr/73405>