JOINT SUBMISSION FOR THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW (UPR) OF KAZAKHSTAN: KEY ISSUES REGARDING CIVIC SPACE AND THE PROTECTION OF FUNDAMENTAL FREEDOMS

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International Partnership for Human Rights (IPHR) is an independent, non-governmental organisation founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

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Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) is a non-profit organisation founded in 1993. KIBHR is a leading Kazakhstani human rights organisation with branch offices across the country. It promotes the protection of civil and political rights and contributes to democratic development, rule of law and civil society building.

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Table of contents

1. Introduction 2

2. Lack of accountability for human rights violations perpetrated during January 2022 events 2

3. Ongoing violations of the freedom of assembly 4

4. Violations of the freedom of association 5

5. Violations of the freedom of expression 7

6. Persecution of activists, journalists, and bloggers 9

1. Introduction

1.1. This submission has been jointly prepared by International Partnership for Human Rights (IPHR) and Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) as input for the fourth cycle UPR review of Kazakhstan. It provides information about key issues regarding the protection of civic space and the freedoms of expression, association and assembly based on ongoing cooperation by IPHR and KIBHR in monitoring and documenting developments in these areas in the framework of the CIVICUS Monitor global initiative.[1]

1.2. During the UPR in 2019, Kazakhstan received important recommendations on measures needed to improve the protection of fundamental freedoms and the situation of civil society (particularly those listed in sections 14.3-14.4 in the thematic list of recommendations[2]).

1.3. Five years later, serious concerns remain. The current submission highlights the widespread lack of accountability for human rights violations related to the events of January 2022, when authorities harshly suppressed mass protests and ensuing unrest. It also documents how the political modernisation drive initiated by President Kassym-Jomart Tokayev after the January events has been undermined by ongoing persecution of government critics and opponents, as well as systematic violations of the freedoms of expression, association and assembly. Additionally, the submission draws attention to individual cases of civil society activists, opposition supporters, human rights defenders, journalists and bloggers who have been subjected to persecution.

1.4. Due to the deterioration in civic freedoms in connection with the January 2022 events, Kazakhstan's country rating was downgraded on the CIVICUS Monitor[3]. Kazakhstan's civic space is currently assessed as "repressed", with a score of 27 on a scale from 0 (worst) to 100 (best).[4]

1.5. We welcome the attention of the Office of the High Commissioner for Human Rights (OHCHR) to the issues covered in this submission and urge UN member state delegations to prioritise them during the upcoming UPR.

2. Lack of accountability for human rights violations perpetrated during January 2022 events

2.1. During the "Bloody" January 2022 events (hereafter "January events"), peaceful mass protests for social and political change evolved into unrest and clashes between security forces and people in the crowd, resulting in over 230 people killed and several thousand injured.[5] The authorities have continuously rejected calls for an international investigation into these events. At the same time, they have failed to take adequate measures to investigate allegations of the excessive use of force, torture and other serious human rights violations committed by law enforcement and security officials and to bring those responsible to justice.

2.2. A report[6] published by Kazakhstan's Human Rights Alliance in Support of Fundamental Rights – a network of human rights organisations and coalitions, including KIBHR - found that the authorities used excessive and often unwarranted force during the January events, thereby violating citizens' right to life. While President Tokayev claimed that his "shoot to kill" order issued during these events was targeted at "armed bandits", the NGO research shows that security forces often opened fire indiscriminately without warning. According to the report, civilians who were shot and killed should be considered victims of arbitrary deprivation of life until it has been established beyond doubt that they posed a direct threat to law-enforcement officials or third parties.

2.3. There are also widespread allegations of the use of torture and ill-treatment against people detained during the January events, with six officially reported deaths in custody.[7] As highlighted in a joint report published by IPHR, KIBHR, Kazakhstan's NGO Coalition against Torture, and the World Organisation against Torture[8], authorities opened investigations into several hundred complaints received about torture and ill-treatment, but the investigations often did not meet international standards, and many of them were prematurely closed due to the alleged lack of elements of crime. According to figures from the General Prosecutor's Office, as of January 2024, 34 law enforcement and security officials had been convicted on charges relating to torture and other violations committed during the January events, while the proceedings were still under way in cases involving close to 50 officials.[9] Since then, several additional convictions have been issued and several additional arrests carried out.[10] However, while it is welcome that officials have been arrested, prosecuted and convicted for abuses, the number of such cases still remains low in relation to the scale of violations reported during the January events.

2.4. Moreover, fair trial and due process violations have tainted proceedings against officials charged over abuses related to the January events, and the sentences issued have often not corresponded to the severity of the crimes. While more severe penalties sometimes have been issued on appeal[11], some officials first imprisoned for torture have later had sentences commuted into fines.[12]

2.5. There are also concerns about the fairness of legal proceedings initiated against protesters and activists accused of unlawful actions during the January events. Those prosecuted include people killed during the January events, who have been posthumously convicted of rioting and other offenses, although the circumstances of their deaths have not been clarified. In some cases, the verdicts issued have not been made public. Among those prosecuted are also civil society and opposition activists believed to have been targeted for their peaceful engagement (see more in chapter 6).

Recommendations

2.6. The Kazakhstani authorities should:

- Agree to an international, independent inquiry into the January events to clarify what happened and determine the role and responsibility of different actors.[13]
- Ensure that all allegations of excessive use of force, torture and other violations related to the January events are investigated in an impartial, transparent, and effective manner, including by re-opening investigations prematurely closed, and that those responsible are brought to justice in fair trials and given penalties commensurate with the severity of their crimes.

- Ensure that proceedings against individuals charged with participation in the January events correspond to international standards and clear anyone of charges who has been prosecuted because of the peaceful exercise of fundamental freedoms.

3. Ongoing violations of the freedom of assembly

3.1. While particularly serious violations of the right to freedom of assembly were reported during the January 2022 events (see chapter 2), authorities have violated this right on an ongoing basis.

3.2. Although hailed as progressive by the government, the new law on organising and conducting peaceful assemblies adopted in Kazakhstan in 2020[14] falls short of international human rights standards. In particular, it formally provides for a notification procedure, but de-facto requires organisers of assemblies to obtain advance permission from local authorities.[15] The law only permits assemblies in specially designated venues and does not safeguard the right to hold spontaneous protests.

3.3. In the implementation of the new law, authorities have selectively denied permission for peaceful protests, especially protests concerning issues perceived to be political in nature. At the same time, they have typically not provided any proper explanations for such decisions or offered any alternative venues. Peaceful assemblies held without advance permission have, as a rule, been dispersed by police, and participants detained and penalised by being fined or locked up for up to 15-25 days (under article 488 of the Code on Administrative Offenses). Even those holding individual pickets – a type of protest not regulated by the law on assemblies – have been detained. Violations of the rules for organising assemblies are also punishable under the Criminal Code (article 400), although this provision has been rarely applied.

3.4. Moreover, in addition to detaining peaceful protesters, authorities have regularly carried out "preventive" detentions of activists prior to planned protests and "delayed" detentions several days, weeks or even months after unsanctioned protests. Authorities have often interpreted the term "assembly" broadly, also targeting activists because of gatherings that do not constitute organised protests, such as gatherings to support fellow activists who are on trial behind closed doors, or events to commemorate activists who have died. Activists have also often been penalised because of social media posts about planned peaceful protests that have not yet taken place.

3.5. In an ongoing trend, internet access is often arbitrarily restricted in connection with planned peaceful protests, thus obstructing communication among protests participants as well as monitoring and media coverage of assemblies.

3.6. Using tactics of the kind described, authorities have, for example, prevented and obstructed peaceful assemblies to demand justice for victims of the January 2022 events, to protest against Russia's war on Ukraine, to draw attention to violations of women's rights, to criticise the unfair nature of parliamentary and presidential elections held in the country, and to call for democratic reforms and the release of political prisoners.[16]

Recommendations

3.7. The Kazakhstani authorities should:

- Bring the law on assemblies into compliance with international standards, including by providing for a simple notification procedure, clearly defining the term "assembly" and protecting the right to hold spontaneous protests.
- Allow peaceful protests to take place without hindrance, and refrain from detaining and penalising citizens for organising, calling for or participating in peaceful assemblies, even if held without pre-approval by authorities.
- End the practices of "preventive" and "delayed" detentions of activists in relation to peaceful protests.
- Refrain from arbitrarily restricting internet access in connection with peaceful protests.

4. Violations of the freedom of association

Harassment of opposition groups

4.1. As part of his political modernisation dive initiated after the January 2022 events, President Tokayev pledged to simplify the registration of political parties.[17] Relevant legislation was amended to reduce the number of signatures needed for registration, and two new parties were registered before the March 2023 parliamentary elections: Baytak and Respublica. This increased the number of registered parties to seven. However, they are all pro-government, and no genuine opposition party has been able to register.

4.2. For example, the opposition party Alga Kazakhstan! ("Forward Kazakhstan!") founded in spring 2022 has repeatedly had its application for registration returned because of alleged problems with the list of supporters provided. Its application has been rejected more than 20 times in two years.[18] The opposition Democratic Party remains unregistered after authorities obstructed the holding of its constituent congress, a requirement for applying for registration, in 2020.[19]

4.3. Members of Alga Kazakhstan!, the Democratic Party and other opposition groups have been subjected to intimidation and harassment by authorities on an ongoing basis, including by being held under surveillance, summoned for questioning, detained and penalised when peacefully protesting, and prosecuted and convicted because of their peaceful opposition activities. Among others, the leaders of Alga Kazakhstan! and the Democratic Party have both been convicted on charges which human rights defenders consider politically motivated (see more in chapter 6).

4.4. Authorities have also carried out a broad crackdown on supporters and alleged supporters of the opposition movements Democratic Choice of Kazakhstan (DVK) and the Street Party (*Koshe Partiyasy*), both of which have been banned as "extremist" by court despite their non-violent agendas. Those accused of involvement in these groups have faced "extremism" charges because of peaceful civic activities such as participation in protests, dissemination of flyers and social media posts.[20] While most of those convicted have received non-custodial sentences, some have been imprisoned.

Restrictions on foreign-funded groups

4.5. We are concerned about measures taken by authorities to control and stigmatise civil society organisations (CSOs) receiving funding from abroad.

4.6. In accordance with existing legislation, CSOs that receive foreign funding for activities including legal assistance, surveys, as well as data collection, analysis and dissemination are subjected to a separate, discriminatory reporting scheme. Under this scheme, they are required to provide information about their funding for inclusion in a government database.

4.7. CSOs have also been subjected to pressure in relation to the reporting scheme for foreign funding. In the lead-up to the January 2021 parliamentary elections, KIBHR and over a dozen other Kazakhstani human rights, media, and election monitoring organisations were targeted by tax authorities, facing heavy fines and suspension of their activities for alleged minor technical reporting violations (under Article 460-1 of the Code on Administrative Offenses).[21] Following domestic and international protests, the charges were eventually dropped. However, the risk persists that alleged reporting violations related to foreign funding may be used as a pretext to put pressure on CSOs.

4.8. In a further development of concern, in September 2023, a list of legal entities and individuals receiving foreign funding was published on the website of the Ministry of Finance's State Revenue Committee.[22] The 240 entries on the list include KIBHR and many other well-known human rights organisations and human rights defenders. In a joint statement, IPHR and eight other international human rights NGOs criticised the publication of the list, saying it "serves no other purpose except to stigmatise, discredit and discriminate" against those included on it.[23]

4.9. In addition, there are fears that further measures targeting foreign-funded groups might follow, particularly in the light of recent reports indicating that Kazakhstan and Russia have agreed to set up regular information exchange on countering "the influence of foreign agents".[24] In an over a decade-long fight against "foreign agents", Russian authorities have systematically discredited, harassed and silenced NGOs as part of a widening crackdown on civil society.

Recommendations

4.10. The Kazakhstani authorities should:

- Allow opposition parties to register and carry out their activities without undue obstruction and hindrance.
- Stop intimidating and harassing opposition activists.
- Refrain from undue control, discrimination and stigmatisation of foreign-funded CSOs, including by abolishing the public list of foreign-funded entities as well as the separate reporting scheme for such groups.

5. Violations of the freedom of expression

Concerns about new media law and anti-LGBT initiatives

5.1. After being passed by the two houses of parliament, a new media law was signed by the president on 19 June 2024. It will enter into force 60 days after its official publication.[25]

5.2. Both representatives of the media community and international experts have raised concerns about the new media law. An expert analysis of the draft law by the OSCE Representative on Freedom of the Media, published in October 2023[26], welcomed some provisions, such as a definition and ban on censorship, shortened deadlines for state bodies to respond to requests for information from media and journalists, and the establishment of a statute of limitations for defamation lawsuits relating to journalistic materials. However, the OSCE experts criticised other aspects of the draft law, such as the lack of clear definitions of key concepts, vaguely worded restrictions on media content, the failure to adequately account for the differences between different types of media outlets in the regulation of media operations, and the lack of sufficient guarantees against arbitrary decisions to restrict or suspend the activities of media.

5.3. In addition, prior to the adoption of the law, new problematic provisions were added. These included a requirement not only for offline but also online media to undergo compulsory state registration, and provisions granting the government new powers to deny accreditation to foreign media outlets and their reporters. Concerns about the latter provisions are reinforced by the difficulties recently faced by the local service of Radio Free Europe/Radio Liberty's (RFE/RL), Radio *Azattyq* in obtaining accreditation for its correspondents. In January 2024, the service learned that the Foreign Ministry had refused to grant or extend accreditation to more than 30 correspondents because they had allegedly violated national law by working while their applications were pending. According to Radio *Azattyq*, the applications for accreditation were filed on time, but the Ministry failed to consider them within the required two-month period.[27] Following a legal complaint, the service eventually reached an agreement with the Foreign Ministry in April 2024, ensuring the accreditation of its journalists.[28] However, concerns remain that similar cases might re-occur.

5.4. During the consideration of the draft media law, MPs from the ruling Amanat party proposed controversial provisions, which would have established criminal responsibility for propaganda of so-called non-traditional sexual relations and allowed for suspending the operations of media outlets on that ground.[29] These provisions were eventually not approved. However, the new law grants the Ministry of Information powers to monitor mass media to detect possible violations of "national, cultural and family values" as well as "harm to the moral development of society", which gives rise to concerns that authorities might seek to curtail freedom of expression under the guise of preserving traditional values. There have already previously been concerning developments in this regard. For example, in February 2024, the government blocked a website aimed at informing young people about LGBT issues, citing the protection of national traditions and children's rights as justification for the move.[30] Moreover, in June 2024, the government announced that a public petition to ban "LGBT propaganda" had gathered enough signatures for it to be officially considered.[31]

Misuse of the fight against "false" information

5.5. We are concerned that the right to freedom of expression has been violated in the name of combating the spread of misinformation, using broadly worded legislation.

5.6. Article 274 of the Criminal Code, which penalises knowingly spreading "false" information by imprisonment of up to seven years, has frequently been used against government critics (for recent examples, see chapter 6). Additionally, a new provision introduced to the Code on Administrative Offences in 2023 (article 456-2) penalises the publication and dissemination of "false" information, whether intentional or not, with fines and short-term detention. Although this provision has been in force for less than a year, it has repeatedly been used to penalise legitimate free speech. For example, in November 2023, an Almaty court fined Radio *Azattyq* around 200 EUR for allegedly spreading "false" information in an article that stated that the Collective Security Treaty Organisation is "led" by Russia.[32] In another example, journalist Jamilya Maricheva from the ProTenge project was fined 150 EUR in April 2024 due to a Telegram post criticising the denial of accreditation to RFE/RL journalists.[33]

5.7. The separate offense of disseminating "false" and "slanderous" information was decriminalised in 2020, in accordance with UPR recommendations received by Kazakhstan in 2019. However, the offense remains publishable by fines and short-term detention under article 73-3 of the Code on Administrative Offences. The implementation of this provision has continued to give rise to free speech concerns (for examples, see our regular updates: https://iphronline.org/countries/kazakhstan/?mark[]=civicus-monitor). In addition, following the decriminalisation of "slander", the Criminal Code provision prohibiting knowingly disseminating "false" information (article 274) has been used more frequently. According to available statistics, from the beginning of 2021 through May 2024, more than 160 criminal cases were initiated under this provision, with 22 cases ending up in court.

Intimidation and harassment of media and journalists

5.8. Acts of intimidation and harassment targeting especially independent, non-state media and journalists are regularly reported, both on- and offline. These acts are often perpetrated with impunity.

5.9. For example, media workers covering the January 2022 events faced various forms of harassment, including physical attacks. To date, none of those responsible for attacks are known to have been held accountable. During the January 2022 events, the authorities also implemented a nationwide internet shutdown lasting several days, thereby preventing access to information about the crisis. [34]

5.10. A series of physical and cyberattacks on independent outlets and journalists were also reported ahead of the March 2023 parliamentary elections.[35] The police arrested around 20 people accused of involvement. However, the suspected organiser, who allegedly acted based on "personal grievances", was eventually freed from criminal responsibility by reason of insanity[36] and it is unclear whether any other suspect has been convicted.

5.11. Journalists continue to be detained and prosecuted in apparent retaliation for their professional activities. In a recent disturbing case, an exile-based opposition journalist, who had been charged in absentia, died following an assassination attempt (see more on this and other recent cases in chapter 6).

Recommendations

5.12. The Kazakhstani authorities should:

- Ensure that the implementation of the new media law does not result in violations of the freedoms of media and expression; bring the law in line with international standards.
- Refrain from any initiatives that unduly curtail freedom of expression under the pretext of protecting traditional values.
- Promptly consider requests for accreditation from foreign journalists and ensure that they are not rejected on arbitrary grounds.
- Repeal or thoroughly revise the articles of the criminal and administrative codes that prohibit the spread of "false" information to prevent application restricting legitimate free speech.
- Promptly, thoroughly, and impartially investigate all reported acts of intimidation and harassment of media and journalists and hold accountable all those responsible.

6. Persecution of activists, journalists, and bloggers

6.1. Civil society activists, opposition supporters, human rights defenders, journalists, and bloggers who are critical of the authorities face ongoing intimidation and harassment, ranging from online threats to arrest and prosecution on politically motivated charges.

6.2. More than two dozen activists were charged with rioting (under Criminal Code article 272) and other offences relating to the January 2022 events despite the lack of evidence of their involvement in any unlawful acts.[37] The investigations and legal proceedings against activists charged in relation to the January events were marred by allegations of procedural violations and several activists reported being subjected to torture and ill-treatment in detention.[38] Some of the criminal cases initiated in this context were eventually closed, and some activists were amnestied and freed from penalty. However, other activists are still serving sentences issued against them, and some cases involving activists are still under way.

6.3. Activists, journalists and bloggers have also continued to face criminal charges unrelated to the January events in retaliation for their legitimate exercise of the freedoms of expression, association and assembly. These charges have often been initiated under broadly worded Criminal Code provisions, such as those prohibiting the spread of "false" information (article 274), incitement to ethnic, social or other discord (article 174), or extremism (in particular, article 405 which penalises the involvement in banned, extremist groups). The trials against activists have been characterised by due process and fair trial violations.

6.4. As of June 2024, more than two dozen people were behind bars on charges considered politically motivated by Kazakhstani human rights defenders.[39]

6.5. Below we describe a few recent cases involving the prosecution of activists and journalists[40]:

- In April 2023, Zhanbolat Mamai, leader of the opposition Democratic Party, was found guilty of organising mass riots and spreading false information and given a suspended six-year prison sentence. His sentence could become real if he is found to violate probation. The charges against him, related to the January 2022 events, lack credible basis and were clearly initiated to penalise him for his opposition activities and criticism of the authorities. Although not imprisoned, Mamai faces wide-ranging prohibitions on political and social activities, which prevents him from continuing his opposition campaigning.[41]

- In July 2023, civil society activists Aigerim Tleuzhan and Kalas Nurpeisov were sentenced to four and eight years in prison, respectively, for their alleged involvement in the seizure of Almaty airport during the January 2022 events. The prosecution's case relied heavily on questionable witness testimonies, and evidence supporting the activists' innocence was largely ignored. Human rights defenders have called for their immediate release, considering the trial flawed and politically motivated.[42]

- Human rights activist Raigul Sadyrbayeva was detained in mid-January 2022 and charged with participating in mass riots and attacking public property during the protests earlier that month. She reported being tortured and ill-treated during her two months in pre-trial detention and faced restrictions on contact with her lawyer and family. She was moved to house arrest in March 2022 before eventually being cleared of charges in December 2022. However, concerns remain that no one has been held accountable for her alleged mistreatment. [43]

- In November 2023, the leader of the Alga Kazakhstan! opposition movement, Marat Zhylanbaev was convicted of extremism-related charges and sentenced to seven years in prison, with an additional three-year ban on public and political engagement.[44] Despite evidence indicating that he was held accountable for legitimate civic activities, which have nothing to do with violent extremism, his appeal was recently rejected by the Supreme Court.[45] Mamai has reported being subjected to pressure in prison.[46] IPHR, KIBHR and other human rights organisations have called for his immediate and unconditional release.[47]

- Aidar Syzdykov, Alga Kazakhstan! co-founder and Marat Zhykanbaev's close associate, was arrested in May 2024 on charges of unlawful distribution of drugs. These charges were based on the testimony of an undisclosed witness claiming to have transferred 10,000 tenge (some 10 EUR) to Syzdykov's bank account as payment for drugs, although the activist's account was frozen following his conviction in 2021 for participation in the banned opposition movements DVK and *Koshe Partiyasy* (see more in chapter 4). At that time, he received a thee-year, non-custodial so-called restriction of freedom sentence. Human rights defenders believe that the new charges are part of a long-term campaign of harassment, in which Syzdykov has repeatedly been sentenced to short-term detention for peaceful protests.[48]

- Duman Mukhamedkarim, a journalist and opposition activist known for criticising authorities, went on trial behind closed doors in February 2024 on charges of financing and participating in a banned extremist organisation. The charges concern his alleged support for the banned DVK opposition movement. Prior to his arrest, he had repeatedly been detained for allegedly violating the rules for holding peaceful assemblies. Human rights defenders have recognised him as a political prisoner and called for his release. At the time of writing, his trial is still under way. Mukhamedkarim has alleged mistreatment during his transfer to court from pre-trial detention.[49]

- Women's rights activist Dinara Smailova is facing multiple criminal charges related to her efforts to assist victims of domestic and sexual violence and ensure accountability for perpetrators. She has been accused of using money donated to her organisation, *Ne Molchi*, for personal needs and disseminating "false" information on social media. Having fled Kazakhstan in 2021, Smailova was declared internationally wanted in December 2023 and Ne Molchi's accounts were frozen.[50] In addition to human rights groups, UN human rights experts have raised concerns about the apparent retaliatory nature of the charges against her as well as due process in the case.[51]

- In June 2023, civil society activist Timur Danebaev was sentenced to three years in prison for "inciting national discord" because of social media streams critical of government policies and Russian aggression against Ukraine. In September 2023, a leaked video showed prison officials torturing Danebaev and co-prisoners, leading to the dismissal of over 10 officials and the launch of a criminal investigation into the allegations of torture. Danebaev has been recognised as a political prisoner by human rights defenders.[52]

- Opposition journalist Aidos Sadykov died on 2 July 2024 due to the injuries he sustained during an assassination attempt in Kyiv two weeks earlier.[53] Sadykov vocally criticised the Kazakhstani authorities, including on a popular YouTube channel,[54] which he co-founded with his journalist wife after they fled Kazakhstan in 2014 and sought refuge in Ukraine. The couple continued to face intimidation and harassment after leaving Kazakhstan. In autumn 2023, Kazakhstani authorities declared them internationally wanted on charges of "inciting discord", initiated on unclear grounds.[55] Following the attack on Sadykov, Ukrainian authorities identified two Kazakhstani citizens as suspects and requested their extradition.[56] At the time of writing, one of them had been detained in Kazakhstan, while the whereabouts of the other were unknown.

- Activists from Uzbekistan's autonomous Karakalpakstan republic, residing in Kazakhstan, face the threat of forcible return to Uzbekistan, where they risk torture and politically motivated imprisonment for their peaceful activism. Three activists, Akylbek Muratbai, Rasul Zhumaniyazov, and Rinat Utambetov were arrested in February-April 2024 and remain in detention at the time of writing.[57] Several other Karakalpak activists were arrested in autumn 2022 and held for a year before being released.[58] While they were not extradited to Uzbekistan, neither were they granted asylum in Kazakhstan, leaving them at the risk of refoulement to Uzbekistan.

- Dissident-poet Aron Atabek died in hospital in November 2021 shortly after being released in a critical condition following a lengthy and harsh prison experience. Convicted in a flawed trial, he served 15 years in prison for his alleged role in the death of a police officer during clashes in an Almaty district in 2006. He reported being repeatedly subjected to torture and ill-treatment in

prison and his health seriously deteriorated. No one has been accountable for his abuse or his premature death.[59]

Recommendations

6.6. The Kazakhstani authorities should:

- Stop arresting, prosecuting and convicting activists, human rights defenders, journalists and bloggers in retaliation for their peaceful and legitimate exercise of fundamental freedoms; clear those prosecuted on such grounds of charges and immediately and unconditionally release them, if they are currently behind bars.
- Promptly, thoroughly, and impartially investigate any allegations of abusive treatment of activists in detention and hold the perpetrators accountable.
- Refrain from misusing the Criminal Code provisions on "inciting discord" (article 174), "knowingly spreading false information" (article 274), and "extremism" (article 405 and others) to penalise activists for their peaceful exercise of fundamental freedoms, and revise these provisions in line with international standards.
- Refrain from extraditing any Karapalpak activist to Uzbekistan and comply with the non-refoulement ban set out by international law.
- Ensure accountability for the rights violations in Aron Aatabek's case.

[1] See https://monitor.civicus.org/country/kazakhstan/
[2] Available at: https://www.ohchr.org/en/hr-bodies/upr/kz-index
[3] See press release issued on 20 June 2022: https://iphronline.org/articles/kazakhstan-downgraded-by-civicus-monitor-as-civic-freedoms-deteriorate/
[4] See country scores released in December 2023: https://monitor.civicus.org/globalfindings_2023/
[5] See more in IPHR-KIBHR special update on the January events: https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html
[6] The report is available at https://bureau.kz/wp-content/uploads/2023/06/ru_final.pdf
[7] In August 2022, the authorities finally released an official list of people who died during the January events, including six who died in police detention. See more in the following media article: https://www.rferl.org/a/kazakhstan-unrest-death-toll-238/31991206.html?ltflags=mailer
[8] Available at https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-ENG.pdf
[9] See the following media report for more information about figures provided by the General prosecutor's Office: https://vlast.kz/novosti/58280-v-sudy-napravleny-dela-po-anvarskim-sobytiam-v-otnosenii-13-sotrudnikov-knb-i-29-policejskih.html
[10] For more information, see IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/
[11] See the previous endnote.
[12] See more in joint statement issued by IPHR, the Coalition against Torture in Kazakhstan and other partners on International Day in Support of Victims of Torture, 26 June 2024: https://iphronline.org/articles/human-rights-groups-call-for-action-to-end-torture-in-central-asia/
[13] See also joint call by IPHR and other NGOs on this issue: https://www.iphronline.org/civil-society-groups-call-on-kazakhstan-to-establish-a-fully-independent-investigation-into-the-january-2022-events.html
[14] The new law entered into force 10 days after its official publication on 26 May 2020. It is available in Russian at: https://online.zakon.kz/Document/?doc_id=36271780&show_di=1
[15] For more information, see comments by KIBHR Director Yevgeniy Zhovtis in the following interview: https://bureau.kz/novosti/v-kazahstane-net-politicheskih/

[16] For examples of violations related to peaceful protests on these and other issues, please refer to the following IPHR-KIBHR briefing papers: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-2024.pdf, https://www.iphronline.org/wp-content/uploads/2023/03/IPHR-KIBHR-briefing-paper-for-EU-Kazakhstan-HR-dialogue-2023.pdf, and regular IPHR-KIBHR updates on civic space issues prepared in cooperation with the CIVICUS Monitor: https://iphronline.org/countries/kazakhstan/?mark[]=civicus-monitor

[17] The president made this pledge in an address to the people of Kazakhstan, delivered in March 2022: https://akorda.kz/ru/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana-1623953

[18] See more in IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

[19] See more in IPHR-KIBHR update from May 2020: https://iphronline.org/articles/systematic-persecution-of-cso-activists-attacks-on-freedom-of-expression-and-assembly-continue/

[20] One example is a case involving 13 activists, who were convicted of involvement in banned extremist organisations in 2021 because of actions of peaceful expression and protest such as organising rallies, wearing t-shirts with slogans, disseminating flyers and posting social media appeals. See more in the following KIBHR statement: https://bureau.kz/goryachee/zayavlenie-o-presledovaniyah-po-politicheskim-motivam/

[21] See more in the following joint statements issued by IPHR and partners: https://www.iphronline.org/kazakhstan-end-campaign-against-human-rights-ngos-joint-civil-society-appeal.html; https://www.iphronline.org/kazakhstan-tax-officials-should-end-harassment-withdraw-their-notices.html

[22] The list is available at: https://kgd.gov.kz/ru/content/reestr-lic-poluchayushchih-dengi-i-ili-inoe-imushchestvo-ot-inostrannyh-gosudarstv

[23] The joint statement is available at: https://www.iphronline.org/kazakhstan-abolish-the-foreign-funding-register.html

[24] See more in Eurasianet article from 7 June 2024: https://eurasianet.org/russian-and-kazakh-legislators-set-up-information-exchange-to-study-foreign-influence

[25] The text of the new law is available (in Russian) at: https://online.zakon.kz/Document/?doc_id=38665430&pos=859;-27#pos=859;-27

[26] The expert analysis is available at: https://www.osce.org/files/f/documents/4/9/557946.pdf

[27] Radio Azattyq article from 26 January 2024: https://rus.azattyq.org/a/kazakhstan-considers-ban-on-foreign-media-under-pretext-of-national-security/32793343.html

[28] RFE/RL article from 23 April 2024: https://www.rferl.org/a/kazakhstan-rferl-agreement-accreditation/32917503.html

[29] For more information about these proposals, see the following media articles: https://vlast.kz/novosti/59686-ugolovnuu-otvetstvennost-za-propagandu-lgbt-predlagaut-vvesti-deputaty-ot-pravasej-partii.html; https://tengrinews.kz/kazakhstan_news/kazahstane-predlojili-zapretit-smi-pisat-predstavitelyah-531334/

[30] See more in IPHR-KIBHR update: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

[31] See press release issued by the Ministry of Culture and Information on 9 June 2024: https://www.gov.kz/memleket/entities/mam/press/news/details/788654?lang=ru

[32] See more in IPHR-KIBHR update from December 2023: https://iphronline.org/articles/kazakhstan-crackdown-on-the-opposition-fight-against-false-information-and-publication-of-foreign-agent-list/

[33] See more in IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

[34] See more in IPHR-KIBHR special update on the January events: https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html

[35] For more information, see IPHR-KIBHR update from March 2023: https://iphronline.org/articles/kazakhstan-widespread-impunity-for-bloody-january-violations/

[36] See more in Orda article from 1 November 2023: https://orda.kz/delo-zhurnalistov-arkadija-klebanova-priznali-nevmenjaemym-i-otpravili-na-lechenie-378463/

[37] See presentation by KIBHR Director Yevgeniy Zhovtis from July 2022: https://bureau.kz/novosti/vystuplenie-na-meropriyatii-yanvarskim-sobytiyam/

[38] See IPHR-KIBHR update from May 2022: https://iphronline.org/articles/kazakhstan-civic-space-limited-by-continued-fallout-from-january-2022-events/

[39] For a list of these prisoners, see https://tirek.info/lists/wpbdp_category/list01/

[40] Additional cases are described in the following IPHR-KIBHR briefing papers: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-2024.pdf; https://www.iphronline.org/wp-content/uploads/2023/03/IPHR-KIBHR-briefing-paper-for-EU-Kazakhstan-HR-dialogue-2023.pdf as well as regular updates available here: https://iphronline.org/countries/kazakhstan/?mark[]=civicus-monitor

[41] For more information on his case, see IPHR statement from 19 April 2023: https://iphronline.org/articles/kazakhstan-opposition-party-leader-banned-from-campaigning/, and joint statement by IPHR, KIBHR, Helsinki Foundation for Human Rights

and Norwegian Helsinki Committee from 12 June 2022: https://iphronline.org/articles/kazakhstan-drop-trumped-up-charges-release-opposition-leader/

[42] For a more detailed case description, see IPHR-KIBHR briefing paper from April 2024: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-2024.pdf

[43] See the previous endnote.

[44] See IPHR-KIBHR statement from 1 December 2023: https://iphronline.org/articles/kazakhstan-harsh-sentence-for-opposition-party-leader-shows-lack-of-real-political-modernisation/

[45] See more in media article from 6 June 2024: exclusive.kz/verhovnyj-sud-otkazal-v-rassmotrenii-zhaloby-marata-zhylanbaeva/

[46] See more in media article from 18 June 2024: https://rus.azattyq.org/a/32997936.html

[47] See IPHR-KIBHR statement: https://iphronline.org/articles/kazakhstan-harsh-sentence-for-opposition-party-leader-shows-lack-of-real-political-modernisation/

[48] For more information on the case, see the following KIBHR articles: https://bureau.kz/goryachee/vlast-presleduet-svoih-mertveczov/, https://bureau.kz/goryachee/politicheskogo-reshili-pustit/

[49] For a more detailed case description, see IPHR-KIBHR briefing paper from Aoril 2024: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-2024.pdf

[50] For a more detailed case description, see IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

[51] See joint communication by the UN Special Rapporteur on Human Rights Defenders and other UN experts from 18 March 2024: https://srdefenders.org/kazakhstan-criminal-charges-against-and-placement-on-an-international-wanted-list-of-whrd-dinara-smailova-joint-communication/

[52] For a more detailed case description, see IPHR-KIBHR briefing paper from April 2024: https://iphronline.org/wp-content/uploads/2024/04/briefing-paper-for-eu-kazakhstan-hr-dialogue-april-2024.pdf

[53] See more in Radio Azattyk report from 2 July 2024: https://rus.azattyq.org/a/33018142.html

[54] Available at: https://www.youtube.com/channel/UCNsmiVP_84KPtswCMNgz75A/videos?cbrd=1

[55] See media report from 23 October 2024: https://orda.kz/avtorov-youtube-kanala-base-objavili-v-rozysk-v-kazahstane-378090/

[56] See announcement by the Ukrainian General Prosecutor's Office from 25 June 2024: https://www.gp.gov.ua/ua/posts/ofis-generalnogo-prokurora-rozpocinaje-ekstradiciinu-proceduru-shhodo-pidozryuvanix-u-zamaxu-na-vbivstvo-kazaxskogo-zurnalista

[57] For more information, see IPHR-KIBHR update from June 2024: https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/

[58] For more information, see Human Rights Watch statement issued on 26 February 2024: https://www.hrw.org/news/2024/02/26/kazakhstan-arrest-karakalpak-activist-uzbekistans-behest

[59] See more in IPHR column published on 23 November 2022: https://vlast.kz/english/52699-aron-atabek-a-victim-of-impunity.html