
KEY TRENDS REGARDING THE PROTECTION OF FUNDAMENTAL RIGHTS IN KAZAKHSTAN

**BRIEFING PAPER FOR EU-KAZAKHSTAN HUMAN RIGHTS
DIALOGUE, APRIL 2024**

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Introduction

This briefing paper provides information about current key issues regarding the protection of fundamental freedoms in Kazakhstan as input for the EU-Kazakhstan Human Rights Dialogue, scheduled to take place in April 2024. The paper has been prepared as part of ongoing cooperation by International Partnership for Human Rights (IPHR) and Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) on monitoring and documenting developments affecting fundamental freedoms in Kazakhstan in the framework of the CIVICUS Monitor global initiative to track civic space (our regular updates prepared for this initiative are available [here](#)).

The paper highlights the human rights fallout after the “Bloody January” 2022 events, when authorities forcefully suppressed mass protests and unrest, and the widespread lack of accountability for human rights violations perpetrated in that context. The number of officials prosecuted and convicted for torture and other violations related to the January events remains low in relation to the scope of abuses reported. In addition, fair trial concerns have marred proceedings in those cases against officials which have made it to court.

The paper also documents how the political modernisation drive initiated by the president after the January 2022 events has been undermined by ongoing persecution of critics and opponents of the government, as well as systematic and widespread violations of the freedoms of association, peaceful assembly, and expression.

Political opposition groups continue to face obstruction in Kazakhstan and no such group has been able to obtain registration. For example, since spring 2022, the initiative group behind the Alga Kazakhstan! party has had its application for registration returned more than 20 times due to alleged problems with the list of supporters provided.

Local authorities routinely deny permission to hold peaceful assemblies, and detain and penalise participants in non-sanctioned protests before, during and after the protests. Activists gathering without any intention of protesting, for example, to show support for fellow activists during court proceedings have also been fined and locked up.

The publication of a registry of foreign-funded entities in autumn 2023 was a clear attempt to stigmatise and discredit those featured on it, including well-known human rights organisations and defenders. The initiative sparked fears that further measures targeting foreign-funded groups might follow.

Kazakhstan’s few independent media outlets and contributors continue to operate at risk, with an increasing number of cyberattacks being reported in recent months, correspondents of the local service of Radio Free Europe/Radio Liberty being denied accreditation, and other journalists being detained and prosecuted.

Both media representatives and international experts have criticised a draft media law under consideration in parliament for introducing provisions that fall short of international standards and risk

resulting in arbitrary restrictions on the operations of media. These concerns were reinforced by recent amendments to the draft law which, amongst others, would allow the government to deny accreditation to foreign media outlets due to alleged security concerns and to suspend their activities without a court decision. MPs from the ruling Amanat party have also proposed introducing provisions that would criminalise propaganda of so-called non-traditional sexual relations and allow for suspending the operations of media outlets found to engage in such propaganda. Their proposals came on the heels of a government move to block a website set up to inform young people about LGBT issues in February 2024.

Other legislation adopted in autumn 2023 granted authorities new powers to restrict free speech in the name of fighting disinformation by introducing administrative liability for spreading “false” information, in addition to a pre-existing, broadly worded criminal code provision banning the dissemination of such information.

In a troubling pattern, the Kazakhstani authorities continue to initiate charges of “extremism”, “rioting”, “spreading false information”, “inciting discord” and other offenses against civil society activists, opposition supporters, human rights defenders, journalists and bloggers in retaliation for their peaceful activities and criticism of those in power. For example, in November 2023, Alga Kazakhstan! leader Marat Zhylyanbaev was sentenced to seven years in prison on “extremism” charges for activities that have nothing to do with violent extremism, while blogger-activist Duman Mukhamedkarim is currently on trial on similar charges. Last year activists Aigerim Tleuzhan and Kalas Nurpeisov were sentenced to lengthy prison terms because of their alleged involvement in the seizure of Almaty airport during the January 2022 events despite the lack of credible evidence against them. Activist Timur Danebaev was given a three-year prison sentence on vague charges of “inciting discord” after speaking out against Kazakhstani government policies and Russia’s military aggression against Ukraine.

The leader of the opposition Democratic Party, Zhanbolat Mamai received a probationary sentence but was de-facto banned from political campaigning when convicted on unfounded charges of organising riots during the January 2022 events. Many other activists have also been subjected to far-reaching restrictions on their civic activities as part of custodial and non-custodial sentences issued against them. A recent example is that of Nazim Tabyldieva, who was banned from using social media for five years after being found guilty of “spreading false information” in Facebook posts critical of the authorities.

In another development of serious concern, at least three Karakalpak activists have been detained by Kazakhstani authorities since the beginning of this year. They face the risk of forcible return to Uzbekistan on trumped-up charges initiated because of their pro-democracy and rights engagement in relation to the situation in Uzbekistan’s autonomous Karakalpakstan republic. Several other Karakalpak activists, who have been released from detention but denied asylum in Kazakhstan, also remain at the risk of forcible return to Uzbekistan.

We urge the EU to address the issues covered in this paper as a matter of priority during the upcoming dialogue and to demand justice in the individual cases of persecuted activists, journalists and bloggers documented.

January 2022 events: lack of accountability and meaningful political modernisation

Lack of accountability for violations

During the “Bloody” January 2022 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. The authorities have continuously rejected calls for an international investigation into the January 2022 events. At the same time, they have also failed to take adequate measures to investigate allegations of the excessive use of force, torture and ill-treatment and other serious human rights violations committed by law enforcement and security officials in connection with the January 2022 protests and to bring those responsible to justice.

A [report](#) published by Kazakhstan’s Human Rights Alliance in Support of Fundamental Rights – a network of human rights coalitions - found that the authorities **used excessive and often unwarranted force** during the January 2022 protests, thereby **violating citizens’ right to life**. While President Tokayev claimed that his “shoot to kill” order [issued](#) during the January events was targeted at “armed bandits”, the NGO research findings show that security forces **often opened fire indiscriminately** without warning . According to the authors of the report, the deaths of more than 200 civilians who were shot and killed during the January events should be considered as cases of **arbitrary deprivation of life** until it has been established beyond doubt in each individual case that the person in question posed a direct threat to law-enforcement officials or third parties.

There are also **widespread allegations of the use of torture and ill-treatment** against people detained during the January 2022 protests, as a result of which at least [six people](#) died. However, as highlighted in a joint report published by IPHR, KIBHR, Kazakhstan’s NGO Coalition against Torture, and the World Organisation against Torture (OMCT), while the authorities opened investigations into several hundred complaints received about torture and ill-treatment, the investigations have typically not met international standards, victims have not been given appropriate protection and **many investigations have been prematurely closed** due to the alleged lack of elements of crime.

According to [figures provided](#) by the General Prosecutor’s Office, as of early January 2024, **a total of 34 law enforcement and security officials had been convicted** on charges relating to torture and other violations committed during the January 2022 events. Cases involving 42 other officials had been submitted to court, and trials were under way in relation to seven officials. While it is good that these cases have been taken to court, **the number of officials prosecuted remains low** in relation to the scope of abuses reported during the January events.

Moreover, in those cases against officials which have made it to court there **are fair trial concerns**. Such concerns have been reinforced by the closed, non-public nature of some of the proceedings, such as in the following two cases:

- On 8 December 2023, an Almaty district court issued its verdict in a case of 11 officers from the State Committee for National Security (known as KGB) accused of abducting people from the street and torturing them in an attempt to force them to “confess” to acts of violence during the January 2022 protests. A total of **54 people were recognised as victims** in the case, one of whom died as a result of torture. Following a trial that was closed to the public and the media, the court sentenced seven KGB officers to prison terms of three to five years, and three others to three-year suspended prison terms on charges of torture and abuse of power (under articles 146 and 362 of the Criminal Code). One officer was acquitted. When speaking to the Kazakh service of Radio Free Europe/Radio Liberty (RFE/RL), Gulnara Zhuaspaeva - one of the lawyers representing the victims - **expressed regret** that the sentences did not correspond to the severity of the charges, saying that those on trial “beat, punched and kicked” victims in a “Gestapo room”. She was particularly concerned that the person believed to have played a major role in organising the abusive treatment was acquitted. She said that the victims would appeal the ruling. At the time of writing, the appeal hearing has yet to take place.
- Four-year-old **Aikorkem Meldekhan** died when her family’s car came under fire in Almaty during the January 2022 events. Although a forensic investigation concluded that the bullets that hit the car in which she was travelling originated from firearms used by the military, only one soldier **went on trial** in relation to her death in summer 2023 – on charges of abuse of power (under Criminal Code article 451). Aikorkem’s family had **demande**d that the case be reclassified as a “murder” case and that all those involved in the shooting be prosecuted. Following a trial held behind closed doors, a local court issued its verdict on 15 November 2023, **acquitting** the soldier charged in the case because of the alleged lack of elements of a crime. In addition, the court **ruled** that a separate case should be opened against Aikorkem’s father for allegedly endangering the girl (under Criminal Code article 119), in what appeared to be an attempt to shift blame onto him. The ruling caused an outcry and Aikorkem’s family **appealed** against it. On 28 March 2024, an appeal court **overturned** the lower-level court’s ruling, finding the soldier charged in the case guilty of “abuse of power” and sentencing him to seven years in prison. The court also **requested** the Minister of Defense to take measures to prevent similar violations of the law by military personnel in future. It is welcome that the initial ruling in this case was repealed, but it is also crucial that all those responsible for the girl’s death are brought to account. The authorities should take adequate measures to protect her family, who **reported** being subjected to pressure by security services during the investigation.

There are also **concerns about the lack of fairness of proceedings in cases initiated against non-state representatives** charged with involvement in unlawful acts during the January events. Those prosecuted include people killed during the January events, who have been posthumously charged and 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, legitimate civic engagement (see more in the chapter on individual cases of concern).

In what was described as an act of humanism aimed at ensuring reconciliation of society, in September 2022, President Tokayev **announced** an amnesty for people charged with criminal offenses in relation to

the January 2022 events, including both protest participants and state officials. The [amnesty law](#), which was subsequently adopted, set out that those charged with crimes of lesser gravity were eligible to be cleared of charges and freed from penalty, and those charged with more serious offenses to have their sentences reduced. However, people charged with certain serious offenses such as terrorism, extremism, the organisation of riots, torture and intentional murder were not eligible for amnesty. According to [official information](#), as of early 2024, a total of 1198 people had benefited from amnesty in relation to the January events, with most of them (1097) having had their sentences reduced.

Political modernisation drive

In the aftermath of the January 2022 events, President Tokayev vowed to roll back the “super presidential” rule put in place by his predecessor Nursultan Nazarbayev, promote political modernisation, and create “a new Kazakhstan”. As part of this drive, a referendum was organised in June 2022, during which voters approved a [set of amendments](#) to the constitution, which, among others, reduced the president’s powers in some areas, introduced a new electoral system for parliament and strengthened its role in certain aspects, prohibited the president’s family from holding government posts, and removed references to ex-President’s Nazarbayev as the “leader of the nation”.

While welcoming reforms aimed at strengthening democratisation and human rights, civil society representatives have [expressed concerns](#) that **the reforms initiated by President Tokayev are limited in nature** and are unlikely to translate into any substantial improvements, unless more systematic measures are taken to change current undemocratic practices. Moreover, the president’s modernisation drive has been **undermined by ongoing persecution of critics and opponents** of the government as documented in more detail below in this briefing paper.

At President Tokayev’s initiative, **early presidential and parliamentary elections** were held in November 2022 and March 2023, respectively. He argued that this was necessary to ensure the successful implementation of the reforms initiated by him. President Tokayev was re-elected with over 80 percent of the vote in the early presidential elections, which a monitoring mission deployed by the OSCE Office of Democratic Institutions and Human Rights (ODIHR) [concluded](#) took place “in a political environment lacking competitiveness” where the incumbent “**was not meaningfully challenged**”.

The March 2023 parliamentary elections were held under a new, mixed electoral procedure, whereby 70 percent of the members of the lower house of parliament (*Mazhilis*) were elected based on party lists, and 30 percent from single-mandate constituencies. As previously, no genuine opposition parties ran in the elections as they have been unable to obtain state registration (see more in the chapter on violations of freedom of association) and thus **only parties advocating pro-government positions filed candidates**. In addition, **independent, non-party affiliated candidates reported facing difficulties**, e.g., by being denied registration on spurious grounds and being subjected to pressure during campaigning. An election monitoring mission deployed by the ODIHR and the OSCE’s Parliamentary Assembly [regretted](#) the obstacles facing opposition parties and self-nominated candidates and documented “significant procedural irregularities” on election day. The ruling Amanat party [secured](#) most of the seats in parliament, and five other registered political parties also gained representation.

Recommendations

The Kazakhstani authorities should:

- Agree to an [international, independent inquiry](#) into the January 2022 events to clarify what happened during the crisis (with a particular focus on human rights aspects), establish the chronology of events, and determine the role and responsibility of different actors.
- Ensure that all allegations of human rights violations are investigated in an impartial, transparent, and effective manner and that those responsible are brought to justice in fair trials and given penalties commensurate with the severity of the violations committed. As part of this, the authorities should re-open investigations that have been prematurely closed and invite international experts to take part in the investigations.
- Ensure that trials held against non-state representatives charged with participation in the January 2022 events fully correspond to international standards and that no one is committed of criminal offenses because of their peaceful exercise of the freedoms of assembly, association, and expression. Those convicted of participation in the January events without substantial grounds should be cleared of charges and released, if currently in prison.
- Initiate comprehensive political reforms aimed at ensuring genuine political pluralism and freedom for different political groups and their representatives – including those who are critical of the government – to take part in the political process and decision-making.
- Take effective measures to implement all recommendations issued by the ODIHR regarding the conduct of elections in the country.

Violations of the freedom of association

Denial of registration and harassment of opposition groups

As part of his initiative to promote political modernisation following the January 2022 events (see the previous chapter), President Tokayev [pledged](#) to make it easier for political parties to obtain compulsory state registration. Legislative amendments were subsequently adopted to reduce the number of members or supporters needed for the registration of a political party and, prior to the March 2023 parliamentary elections, two new parties were granted registration: the green party Baytak and the Respublica party, bringing the total number of registered parties to seven. However, these parties have adopted pro-government positions, while genuine opposition parties continue to face difficulties with obtaining registration.

These difficulties are illustrated by the case of the initiative group behind the opposition party **Alga Kazakhstan!** (“Forward Kazakhstan!”), which was established in spring 2022. The party has been unable to obtain registration as the Ministry of Justice **has returned its application documents repeatedly**, alleging inconsistencies with technical legislative requirements governing the registration of political parties. In particular, the authorities have argued that the initiators have failed to provide proof of a sufficient number of supporters, although they have collected signatures from many more people than required and also provided video confirmations of support from signatories. In March 2024, Alga Kazakhstan! filed its application for registration for the 23rd time.

Members of the Alga Kazakhstan! initiative group have also been **subjected to intimidation and harassment by law enforcement authorities** on an ongoing basis, for example, by being **summoned and questioned** about their involvement in the organisation and **detained and penalised** for peacefully protesting and expressing support for party leader **Marat Zhylanbaev**, who was imprisoned on trumped-up charges in November 2023 (see more about his case in the section on individual cases of concern).

The **Atajurt organisation**, which defends the rights of ethnic Kazakhs living in China and criticises the Chinese government's treatment of members of this minority in the Xinjiang region, has also been unsuccessful in registering as a political party. In April 2023, its application for registration was rejected because its list of supporters allegedly featured the names of people who were underage or members of other political parties. Atajurt activists have reported being **subjected to pressure** in connection with the movement's attempts to register, including through threatening phone calls and other forms of intimidation. For example, in November 2023, activist Kapar Akhat was **fined** for participating in an unregistered public association (under article 489 of the Code of Administrative Offences) because of a social media post in which he called on others to join the Atajurt party. According to the police, he is not allowed to make such calls until the party has been registered.

The opposition **Democratic Party** remains unregistered after authorities **obstructed** the holding of its constituent congress in 2020 (a requirement for applying for registration). Party activists have faced intimidation and harassment, for example by being detained when holding peaceful protests, kept under surveillance, summoned for questioning, and subjected to **physical attacks**. Party leader **Zhanbolat Mamai** was effectively prevented from opposition campaigning when handed a suspended six-year prison sentence in April 2023 and banned from engaging in political, civic, or social media activities during this period. In recent months, the party has been less active because of the pressure it has faced.

The authorities continue to **crack down on supporters and alleged supporters of the opposition movements Democratic Choice of Kazakhstan** (known under its Russian abbreviation DVK) and the **Street Party** (*Koshe Partiyasy*) by detaining them when peacefully protesting and bringing criminal charges against them because of their peaceful civic activities (for recent examples, see the chapter on individual cases of concern). In court rulings that have not been made public, the DVK was banned as "extremist" in March 2018, and the Street Party in May 2020, although neither of the two movements advocates or endorses violence. The authorities have treated the Street Party as an alleged successor to the DVK, although it has **denied** this. In its **resolution** on the human rights situation in Kazakhstan, adopted in February 2021, the European Parliament condemned the abuse of anti-extremism legislation against supporters of these two peaceful opposition movements and it is important that that the EU continues to speak out against the misuse of extremism charges to stifle criticism.

Public record of foreign funded organisations set up

There are concerns about new efforts of the authorities to control and stigmatise civil society organisations (CSOs) receiving funding from abroad. In accordance with existing legislation, CSOs that receive foreign funding for activities that include legal assistance, surveys, as well as data collection, analysis and dissemination are required to report about their funding to the government. This information is included in a database, which previously was only accessible to government bodies.

However, in March 2023, the Ministry of Finance decreed that the registry should be made public. Subsequently, in September 2023, **a list of legal entities and individuals receiving funding from foreign donors and sources was published** on the website of the Ministry of Finance's State Revenue Committee. The 240 entries on the list included many well-known human rights organisations, including KIBHR, Adil Soz, Ar.Rukh.Khak, Kadyr-Kassiet, the International Justice Initiative, FemAgora and other local groups, as well as the Almaty-based regional office of the Norwegian Helsinki Committee. Individual human rights defenders are also featured on it.

In a **joint statement** issued together with eight other human rights NGOs, IPHR expressed concerns about the publication of the list, saying it "serves no other purpose except to stigmatise, discredit and discriminate against those" included on it. The organisations noted that at least one group (the Echo election monitoring group) had been singled out for additional, discriminatory bank scrutiny because of its inclusion on the list. The NGOs called on the Kazakhstani authorities to abolish the public registry and repeal the legislative provisions that establish a separate, discriminatory reporting scheme for organisations and individuals who receive foreign funding. Together with the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT) and other FIDH members, KIBHR **also criticised** the publication of the new list, saying it echoes Russian foreign agent legislation and practice and calling on the authorities to stop restricting and discrediting the activities of CSOs that receive foreign grants.

The initiative sparked fears that further measures targeting foreign-funded groups might follow.

Recommendations

The Kazakhstani authorities should be requested to:

- Ensure that opposition political parties can obtain state registration and that they and their members can carry out their activities without undue obstruction and hindrance.
- Stop targeting and penalising individuals for their legitimate civic engagement on the grounds of their association or alleged association with opposition movements.
- Refrain from any measures of undue control and stigmatisation of foreign-funded CSOs and safeguard their right to work without intimidation and harassment.
- Abolish the public list of foreign-funded entities due to its discriminatory and stigmatising nature.

Violations of the freedom of peaceful assembly

After the January 2022 events, the authorities have continued to **systematically violate the right to freedom of peaceful assembly**. The new law on assemblies adopted in 2020 formally provides for a notification procedure, but de-facto requires organisers of assemblies to obtain advance permission from local authorities. The authorities have continued to implement this law selectively, **routinely denying permission for peaceful protests** on issues that are inconvenient to those in power, typically without providing any proper explanations or offering any alternative venues. Peaceful assemblies held without advance permission are dispersed by police, and participants are detained and penalised by being fined

or locked up for up to 15-20 days. Even those holding individual pickets – a type of protest not regulated by the Law on Assemblies – are detained.

Moreover, in addition to detaining protesters gathering for peaceful assemblies, authorities regularly carry out “preventive” arrests of activists prior to planned protests and “delayed” detentions several days or weeks after unsanctioned protests. Authorities often apply a broad interpretation of the term “assembly”, also targeting activists because of their participation in gatherings that do not constitute organised protests, such as, for example, gatherings outside courts where cases against activists are considered.

These are only a few examples of violations of the right to freedom of peaceful assembly from recent months:

- In several cases, authorities have cracked down on the peaceful gatherings of **relatives of people who died during the “Bloody” January 2022 events**. For example, on 15 January 2024, a group of relatives came to Astana from the cities of Taraz and Shymkent in the hope of meeting President Tokayev and call for fair investigations into the cases of their relatives who were posthumously convicted of serious crimes. However, they were **detained** by security forces outside the presidential palace and taken to a local police station. They were held for several hours before being fined for violating the rules for holding peaceful assemblies. In another case, on 1 August 2023, a group of people **gathered** for a peaceful protest outside the mayor’s office in the city of Shymkent to demand that the authorities identify and bring to justice those guilty of killing their relatives who died during the January 2022 events. Several hours into the protest, police **detained** the participants and took them to a local police station. Most of them were subsequently released without charge, but two protesters were sentenced to five- and 10- days’ detention, respectively, for participating in an unsanctioned assembly.
- As documented by KIBHR, **at least four civil society activists** were **sentenced** to 15 days’ detention and at least three were fined for allegedly participating in an unsanctioned assembly when gathering outside the building of Almaty City Court on 19 September 2023. On this day, the court was due to hear appeals in the cases of activists convicted in relation to the seizure of Almaty airport during the January 2022 events (see more on this case in the chapter on individual cases of concern). As the doors of the court building were locked, activists stood **outside** for about two hours before learning that the hearing had been postponed to a later date. Their gathering outside the court building was later deemed an unsanctioned assembly, although no protest had taken place.
- Local authorities have repeatedly violated the freedom of peaceful assembly of **activists from the Alga Kazakhstan! opposition party**, which has been denied registration (see more in the chapter on violations of freedom of association). Requests filed by Alga representatives to hold peaceful protests have been rejected, and numerous Alga activists have been handed sentences of short-term detention on charges of allegedly violating the rules for holding assemblies. They have, for example, faced such charges after participating in **support actions** for imprisoned party leader

Marat Zhylanbaev (see the chapter on individual cases of concern), and [gathering](#) outside the court where his trial was taking place behind closed doors.

- On 22 February 2024, around 40 [supporters of journalist-blogger-activist Duman Mukhamedkarim](#) (see the chapter on individual cases of concern) gathered outside the court building in the city of Qonaev, where his trial was taking place behind closed doors. A local official [warned](#) them that their gathering was “unlawful”, insisting that they should have obtained for permission for it, although they only wanted to show their support for Mukhamedkarim. At least three activists were sentenced to up to 20 days’ detention. This case shows how widely authorities interpret the term “assembly”.
- [Independent feminist activists reported receiving multiple rejections](#) to their requests to hold a peaceful rally and march in support of women’s rights in Almaty on International Women’s Day, marked on 8 March 2024. Authorities [argued](#) that the planned events on this topic might threaten public order. At the same time, local authorities gave green light for a gathering calling for a “worthy life” for women, which was organised by an activist linked to the ruling Amanat party on 7 March. This is not the first time that independent feminist activists have faced difficulties in organising peaceful assemblies on International Women’s Day. Last year, they were eventually allowed to gather in Almaty, but refused permission to hold a rally and march at the central location they had requested.
- On Independence Day, celebrated on 16 December 2023, [activists from the Qyan, Qazaqstan! movement and the unregistered Democratic Party](#) gathered at Republic Square in Almaty to honour the memory of protesters killed during the January 2022 events, the December 2011 Zhanaozen [events](#) and the 1986 Zheltoksan events and demand accountability for those responsible for the killings. Among others, the activists drew attention to the case of four-year old Aikorkem Meldekhan, who was killed during the January events (see the chapter on the January 2022 events). Three activists were subsequently [sentenced](#) to 15 days’ detention for violating the rules for holding assemblies. In addition, in early January 2024, three other activists received similar sentences for gathering to express support for their previously detained co-activists.
- On 15 February 2024, [a group of entrepreneurs](#) involved in retail trade [gathered](#) outside the Almaty city administration to demand that the city implement a tax reduction similar to that implemented in other regions of the country. Five days later, four participants were fined, and the alleged organiser of the gathering was sentenced to 10 days’ detention.

Recommendations

The Kazakhstani authorities should be requested to:

- Revise the law on organising and conducting peaceful assemblies, in accordance with the advice of national and international experts, to bring it into compliance with international standards, including by providing for a simple notification procedure for assemblies, clearly defining what constitutes an assembly under the law, and protecting the right to hold spontaneous protests.

- Allow peaceful protests to take place without hindrance and ensure that citizens are not detained, fined, or sentenced to administrative arrest for organising, calling for or participating in peaceful assemblies, even if these assemblies have not been pre-approved by authorities.
- Put an end to the practice of “preventive” detentions of activists ahead of planned or expected peaceful protests.
- Protect the rights of human rights defenders and journalists who monitor and cover protests.

Violations of the freedoms of expression and the media

Concerns about draft media law

A new **draft media law** put forward by the government in February 2023 **attracted widespread criticism** from the media community. Media organisations and journalists voiced **concerns** that the draft law, if adopted, would **increase state control** over the activities of media. They also criticised the fact that the draft law had been elaborated without consultation with media and civil society and failed to reflect recommendations made by journalists and NGO representatives as part of a government working group previously established to develop draft media legislation.

Due to the criticism, the draft media law was **revised** and several improvements made before it was submitted to parliament for consideration. However, media representatives remain concerned that the **revised draft law fails to adequately protect the freedoms of media and expression** in accordance with international standards. International experts have also voiced similar concerns, in particular in an **expert analysis**, carried out at the request of the OSCE Representative on Freedom of the Media, which was made public in October 2023.

The OSCE analysis welcomed certain features of the draft law, such as a definition and ban on censorship, set deadlines for state bodies to respond to requests for information from media and journalists, the establishment of a statute of limitations for defamation lawsuits relating to journalistic materials and a proposed mechanism for state funding of non-state media. However, the OSCE analysis also concluded that **the draft law contains provisions which are inconsistent with international standards and best practice in the OSCE region**. Among others, the analysis raised concerns that the draft law does not clearly define key concepts and contains vaguely worded restrictions on media content, that provisions on the registration and regulation of media do not adequately account for the differences between different types of media outlets, and that there are insufficient guarantees against arbitrary decisions to restrict or suspend the activities of media. The analysis also expressed concern about proposed press cards for journalists, saying the possession of such cards should not be a condition for carrying out journalistic activities, and regretted that the draft law does not foresee the creation of an independent media regulatory body.

In addition, in January 2024, a working group set up to consider the new media law voted in favour of adding **several problematic amendments** to the draft law. These include a requirement for online media to **undergo compulsory state registration**, and provisions granting the government **broad powers** to deny

accreditation to foreign media outlets and their reporters on the grounds of national security, as well as to suspend the activities of such outlets without a court decision.

In a further development of concern, in early April 2024, MPs from the ruling Amanat party proposed introducing new provisions regarding propaganda of so-called non-traditional sexual relations in the media law project. In particular, they proposed introducing provisions that would allow for [suspending](#) the operations of media outlets found to engage in LGBT propaganda and [establish criminal responsibility](#) for such propaganda. At the time of writing, it is not clear whether these proposed provisions have been approved for inclusion in the draft legislation.

The draft media law was [passed by the lower house of parliament on first reading](#) in November 2023 and is currently pending additional readings in parliament.

The fight against “false” information

A new law on online platforms and advertising was signed by the president in July 2023 and [entered into force](#) in September 2023. In accordance with the law, the owners of online platforms operating in Kazakhstan are required to cooperate with state bodies on counteracting the spread of “false” information, including by appointing a specific representative for this purpose if the platform has an average of more than 100,000 visitors a day. Online platforms are also required to delete “unlawful” content or risk being blocked. Given the lack of clear definitions of the terms “false” and “unlawful” information, there are **concerns that the implementation of the new provisions might result in undue restrictions on the dissemination of and access to information.**

Moreover, the law introduced a new provision to the country’s Code of Administrative Offences (article 456-2), which **penalises the publication and dissemination of “false” information.** Individuals found guilty of violating this provision can face fines of up to approx. 275 EUR or 10 days’ detention and, in the case of bloggers, fines of approx. 345 EUR or 15 days’ detention. Non-commercial organisations and other legal entities can be fined up to approx. 415 EUR (small entities) or more (large entities). Given the vague wording of the new provision, it lends itself to restricting legitimate free speech. Concerns about its misuse were reinforced by the fact that a pre-existing provision of the Criminal Code (article 274), which penalises “knowingly” spreading “false” information, has frequently been used against government critics.

There have already been several cases in which the new administrative provision on “false” information has been used to limit freedom of expression. These are two such cases:

- As documented by KIBHR, on 28 September 2023, a local court in Akmola Region [convicted](#) civil society activist **Nazgul Zhusupova** of disseminating “false” information under article 456-2 of the Code of Administrative Offences and fined her the equivalent of 140 EUR. The charges against her concerned an Instagram post where she shared a photo of President Tokayev with the comment “This person is dangerous. He sold the lands of Burabay district to Russia!”. As the activist explained in court, her post related to a court-sanctioned decision from 2021 whereby a total area of 43 hectares in the district in question was handed over to the state-owned Russian

Sberbank and its affiliated entity for free long-term use. The activist stressed that she merely expressed her opinion on this issue.

- On 16 November 2023, a court in Almaty [found](#) the **Kazakhstan office of RFE/RL** guilty of disseminating “false” information under article 456-2 of the Code of Administrative Offences and fined it an equivalent of about 200 EUR. The court ruling was based on a complaint from a local resident concerning an article published by the outlet, which referred to the Collective Security Treaty Organisation – which is made up of the six post-Soviet states Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan – as an organisation “led” by Russia. The complainant argued that this statement allegedly called into question Kazakhstan’s sovereignty and independence and misled readers. The case appeared clearly aimed at putting pressure on the RFE/RL service because of its independent reporting and after this conviction the service reported problems with obtaining/renewing accreditation for their journalists (see more below).

As local courts have started applying the new administrative provision to issue fines, there have also been new criminal cases on the distribution of “false” information (for recent examples, see the chapter on individual cases of concern).

Obstruction of the work of media

Kazakhstan’s few independent media and their contributors continue to operate at risk. A series of **physical and cyberattacks** on independent outlets and journalists [were reported](#) ahead of the March 2023 parliamentary elections. The police arrested around 20 people accused of involvement in these attacks, as well as the suspected organiser, who allegedly acted based on “personal grievances” against media outlets and journalists. The suspected organiser was eventually [freed from criminal responsibility](#) by reason of insanity. It is not clear if any of the other individuals suspected of involvement in the attacks have been convicted.

In recent months, there has been **an increasing number of cyberattacks** against media and journalists. In this context, the Adil Soz Foundation for the Protection of Freedom of Speech issued a [statement](#) in November 2023, deploring a series of cases in which independent news sites have been subjected to DDoS and other cyberattacks, as well in which the social media accounts of well-known journalists have been targeted by hackers and fake accounts created in their name. The organisation stressed that these attacks “pose a serious threat to freedom of speech, independent journalism and information security” in Kazakhstan and called on the authorities to take effective measures to investigate reported incidents and protect journalists.

There have also been cases of **arbitrary detentions** of journalists, for example:

- On 11 August 2023, police [detained](#) journalist **Sandugash Duisenova** in the city of Taldykorgan on suspicion of disseminating information in violation of privacy protections, an offense which is punishable with up to seven years in prison under article 147 of the Criminal Code. Her detention followed a complaint filed by a prisoner serving a sentence for murder concerning a social media post that the journalist had published while he was hiding from the police. According to

Duisenova, the post encouraged anyone who had information about the whereabouts of the suspected murderer to contact the police and featured his personal identification number for this purpose. Duisenova [reported](#) being intimidated and subjected to degrading treatment during her detention, in particular by being asked to undress completely while she underwent a body search which was recorded. She was subsequently released under instructions not to leave her home city without police permission. The journalist and her colleagues believed the detention and case initiated against her to be an attempt to put pressure on her because of her professional activities, which have included covering issues related to corruption and pressing social issues for various media outlets.

In a welcome development, based on a complaint filed by Duisenova's lawyer, the regional prosecutor [decided](#) on 14 August 2023 to end the criminal investigation against the journalist because of the lack of an element of crime in her actions. However, those responsible for Duisenova's unlawful detention and treatment should also be held accountable. In January 2024, the journalist [filed a lawsuit](#) with a local court, requesting compensation for moral damages from the government in relation to her detention.

In addition, there have been new cases in which journalists and bloggers have faced **administrative and criminal charges** believed to have been initiated in retaliation for their legitimate activities (for examples, see the previous section and the chapter on individual cases of concern below).

A further development of concern is the **denial of accreditation to foreign journalists**. In January 2024, the local RFE/RL service, Radio Azattyq learned that the Foreign Ministry had [refused](#) to grant or extend accreditation to more than 30 of its correspondents. The Ministry [claimed](#) that the journalists had violated national law by working while their applications were pending. However, Radio Azattyq stated that the applications for accreditation had been filed on time, but that the Ministry had failed to consider them within the required two-month period. The service filed a complaint with court, which was pending at the time of writing. Concerns about arbitrary rejections of accreditation to independent journalists have been reinforced by recent amendments proposed to the draft media law under consideration (see more above).

Blocking of LGBT site

In another recent development giving rise to concerns about violations of freedom of expression on the internet, in February 2024, the Ministry of Culture and Information [blocked a website set up to inform young people about issues relating to LGBT relations](#). The Ministry argued that this move was aimed at protecting children's rights and national traditions. The site in question, Selftanu.kz, had been launched as late as in January 2024, and featured information in Kazakh and Russian about health, relationships, and sexual orientation for young people. At the time of writing, the site remains blocked.

Recommendations

The Kazakhstani authorities should be requested to:

- As called for by civil society representatives, withdraw the draft media law in its current format and ensure that new media legislation is elaborated with due account of the recommendations made by media experts, journalists, and civil society representatives, as well as international standards and best practice.
- Ensure that the fight against “false” information is not misused to stifle freedom of expression on the internet and that any restrictions enforced on online content meet the strict requirements for permissible limitations set out by international human rights law.
- Ensure that all reported acts of intimidation and harassment against media and journalists, including cyberattacks are promptly, thoroughly, and impartially investigated and that both those who carry out and order attacks are held accountable.
- Ensure that requests for accreditation filed by foreign journalists are promptly considered and that such requests are not rejected on arbitrary grounds.

Individual cases of concern: criminal prosecution of activists, journalists, and bloggers

Civil society activists, opposition supporters, human rights defenders, journalists, and bloggers who are critical of the authorities continue to face intimidation and harassment in Kazakhstan. The initiation of criminal charges against activists, journalists, and bloggers in retaliation for their peaceful activities is of particular concern. In this chapter, we describe some recent cases of concern involving such charges.

Cases related to the January 2022 events

Many civil society and opposition activists were charged with rioting (under Criminal Code article 272) and other charges relating to the January 2022 events under circumstances suggesting that the charges were initiated in retaliation for their peaceful, legitimate civic engagement. Some activists faced charges of “knowingly spreading false information” during the protests under a broadly worded provision of the Criminal Code (article 274), which has repeatedly been used to stifle free speech. While the criminal cases against some activists have been closed, and some were granted amnesty, others are serving sentences issued against them or proceedings are still under way.

Among those convicted in relation to the January 2022 events is **Zhanbolat Mamai**, the leader of the unregistered opposition Democratic Party:

- On 10 April 2023, an Almaty court [convicted](#) Mamai of organising mass riots and knowingly spreading false information (under articles 272 and 274 of the Criminal Code) and **handed him a suspended six-year prison sentence**, which could be turned into a real prison sentence if he is found to violate the terms of his probation.

The main charges initiated against Mamai relate to the January 2022 events, when he is accused of instigating unrest in Almaty, despite the lack of any credible evidence to support these charges. Mamai denies the charges, stressing that he only peacefully protested for political and social change.

While it was a relief that Mamai was not imprisoned, his sentence was still a **clear attempt to silence him** in violation on Kazakhstan's international human rights obligations.

The court also prohibited Mamai from conducting political, civic or social media activities during the period of his suspended prison sentence, thereby **effectively preventing him from continuing his opposition campaigning**. In addition, the court later **confirmed** that Mamai also is prohibited from engaging in activities that are not directly related to his opposition engagement, such as taking part in conferences and using social media to discuss non-political issues, giving interviews to media in his private capacity, and writing and publishing books and book reviews. These represent excessive and unacceptable restrictions on his fundamental freedoms.

Mamai filed an appeal against the sentence, which was rejected in June 2023. At the time of writing, Mamai's defence is preparing an appeal to the Supreme Court.

In the following case, activists were imprisoned on charges related to the January 2022 events:

- In July 2023, an Almaty court **handed** civil society activists **Aigerim Tleuzhan** and **Kalas Nurpeisov** prison sentences of four and eight years, respectively, because of their purported involvement in the seizure of Almaty airport on 5 January 2022. The two activists were found guilty of organising mass riots accompanied by violent acts at the airport, with Nurpeisov additionally being convicted of robbery and assaults on property. Three other activists received eight-year prison sentences on charges of participating in riots and assaults on property. At an online hearing held on 10 November 2023, an appeal court **upheld** the activists' sentences and ordered them to pay significant financial compensation to the airport and several companies operating there for damage they had allegedly inflicted. At the time of writing, an appeal to the Supreme Court is being prepared in the case. In early April 2024, it was **reported** that Tleuzhan had launched a hunger strike to protest against her treatment in prison, in particular difficulties with accessing to medical assistance.

Tleuzhan and Nurpeisov admitted being at the airport on 5 January 2022, saying they went there briefly to see what was going on after hearing rumours about the arrival of Russian troops (such troops eventually arrived on 6 January 2022 in response to President Tokayev's request for support from the Collective Security Treaty Organisation). However, they categorically denied the charges against them, **calling** them absurd and politically motivated. According to KIBHR's **monitoring**, the prosecution failed to back up the charges against the two activists, largely relying on testimonies of witnesses, many of whom either did not identify the defendants in court or recanted their statements, saying they had been made under pressure. The activists' lawyers told Radio Azattyk that the court ignored most of the evidence supporting the defendants' innocence, and that video material presented during the trial clearly showed that they did not commit the serious crimes of which they were convicted.

The circumstances of the case and the flawed nature of the legal proceedings suggest that the two activists were unfairly used as scapegoats for the events at Almaty airport, diverting attention from the real organisers who have not been identified. At the time, the authorities **claimed** that well-organised "militants" had seized the airport, while publicly released video footage **showed** masked men, some of them with sticks, walking and shouting at the airport.

Human rights defenders have voiced serious concerns about the conviction of activists in relation to the Almaty airport seizure and consider Tleuzhan and Nurpeisov political prisoners. Amnesty International called for the immediate and unconditional release of Tleuzhan, Nurpeisov and their co-defendants, concluding that they were convicted after a trial which was “marred by violations of international fair trial standards” and “failed to demonstrate their guilt”.

Several activists who were detained and criminally charged in relation to the January events have **reported being subjected to torture and ill-treatment** in detention. This is only one example:

- **Raigul Sadyrbayeva**, an activist from the human rights association Elimai in the city of Semey, was detained on 12 January 2022 and charged with participating in mass riots and attacking or seizing public property (under articles 272 and 269 of the Criminal Code) during the January protests in her home city. The charges were believed to be retaliation for her human rights and civic engagement and related to her monitoring of protests in the centre of Semey, which evolved into clashes between protesters and law enforcement authorities on 5 January 2022.

Sadyrbayeva spent two months in pre-trial detention during which time, she **reported** being subjected to torture and ill-treatment, including suffocation, attempted rape, being threatened at gunpoint, and psychological pressure with the aim of forcing her to confess. She also reported facing restrictions on her contacts with her lawyer and family. In March 2022, she was **transferred** to house arrest pending further investigation of her case and in December 2022, the criminal case against her was closed by **decision** of the regional prosecutor’s office. Whilst this was a welcome decision, it remains of concern that no one has been held accountable for the torture, ill-treatment, and other violations to which she allegedly was subjected in detention.

Other recent cases

In recent months, the authorities have also opened criminal cases against activists and other critical voices over incidents unrelated to the January 2022 events. It is of particular concern that the authorities have exploited broadly worded criminal code provisions on “extremism” and “spreading false information” to target “inconvenient” individuals.

These are two recent cases of concern where “extremism” charges have been used:

- On 19 November 2023, a local court in Astana **convicted Marat Zhylanbaev**, the leader of the unregistered Alga Kazakhstan! party, of involvement in a banned extremist organisation and financing of extremist activities (under articles 405 and 258 of the Criminal Code). The court sentenced him to seven years in prison and banned him from engaging in public and political activities for three years. Zhylanbaev had been held in detention since May 2023, when he was arrested in the criminal case opened against him immediately after spending 20 days in detention because of his participation in a peaceful unsanctioned protest. On the day of his arrest, police also carried out a search of his home.

When Zhylanbaev’s trial began at the end of October 2023, the court **announced** that the proceedings would be held behind closed doors due to alleged safety concerns of two

undisclosed witnesses. Zhylanbaev sewed his mouth shut and launched a hunger strike to [protest](#) against this decision, and his lawyer petitioned for the decision to be reversed. However, the court did not change its stance and, as a result, Zhylanbaev's family, his supporters, observers and journalists were not allowed to attend the trial, which reinforced concerns about the lack of fairness of the proceedings.

Zhylanbaev was accused of involvement in "extremist" activities because of his alleged contacts with activists from the banned DVK opposition movement (for more information about the campaign against this movement, see the chapter on violations of freedom of association), and its exile-based founder Mukhtar Ablyazov. He was further accused of "financing terrorism" because of [bank transfers](#) to co-activists to help them cover registration fees related to their candidacy as self-nominated candidates in the March 2023 parliamentary elections, in which Zhylanbaev also attempted to run before being disqualified. The bank transfers were considered funding for "extremist" activities because the recipients were deemed to be DVK supporters.

Available case materials show that the "extremist" charges levelled against Zhylanbaev lack any substantial basis and were initiated to penalise him for his opposition activities and his criticism of the authorities. He was held accountable for activities that constitute legitimate exercise of the freedoms of expression, association, and assembly, such as participation in group chats, social media posts and peaceful protests, and have nothing to do with violent "extremism".

In a [joint statement](#), IPHR and KIBHR said that Zhylanbaev's conviction was "a shocking illustration of the Kazakhstani authorities' lack of commitment to genuine democratic reform" and was "intended as a warning to other vocal government critics". The two organisations called on the Kazakhstani authorities to immediately and unconditionally release the activist, who was previously a world-renowned marathon runner and became the first person to [run through](#) the world's largest deserts alone. Other NGOs, including [Human Rights Watch](#) and [Amnesty International](#), as well as [representatives of the international community](#) also called for his release.

In January 2024, Astana City Court [rejected](#) Zhylanbaev's appeal against his conviction and upheld his sentence unchanged. His defense is now preparing an appeal to the Supreme Court.

- **Duman Mukhamedkarim**, journalist, YouTube blogger and opposition activist known for his criticism of the authorities, [went on trial](#) in the city of Qonaev in mid-February 2024. The trial is being held behind closed doors. Mukhamedkarim was arrested in July 2023 and remanded to pre-trial detention on charges of financing extremist activities and participating in the activities of a banned extremist organisation (under articles 258 and 405 of the Criminal Code). These charges relate to a live broadcast he aired in December 2022 together with DVK founder Mukhtar Ablyazov. According to the investigation, Mukhamedkarim published information about how to make donations to the DVK and expressed support for the organisation's programme. His arrest came the same day as he was due to be released after serving a sentence of administrative detention for allegedly violating the rules for holding peaceful assemblies. Mukhamedkarim has repeatedly been subjected to administrative detention after announcing his intentions to hold peaceful protests without prior permission from the authorities.

Kazakhstani human rights defenders have recognised Mukhamedkarim as [a political prisoner](#) and, among others, Human Rights Watch has [called](#) for his release.

At the time of writing, Mukhamedkarim's trial is still under way. Following the start of the trial, he [held](#) a hunger strike to protest against the court's decision to close the proceedings to the public. He also reported being subjected to ill-treatment while being transferred to court from the pre-trial detention facility, resulting in an investigation into his complaint being opened. If found guilty on the charges against him, Mukhamedkarim could face a lengthy prison sentence.

Other recent cases in which alleged DVK supporters have been imprisoned include:

- On 19 December 2023, a court in Astana [convicted](#) civic activist **Askar Sembay** to six years in prison on charges of organising the activities of a banned organisation and publicly calling for the seizure of power (under Criminal Code articles 405 and 179). He was also banned from engaging in civic and political activities for five years. Sembay, a former police officer who has actively participated in peaceful protests to call for democracy and respect for human rights since 2019, was accused of supporting the banned DVK. He has previously been detained for participating in unsanctioned protests on repeated occasions. Kazakhstani human rights defenders consider the charges initiated against Sembay to be politically motivated and have recognised him as a political prisoner.
- A few days before the early presidential elections held on 20 November 2022, security services [claimed](#) to have foiled the activities of a group planning to organise riots with the aim of seizing power on election day. During a special security operation, **seven alleged members of this group** were detained. According to the security services, those apprehended were members of the banned DVK and the Street Party (see the chapter on violations of freedom of association for more information) and "sympathised with" and "held similar views" to DVK founder Mukhtar Ablyazov. On 9 March 2024, an Almaty court convicted six defendants to prison terms of five to six years on charges of publicly calling for the violent seizure of power, involvement in an "extremist" group, organisation of riots and other charges. They all maintained their innocence. However, one defendant, who reportedly confessed during the investigation and testified against the others, was given a suspended three-year sentence.

Lawyers of the defendants, as well as observers monitoring the proceedings [concluded](#) that the authorities failed to present any convincing evidence of the guilt of the defendants, with the charges being based primarily on witness statements, testimonies provided by the defendant who "confessed" and secret recordings of the defendants' conversations, as well as a so-called potato cannon that they were found to have prepared. Human rights defenders have [deemed](#) the case politically motivated and recognised the defendants as political prisoners.

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

In the following cases, charges focused on the alleged dissemination of "false" information:

- On 10 November 2023, a district court in Almaty [convicted](#) civil society activist **Nazim Tabyldieva** of “knowingly spreading false information” and “offending a representative of the authorities” (under articles 274 and 378 of the Criminal Code, respectively). The court sentenced her to 1.5 years’ restricted freedom – a non-custodial sentence that entails limitations on the movement of those affected – and prohibited her from engaging in public and political activities on social media for five years. The case against Tabyldieva concerned [a series of Facebook posts](#) in which she criticised the authorities. In September 2022, the activist posted a video saying that the Kazakhstani authorities were “Russian puppets” and conducted “Russian policies”. In several posts published in November 2022, she argued that the Kazakhstani authorities “destroyed their people” under the pretext of combatting “terrorists” during the January 2022 events. In another post published in February 2023, Tabyldieva used the term “beasts” to refer to officials from the State Committee on National Security (known as KGB), who are involved in politically motivated persecution of members of the opposition and civil society.
- On 16 November 2023, a court in the city of Taraz [found](#) civil society activist and blogger **Nurlan Kanatov** guilty of falsely accusing the deputy mayor of the Zhambyl region, Kanatbek Madibek of a serious crime and sentenced him to 3,5 years in prison. In October 2022, Kanatov reported that his car had been set on fire while parked outside his home. He linked this incident to his civic engagement, in particular his criticism of alleged corrupt practices among regional authorities. Police opened an investigation into the incident but failed to identify the perpetrators and [concluded](#) that Kanatov had staged the incident. Thus, in February 2023, Kanatov was arrested on charges of false denunciation (under Criminal Code article 419), and later convicted. According to the [prosecution](#), Kanatov used social media to post “false” information implicating the deputy mayor in corrupt actions and the burning of his own car, which he had set up himself. Considering the case politically motivated, Kazakhstani human rights defenders have recognised Kanatov as a political prisoner.
- On 1 April 2024, police in Astana [confirmed](#) the arrest of journalist **Daniyar Adilbekov** on similar charges of false denunciation (under Criminal Code article 419). Adilbekov is reportedly accused of falsely implicating a high-level government official in corruption on the *Dikaya Orda* Telegram channel, which he runs. He is currently held in pre-trial detention. This case also gives rise to free speech concerns and the possible misuse of charges of false denunciation to prevent efforts to disclose corruption.

In this case, a civil society activist was imprisoned on charges on “inciting discord” - another over-broad criminal offense:

- On 15 June 2023, an Astana court [sentenced](#) civil society activist **Timur Danebaev** to three years in prison on charges of “inciting national discord” (under article 174 of the Criminal Code). The charges related to social media streams, where he criticised the policies of the Kazakhstani authorities, the deployment of troops from the Collective Security Treaty Organization to Kazakhstan during the January 2022 events as well as the Russian military aggression against Ukraine. Timur Danebaev became well-known when filing a complaint to police against President Tokayev, accusing him of disseminating false information during the January 2022 events by

claiming that “20,000 terrorists” had attacked Almaty. Danebaev’s complaint was rejected. However, instead, he was himself subjected to criminal prosecution, resulting in his conviction last year. Following his imprisonment, Danebaev was sent to a prison colony in the city of Atbasar to serve his sentence. In a development that attracted a lot of attention, a video recording leaked from this facility in September 2023 [showed](#) prison officials torturing Danebaev and co-detainees. This resulted in more than 10 prison officials being fired from the prison colony, and the opening of a criminal investigation on allegations of torture. The activist was subsequently transferred to a detention facility in Astana. In March 2024, he was denied early release. Danebaev has been recognised as a political prisoner by human rights defenders.

In the following cases, Kazakhstan-based civil society activists are facing the risk of refoulement to Uzbekistan:

- **Akylbek Muratbai**, a well-known Kazakhstan-based activist from Uzbekistan’s autonomous republic of Karakalpakstan, was [arrested](#) by police in his home in Almaty on 15 February 2024. His arrest was based on unfounded charges of publicly calling for riots and threatening public order initiated against him by Uzbekistani authorities in relation to the July 2022 mass protests against proposed constitutional amendments in Karakalpakstan, which were forcefully put down by security forces. The charges [concern videos](#) posted by the activist as part of his engagement in support of justice and respect for the rights of the people of Karakalpakstan. A local Kazakhstani court sanctioned Muratbai’s detention for 40 days, a period that was later [extended](#), while his possible extradition to Uzbekistan is considered. If sent back to Uzbekistan, he would be at serious risk of torture and ill-treatment as well as lengthy imprisonment in retaliation for his civic activism. Numerous Karakalpak activists have been convicted and imprisoned for their alleged role in the July 2022 protests.

Muratbai, who has lived in Kazakhstan for more than 10 years, applied for asylum in Kazakhstan following his detention and was [granted](#) the status of asylum seeker until 23 May 2024 (with the possibility of prolongation).

Muratbai has previously faced intimidation because of his activism. In October 2023, Uzbekistan’s Consulate General in Almaty [warned him](#) to “soften the tone” when speaking about human rights issues in Karakalpakstan. His relatives living in Uzbekistan have also received threats.

Further, in March-April 2024, two other Kazakhstan-based activists from Karakalpakstan were also detained by Kazakhstani authorities and are now at the risk of forcible return to Uzbekistan. The first of these activists, **Rasul Zhumaniyazov** was [arrested](#) in Astana on 26 March 2024 – a measure believed to have been taken at the request of Uzbekistani authorities. Zhumaniyazov had previously [reported](#) being threatened by Uzbekistani security officers, who warned him that he would be declared wanted unless he returned to Uzbekistan voluntarily. A member of the Alga Karakalpakstan movement, he has actively spoken out about the situation in the autonomous republic, demanding accountability for those involved in killing protesters during the July 2022 events. According to available information, Zhumaniyazov - who has lived in Kazakhstan since 2021 - was planning to submit documents to prolong his legal residency in the country at the time of his arrest. Another activist, **Rinat Utambetov** was reported to have been [arrested](#) in Almaty region in early April 2024 at the request of Uzbekistani authorities, who have accused him of “encroaching the constitutional order” because of a video appeal he published regarding the

suppression of the July 2022 protests in Karakalpakstan. Utambetov has a residence permit for Kazakhstan. At the time of writing, he remains in detention.

Muratbai, Zhumaniyazov and Utambetov are not the first Karakalpak activists to have been targeted by the Kazakhstani authorities. Five other Karakalpak activists were arrested in September-November 2022 and [held for a year](#) before finally being released. The Uzbekistani authorities had requested their return on charges of encroaching on the constitutional order. While they were not extradited to Uzbekistan, neither were they granted asylum in Kazakhstan, leaving them at the risk of a forcible return to Uzbekistan. One of them, however, [left](#) Kazakhstan for Europe and has sought asylum there. KIBHR has provided legal assistance to the Karakalpak activists.

Recommendations

The Kazakhstani authorities should be requested to:

- Ensure no activists, human rights defenders, journalists or bloggers are arrested, prosecuted or convicted in retaliation for their peaceful and legitimate exercise of fundamental freedoms and that any activists prosecuted on such grounds – including in the cases described above - are cleared of charges and immediately and unconditionally released if held behind bars.
- Carry out prompt, thorough, and impartial investigations into any allegations of abusive treatment of activists in detention and ensure that those responsible are held accountable.
- Ensure that the provisions on “knowingly spreading false information” (article 274), participation in banned “extremist” organisations (article 405) and other provisions of the Criminal Code are not misused to penalise activists for their peaceful exercise of fundamental freedoms and bring the wording of the relevant provisions in line with international standards.
- Refrain from extraditing any Karakalpak activist to Uzbekistan and comply with the non-refoulement ban set out by international law.