



Choose dialogue instead of repression

Joint statement by Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee on the wave of repressive measures taken against land reform opponents in Kazakhstan

20 May 2016

Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee call on the authorities of Kazakhstan to immediately stop persecuting civil society activists, human rights defenders, journalists, bloggers, social media users and common citizens who are using their constitutionally protected rights to freedom of expression and peaceful assembly to voice concerns about planned land reforms.

Planned land reforms, in particular recent amendments to the Land Code, which were adopted without any public discussion, have given rise to widespread public discontent. In late April to early May 2016, a series of peaceful rallies were held in different cities of Kazakhstan to protest these reforms. All the protests, which gathered hundreds of people in total, were peaceful in nature and provided an opportunity for the authorities to engage in dialogue with the public on land reform issues. However, while the participants in these peaceful protests were seeking a channel of communication with those in power, the response to the protests by local authorities and law enforcement agencies showed the lack of readiness for dialogue.

In a number of cities, law enforcement authorities resorted to repressive measures against participants in land reform protests. According to our information, over 30 protest participants were brought to justice and ordered by court to pay large fines for taking part in protests held without the advance permission required by Kazakhstan's restrictive Law on Assemblies. Such permission is regularly denied on various pretexts, and protest organizers often do not even attempt to obtain permission, knowing that their requests are likely to be rejected.

In a partial concession to the criticism expressed, on 5 May, the president introduced a moratorium on the implementation of the recent amendments to the Land Code, and it was announced that a government commission would be established to consider this issue. However, ahead of new nationwide land reform rallies planned to be held on 21 May, authorities have unleashed a widening crackdown on civil society activists and other citizens expressing their intention to take part in these peaceful protests. In many cases, individuals have been targeted after simply making such announcements on social media. Requests to hold peaceful protests submitted to local authorities have been rejected.

In the last few days, about 30 individuals have been apprehended by police and sentenced to 10-15 days in administrative detention. These include civil society activists, human rights defenders and social media users, among others well-known activists Makhambet Abzhan (Astana), Max Bokayev (Atiray), Bakhytzhan Toregozhina (Almaty) and Lukpan Akhmediarov (Uralsk). The number of people who have been detained and penalized continues to grow. Trials have often been held at night, in a rushed

manner, and in the absence of defense lawyers, giving rise to serious concerns about violations of the right to a fair trial. We are also concerned about allegations of the use of disproportionate force by police in connection with detentions.

Dozens of individuals have been pressured into signing pledges not to take part in the planned protests. These pledges do not have any legal force. Other individuals have been summoned by police and questioned in relation to criminal cases on “inciting social discord” and other offenses opened in this context. Around ten individuals have been assigned as witnesses in such cases. Their status may at any time be changed to that of suspects. One individual - Zhanat Yesentayev is currently known to be in pre-trial detention on charges of “inciting” social discord, a broadly worded criminal offense that has increasingly been used against government critics.

It is also alarming that there have been cases where journalists have been detained when carrying out their work or warned by police not to show up at planned land reform protests, in violation of the right to freedom of expression as protected by national and international law.

On 12 May 2016, the UN Special Rapporteurs on the situation of human rights defenders, freedom of opinion and expression, and freedom of peaceful assembly and of association, as well as the first vice-chair of the UN Working Group on Arbitrary Detention [called on](#) Kazakhstan’s government “to protect the rights to freedom of peaceful assembly and freedom of expression after mass arrests, detention and criminal prosecutions following demonstrations over proposed land reforms across the country.” However, instead of heeding this call, the authorities have further stepped up efforts to forcefully suppress criticism of land reforms.

We appeal to Kazakhstan’s president, government, and its law enforcement and judicial authorities to exercise judgement and put an end to the crackdown on individuals who are taking an interest in the land reform issue and are seeking to peacefully express their position on this issue. All those who are currently in detention on these grounds should be released; fines imposed should be repealed; and all criminal cases initiated against individuals exercising their rights to freedom of expression and peaceful assembly should be discontinued. The authorities should under no circumstances allow for the use of violence against protesters during the planned rallies on 21 May, thus preventing the tragic 2011 events in the cities of Zhanaozen and Shetpe from being repeated. The authorities should engage in dialogue with civil society and safeguard the rights to freedom of expression and peaceful assembly as protected by Kazakhstan’s constitution and international human rights treaties ratified by Kazakhstan.