

REPRESSIONS AND POLITICAL PRISONERS IN TOKAYEV'S “NEW KAZAKHSTAN”



article14

ПРАВОЗАЩИТНОЕ
ДВИЖЕНИЕ
405

FV
FEMINA VIRTUTE

QAHARMAN

VERITAS
HUMAN RIGHTS MOVEMENT

BostandyQ.kz

ELIMAY
Defence
of human rights
in Kazakhstan

OPEN DIALOGUE

Date of publishing: 18 August 2023

The Open Dialogue Foundation was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. In July 2017 area of interest of the Foundation was expanded due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation has its permanent representations in Brussels, Warsaw and Kyiv.

Website: <https://odfoundation.eu/>; e-mail: odfoundation@odfoundation.eu

Twitter: [@ODFoundation](https://twitter.com/ODFoundation)



Human Rights Protection Foundation Qaharman – a Kazakhstani human rights organisation which was established for the purpose of protecting fundamental human rights in Kazakhstan, in particular, the right to peaceful assembly, right to a fair trial, and right to participation in the management of state affairs, as well as freedom of speech and dissemination of information. As a public initiative, Qaharman began its activities in Kazakhstan in 2019, and in February 2020, it was officially registered. Qaharman activists monitor politically motivated trials and the right to peaceful assembly.

Twitter: [@qaharman_kz](https://twitter.com/qaharman_kz); e-mail: qaharman.hr@gmail.com



The human rights movement '405' is a public initiative founded in 2019. The main goal of the movement is to protect participants of peaceful assemblies and bloggers who are subject to political prosecution under Article 405 of the Criminal Code of Kazakhstan ("participation in the activities of the organisation after its recognition as extremist"). The movement protects the right to peaceful expression, which should not be regarded by the authorities as 'extremism'.

Twitter: [@hr405kz](https://twitter.com/hr405kz); e-mail: movement405hr@gmail.com



The Bostandyq Kz human rights movement intends to fight for the observance of the constitutional rights and freedoms of the citizens of Kazakhstan, and to inform about human rights violations in the country. The movement was founded on 14 September 2020.

Facebook: [Bostandyq Kz](https://www.facebook.com/BostandyqKz)



The human rights movement Veritas was established on 17 September 2020. The aim of the movement is to protect human rights in Kazakhstan, with special attention to freedom of speech, peaceful assembly and peaceful association. The movement monitors the implementation of Kazakhstan's commitments in the areas of human rights, environment, health and anti-corruption, and informs the EU, the UN, PACE, the OSCE, GRECO and the governments of democratic states about the results of the monitoring. Veritas conducts public campaigns to protect politically persecuted activists, political prisoners and victims of torture.

Facebook: [Veritas human rights movement](https://www.facebook.com/VeritasHumanRightsMovement); e-mail: veritas15.09.20@gmail.com



The "Femina Virtute" human rights movement, was established on 4 November 2020, and aims to combat discrimination against women in Kazakhstan and to document violations of women's, civil and political rights. The members of the movement conduct solidarity actions in defence of human rights and train citizens to defend their rights. Based on the monitoring results, the movement provides information to the European Parliament, the European Commission, the UN, the OSCE, the Council of Europe, governments and politicians of the EU states, as well as the USA, Canada, Australia, the UK, Norway and Switzerland.



Facebook: [Femina Virtute](#) ; e-mail: ulbolsynturdieva@gmail.com

Human rights movement "Article 14" was established on 5 November 2020 with the aim of monitoring the right to fair justice in Kazakhstan. The members of the movement inform citizens of Kazakhstan and the international community about violations of the right to a fair trial, fight for greater transparency in the justice process, and draw public attention to violations during trials.



Facebook: [Article Hrm](#) ; e-mail: article14hrm@gmail.com

The Human Rights movement Elimay was established on 17 October 2020. The movement aims to protect civil and political rights and freedoms in Kazakhstan. The movement calls to put an end to all forms of political repression and release of political prisoners in Kazakhstan.



Facebook: [ELIMAY ~ defence of human rights in Kazakhstan](#) ; e-mail: elimayfreedom@gmail.com

Project Manager:

Lyudmyla Kozlovska (the Open Dialogue Foundation): lyudmylakozylovska@odfoundation.eu

Copyright: the Open Dialogue Foundation, "Qaharman", "405", "Bostandyq Kz", "Veritas", "Femina Virtute", "Article 14", "Elimay", August 2023

Table of Contents:

SUMMARY	5
1. IMITATION OF DEMOCRATIC PROCESSES IN KAZAKHSTAN WHILE STRENGTHENING THE AUTHORITARIAN REGIME	10
Constitutional “reform”	10
Extraordinary election	12
How Kazakhstan's propaganda works: loyal experts at the service of the regime and “diplomatic troops”	14
2. REPRESSIONS AGAINST POLITICAL OPPONENTS: AUTHORITIES BLOCK REGISTRATION OF “ALGA KAZAKHSTAN” PARTY	16
Persecution of opposition politician Mukhtar Ablyazov	17
Repressions against representatives of the unregistered party “Alga Kazakhstan”	18
3. PERSECUTION OF HUMAN RIGHTS DEFENDERS	21
4. FREEDOM OF THE MEDIA AND PERSECUTION OF JOURNALISTS	21
5. SHOOTING OF PEACEFUL PROTESTERS IN JANUARY 2022: THE AUTHORITIES SHIFTED RESPONSIBILITY FOR THE TRAGIC EVENTS TO THE PROTESTERS	23
Sabotaging an objective investigation.....	23
Search for organisers of “mass riots” and “terrorists”	25
CSTO and Russian intervention	28
Mass fabrication of criminal cases	30
Even the dead have been prosecuted.....	33
Closure of cases concerning the murder of civilians	34
Investigation of torture cases.....	35
Persecution of activists and human rights defenders	37
Annex 1: THE LIST OF POLITICAL PRISONERS IN KAZAKHSTAN	40
Annex 2: RECOMENDATIONS.....	58
Annex 3: RECOMMENDATIONS ON PERSONAL SANCTIONS AGAINST INDIVIDUALS AND ENTITIES WHO FACILITATE THE CIRCUMVENTION OF SANCTIONS AGAINST THE RUSSIAN FEDERATION	60

Disclaimer

This report provides an overview of political persecution and human rights violations in Kazakhstan, as well as a list of political prisoners in Kazakhstan. The information presented in this report was collected with the assistance of Kazakhstani human rights defenders and civil activists. In addition, the report is based on data provided by victims of torture and mass shootings during the crackdown on peaceful protests across Kazakhstan in January 2022, and by their relatives and lawyers, as well as in news reports published by local and international media. The examples of political persecution are not exhaustive due to the fact that the Kazakhstani authorities restrict human rights defenders' access to information and harass human rights defenders, lawyers, torture victims and their relatives who speak publicly about human rights violations.

This report is a submission of expert opinions on the human rights situation in Kazakhstan to the European Parliament, the European External Action Service, PACE and the governments of member states of the Council of Europe, the OSCE, the OSCE PA and the OSCE/ODIHR, the Senate and Congress, the US Department of State, and the Parliament and Government of Canada.

SUMMARY

Despite assurances by the Kazakhstani authorities alleging that they are conducting large-scale reforms and liberalising political life, massive political repression continues in the country. The Kazakhstani authorities persecute members of civil society, human rights defenders and the opposition for expressing opinions, participating in peaceful rallies, supporting peaceful opposition movements, reporting on corruption and human rights violations, peacefully criticising the authorities through social media, and publicly expressing disagreement with Kazakhstan's international policies.

A constitutional “reform” was carried out in Kazakhstan in 2022. Unfortunately, most of the changes are cosmetic in nature and have not led to a real diversification of power in the state. Kazakhstan still remains a super-presidential republic, where all power is concentrated in the hands of the president.

Like other dictatorial regimes in the region, Kazakhstan has narrowed the space for the free flow of information. In July 2023, Kasym-Jomart Tokayev signed a law that strengthens state control over media activities and introduces administrative fines for spreading “false information” on social media.¹

Following the example of China and Russia, Kazakhstan is moving towards establishing total digital control over citizens in the country. In 2020, Kazakhstan adopted an “Information Doctrine” that points to the need to “develop ideological sovereignty” and calls for combating false narratives that are disseminated through politicised social networks, online media and bloggers.² The Kazakhstani authorities currently intend to adopt a new law “On Mass Media”, which will further strengthen state control over media activities.

Kazakhstan's special services have the right to block the operation of social networks and access to Internet resources without a court order, in particular, “in the event of a potential or real social, natural or technical emergency”. Blocking the Internet and social networks during peaceful rallies has become commonplace in Kazakhstan. During mass protests in January 2022, the authorities resorted to a complete Internet shutdown in order to stop the spread and exchange of information.

Kazakhstan's special services widely use various tools for surveillance of its citizens. In particular, the Kazakhstani authorities use technologies of the Chinese company *Hikvision* to create video surveillance systems and “digitise” data on its citizens. This company is under US sanctions.

¹ <https://www.zakon.kz/sobytiia/6399561-v-kazakhstane-budut-privlekat-k-admotvetstvennosti-za-lozhnye-svedeniya-v-internete.html>

² <https://akorda.kz/ru/ob-utverzhenii-informacionnoy-doktriny-respubliki-kazahstan-2025248>

In July 2023, a draft order of the Minister of Digital Development of Kazakhstan was presented for public discussion, according to which new mobile phone numbers will be registered using biometric identification — the subscriber's face.³ This innovation is allegedly aimed at combating various kinds of financial frauds, as it “will provide law enforcement agencies with an additional tool for operational and investigative measures”. However, the same tool can be used to prosecute citizens who criticise the actions of the authorities on social networks.

There are currently **47 political prisoners in Kazakhstan**, and the number continues to grow. 30 people have been sentenced to real prison terms, while another 17 are being held in pre-trial detention facilities and are also at risk of imprisonment.

The Kazakhstani authorities did everything to prevent international experts under the auspices of the OSCE and the UN from participating in an objective and comprehensive investigation into the mass shootings, torture and arbitrary detention of civilians during the mass protests of January 2022. The investigation was aimed at covering up the scale of the crimes committed against civilians by the security forces. The authorities have yet to release the full details of those who died during shootings at peaceful protests in January 2022, as well as the circumstances of their deaths. The high number of casualties is a consequence of erratic and illegal shooting by security forces at protesters after President Tokayev issued an order to “shoot to kill without warning” under the pretext of “fighting 20,000 terrorists”. The legality of this order has not been investigated. The legality and justification of the deployment of CSTO (Collective Security Treaty Organisation) military troops to Kazakhstan have also not been investigated by investigative and political bodies.

On the contrary, **the Kazakhstani authorities have shifted responsibility and intensified the prosecution of civil activists, human rights defenders and independent journalists** who report cases of human rights violations and expose to the Kazakh and international public the scale of political repression in Kazakhstan. For example, in cases related to the mass peaceful protests in January 2022, human rights defender **Raigul Sadyrbayeva**, civil activists **Kenzhebek Sultanbekov**, **Yerkin Kazyev**, **Moldabay Sadibekov**, **Yergali Kulbayev**, **Muratbay Baimagambetov**, **Zhanmurat Ashtayev**, **Kairat Sultanbek**, **Lyazzat Dosmambetova** and **Kalas Nurpeisov**, as well as journalist **Aigerim Tleuzhan**. The authorities are persecuting human rights defenders **Nurgul Kaluova**, **Aidar Syzdykov**, **Ulbolsyn Turdiyeva** and **Bibigul Imangaliyeva** for their public activities and civil engagement. Journalists **Dinara Yegeubayeva** and **Duman Mukhametkarim** have also been systematically persecuted. The latter was subjected to politically motivated criminal prosecution and was detained.

According to eyewitness reports, during the peaceful protests in January 2022, riots, arson and looting were organised by government-controlled criminal groups. In this way, the authorities wanted to discredit the peaceful protests and obtain a pretext to suppress them by force, which eventually happened. In particular, according to the video recordings, one of the organisers of the mass riots in Almaty was the leader of the criminal group, mobster, **Arman Dzhumageldiyev**, also known as Wild Arman. The activities of Dzhumageldiyev's gang were supervised directly by the NSC (National Security Committee).⁴ Documented evidence, including video recordings, shows that Dzhumageldiyev and his accomplices, armed with firearms, beat civilians. In addition, they organised the kidnapping of Almaty residents and helped the special services arbitrarily detain and torture peaceful protesters and bystanders. A criminal case has been opened against Dzhumageldiyev on charges of “kidnapping” — 24 cases of kidnapping have been officially recorded. He is being held in custody, but there is a risk that he could be released.

³ <https://informburo.kz/novosti/zashhita-ot-mosennikov-pri-registracii-nomera-v-kazaxstane-budut-fiksirovat-lico-abonenta>

⁴ <https://kaztag.kz/ru/news/opg-dikogo-armana-kurirovali-iz-knb-a-podgotovka-k-yanvaryu-nachalas-letom-2021-goda-smi>

Following the crackdown on the peaceful January protests and related events, **a minimum of 1,273 people were convicted on criminal charges**. Due to international pressure, the authorities went ahead with a large-scale amnesty, which was granted to 1,151 people. However, it is worth noting that the amnesty does not provide for the acquittal of convicted persons who remain restricted in their rights — they have an unexpunged criminal record and have not received compensation for torture and ill-treatment. Such persons are effectively prevented from receiving and using financial and insurance services (in particular, their bank accounts have been closed or frozen due to convictions for “extremism” and abuse of anti-money laundering and anti-terrorism legislation). They also face discrimination when it comes to securing employment and renting property. The authorities have officially apologised for isolated cases of unlawful persecution and deprivation of life of civilians.^{5, 6} There have been rare cases of compensation paid to victims and their relatives.⁷ In addition, amnesty has also been granted to law enforcement officials who were thus able to avoid accountability for the shooting of civilians, mass arbitrary detention, torture and ill treatment during the crackdown on peaceful protests in January 2022.

The use of torture remains a systemic problem in Kazakhstan. During the crackdown on peaceful protests in January 2022, detainees were massively tortured to force them to confess to crimes they had not committed. The case of **Kazybek Kudaibergenov** from the city of Kyzylorda is one of the most telling examples of how the Kazakhstani authorities justify the suppression of peaceful protests by force and attempt to discredit the opposition. Kudaibergenov was shot in the leg while he was in the city centre. Kazakhstani law enforcement officers forced Kudaibergenov under torture to incriminate himself and sign false testimonies. According to the investigation, Kudaibergenov allegedly seized a KamAZ lorry and directed it at a group of servicemen, resulting in the death of one of them. The indictment states that Kudaibergenov is associated with the Democratic Choice of Kazakhstan (DCK) movement. Through false testimony obtained under torture concerning the murder of a military officer, the authorities are attempting to discredit this peaceful opposition movement. Kudaibergenov was sentenced to 17 years in prison. As in other cases, there was no objective investigation into the shooting or torture of Kudaibergenov.

The vast majority of torture cases were closed due to “absence of corpus delicti” and the victims did not receive any compensation for the harm caused to their health. There were 329 criminal cases of torture during the January events, and only a few of them went to trial. According to official data, in 2022, 874 criminal cases were opened in Kazakhstan on allegations of torture and ill-treatment, with only ten cases going to trial.⁸ In 2023, cases of mass torture continue to be reported at the stage of pre-trial investigation while detainees are in pre-trial detention facilities,⁹ as well as in places where sentences are served.¹⁰

The Kazakhstani authorities persecute political opponents, preventing real opposition forces from operating in the country. Following the banning of the activities of the opposition movements DCK and *Koshe Partiyasy*, which were illegally recognised as “extremist”, the authorities started repressions against representatives of the unregistered opposition party “Alga Kazakhstan”. **Shortly after the March snap elections to the Parliament of Kazakhstan**, the Chairman of the organising committee of the “Alga Kazakhstan” party **Marat Zhylanbayev** was subjected to politically motivated criminal prosecution on trumped-up charges of “financing extremism” and “participation in the activities of a banned organisation”. What triggered the politically motivated arrest was Zhylanbayev's participation in a peaceful protest in front

⁵ <https://kaztag.kz/ru/news/vlasti-posle-antara-izvinilis-za-15-epizodov-nezakonnogo-presledovaniya-i-lisheniya-zhizni>

⁶ <https://www.facebook.com/toregozhina/posts/pfbid027xbrLxGCdmcer6tgo3CtaPntB82DYeUkEyQbm2WwA5RuyFacdgZK33VSXhgFpt2PI>

⁷ <https://rus.azattyq.org/a/32432627.html>

⁸ <https://bureau.kz/novosti/vse-predelno-ploho/>

⁹ <https://bureau.kz/novosti/sovali-golovoi-v-unitaz/>

¹⁰ <https://bureau.kz/goryachee/po-situacii-s-massovymi-izbieniymi/?fbclid=IwAR1dBARp2n0VcmAHeFGtgq4FMwcepC6sGXGw-5kNWFu0e0JNsJEiFMm4GzY>

of the building of the Delegation of the EU to the Republic of Kazakhstan in Astana demanding personal sanctions against the top leadership of Kazakhstan and the CSTO for helping Russia circumvent international sanctions. Activists **Zhandarbek Bashanov** and **Askar Sembay** were also criminally prosecuted. All of them were imprisoned in pre-trial detention facilities.

Representatives of the organising committee of the “Alga Kazakhstan” party are systematically subjected to detentions, administrative arrests and fines for participating in peaceful protests and posting on social media. They are also subjected to preventive detentions to prevent them from participating in protests. The authorities have systematically refused to register the “Alga Kazakhstan” party, although activists have collected all the necessary documents to do so. As of early August 2023, there were 17 refusals to register the party.¹¹

Since February 2022, Kazakhstan has created a large-scale infrastructure to circumvent the international sanctions imposed on Russia. At the same time, Kazakhstan's civil society and opposition oppose co-operation with Russia and condemn the Russian military invasion of Ukraine. Kazakhstani human rights defenders and activists have repeatedly exposed the facts of co-operation between Russia and Kazakhstan that are helping Russia circumvent international sanctions and further obtain resources to wage a war of aggression.^{12, 13, 14, 15, 16} The Kazakhstani authorities have organised smear campaigns, fabricated criminal cases within the country and abused inter-state legal co-operation and transnational repression to prevent the dissemination of information on the circumventing of sanctions.

Kazakhstan is prosecuting activists from Karakalpakstan who were accused by Uzbek authorities of “encroaching on the constitutional order of the Republic of Uzbekistan” after mass shootings, arbitrary detention and torture of civilians in Karakalpakstan in July 2022. Activists **Zhangeldy Dzhaksymbekov**, **Ziuar Mirmanbetova**, **Koshkarbay Toremuratov**, **Raisa Khudaibergenova** and **Tleubike Yuldasheva** were detained in Kazakhstan and are under extradition arrest. The Kazakhstani authorities may extradite them to Uzbekistan, where they risk unfair prosecution and torture.

Kazakhstan systematically fails to comply with international commitments in the areas of human rights, rule of law and democratic standards. For many years, the UN, the OSCE, the PACE, the European Parliament and governments of democratic states have been calling on the Kazakhstani authorities to release political prisoners, reform justice and criminal legislation in accordance with international standards, and address the systemic problem of torture in detention facilities. With a resolution dated 20 January 2022, the European Parliament condemned the shooting of peaceful protests, mass arbitrary detentions and torture in Kazakhstan, as well as repression against human rights defenders, independent journalists and the opposition. The European Parliament called for an international investigation into the tragic events of January,¹⁷ but this call was ignored by the Kazakhstani authorities.

The Kazakhstani authorities' rapprochement with Russia and impunity for the use of CSTO troops to suppress peaceful protests have brought the human rights situation in the country to a critical level. The threat of personal sanctions by the EU against high-level Kazakhstani officials for the mass persecution of peaceful protesters, mentioned in a resolution of the European Parliament in January 2022, has helped amnesty over a thousand convicted civilians. However, at least 47 political prisoners remain behind bars.

¹¹ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3610458582606732/>

¹² <https://ru.odfoundation.eu/a/563381,vse-dlja-fronta-vse-dlja-pobedy-kak-tokaev-pomogaet-putinu-i-obmanyvaet-ukrainu-i-zapad/>

¹³ <https://ru.odfoundation.eu/a/493764,tajna-tokaeva-i-putina-kak-oboiti-neftjanoe-embargo/>

¹⁴ <https://ru.odfoundation.eu/a/491854,tajnyi-sojuznik-kremlja-kak-tokaev-pomogaet-putinu-obhodit-sankcii/>

¹⁵ <https://ru.odfoundation.eu/a/614158,beneficiary-rossijskoj-vojny-protiv-ukrainy-kak-rezhim-nazarbaeva-tokaeva-pomogaet-putinu/>

¹⁶ <https://ru.odfoundation.eu/a/621029,soobshchniki-rossii-v-vojne-protiv-ukrainy-kazahstan-i-kyrgyzstan-nadezhnyi-tyl-rossijskoj-armii/>

¹⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0012_EN.html

Those granted amnesty continue to face persecution and various forms of discrimination, including financial exclusion.

Politically motivated trials continue in Kazakhstan, so the number of political prisoners may further increase. The involvement of representatives of international institutions and diplomatic missions in monitoring politically motivated trials is therefore crucial.

The Kazakhstani authorities have adopted repressive “libel” legislation on social media. Kazakhstan's defamation campaigns by propagandists targeting Western diplomats, politicians and media outlets are also gaining momentum. Politically motivated criminal prosecutions and transnational repression continue against human rights defenders, the opposition and bloggers who document human rights abuses in Kazakhstan and expose how Kazakhstan helps Russia circumvent international sanctions.

The imposition of personal sanctions by the US, Canada, the UK and the EU will help distance Kazakhstan from Russia and China and stop the systemic violation of international obligations by the Kazakhstani authorities, who have significantly increased funding for propagandists inside and outside the country to cover up the facts of their crimes.

1. IMITATION OF DEMOCRATIC PROCESSES IN KAZAKHSTAN WHILE STRENGTHENING THE AUTHORITARIAN REGIME

The Kazakhstani authorities tirelessly reiterate the implementation of large-scale political reforms and liberalisation of life in the country, and that this is directly related to the initiatives of President Kasym-Jomart Tokayev. Upon taking office as President of Kazakhstan in 2019, following mass protests over election irregularities and subsequent arbitrary detentions and arrests, Tokayev announced plans to implement the concept of a “listening state”, which is to “support and strengthen civil society”.¹⁸ In September 2020, Tokayev stated that a priority issue for him was to “adopt new measures to protect human rights in Kazakhstan”.¹⁹ After the tragic events of January, Tokayev declared a mission to build a “New Kazakhstan” in which the “constitutional rights of every citizen will be respected”.²⁰

The state propaganda has had an effect — on 9–10 March 2023 during the 14th meeting of the Human Rights Dialogue and the 20th meeting of the Subcommittee on Justice and Home Affairs in Brussels, Dietmar Krissler, Head of the Central Asia Division of the European External Action Service, on behalf of the EU “welcomed the extensive package of political, social and economic reforms” allegedly being introduced in Kazakhstan.²¹ **However, the real order of things suggests the opposite — the authoritarian regime in Kazakhstan continues to strengthen. Since Kasym-Jomart Tokayev came to power, political repression in Kazakhstan has intensified and the number of political prisoners has increased.**

There are currently **47 political prisoners in Kazakhstan**, and the number continues to grow. 30 have been sentenced to real prison terms, while another 17 are being held in pre-trial detention facilities and are also at risk of imprisonment.

The presidency of Kasym-Jomart Tokayev was marred by the largest anti-government protests in the history of independent Kazakhstan, during which the military and law enforcement agencies, supported by CSTO troops, shot more than 200²² civilians without warning. **The authorities blamed²³ protesters, civil activists and human rights defenders for the mass shootings and torture of civilians, and subjected them to criminal prosecution and torture.**

Constitutional “reform”

In June 2022, Kazakhstan held a national referendum to amend the country's Constitution. According to official results, the amendments were allegedly supported by 77% of citizens who participated in the voting. The official turnout was 68%. During the referendum, numerous violations were recorded²⁴ — ballot stuffing, non-admission of independent observers to polling stations, and the attraction of administrative resources to increase the turnout. The amendments to the Constitution were introduced in a package — voters did not have the opportunity to choose which amendments they supported and which they did not.

President Kasym-Jomart Tokayev proposed changes to the Constitution after a strong negative public reaction to the actions of the authorities during and after the tragic events of January. In this way he intended to calm and distract society from the mass shootings of protesters, the introduction of CSTO troops and subsequent mass torture, about which information became public, and by demonstrating that qualitative changes in the power structure were coming in the country. In order to reduce tensions in

¹⁸ https://www.akorda.kz/ru/addresses/addresses_of_president/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana

¹⁹ <https://www.kazpravda.kz/news/prezident2/prioritetnoi-dlya-sebya-nazval-tokaev-problemu-zashchiti-prav-cheloveka>

²⁰ <https://primeminister.kz/ru/addresses/16032022>

²¹ https://www.eeas.europa.eu/delegations/kazakhstan/eu-kazakhstan-annual-human-rights-dialogue-and-subcommittee-justice-and-home_en

²² The Kazakhstani authorities have not yet published a full list of those killed, including their full name, place and circumstances of the murder.

²³ <https://primeminister.kz/ru/addresses/16032022>

²⁴ <https://rus.azattyq.org/a/kazakhstan-referendum-constitutional-reform-5-june/31884003.html>

society towards the authorities and neutralise negative attitudes towards Nursultan Nazarbayev, his family and Tokayev himself, the constitutional reform was intended to weaken the role of the president, reduce the influence of Nazarbayev and his family on power, and strengthen the other branches of government. The constitutional amendments include, *inter alia*, limiting presidential rule to a single term of seven years, restoring the Constitutional Court in Kazakhstan, removing all references to the first president Nursultan Nazarbayev from the Constitution, prohibiting the president from being a member of political parties, prohibiting relatives of the president from holding senior positions in the public sector, introducing a mixed electoral system for elections to the Mazhilis (the lower house of Kazakhstan's Parliament), allowing non-party citizens to run for parliament, as well as allegedly simplifying the registration procedure for new parties.



Military personnel in Almaty during the crackdown on peaceful protests in January 2022

However, in fact, **the changes to the Constitution are cosmetic and do not change the essence that Kazakhstan remains a super-presidential republic**, where all power is concentrated in the hands of one person — the president.

- The President of Kazakhstan “determines the main directions of domestic and foreign policy of the state”. He appoints the Prime Minister and members of the government (including the Minister of Defence and the Minister of Internal Affairs), the Prosecutor General, the head of the National Security Committee (NSC), the heads of the National Bank and the Central Election Commission. The president appoints governors and mayors of cities, including the mayor of the capital. The president also calls regular and extraordinary elections of both houses of parliament, which allows him **to control the legislative branch**. The President appoints the President of the Constitutional Court and submits a proposal to the Senate for the appointment of the Chairman and nominee Supreme Court judges, and, on the recommendation of the Supreme Judicial Council, appoints and dismisses the Chairman and judges of local and other courts, which also enables him **to control the judicial branch of government**.

- As the experience of the extraordinary parliamentary elections in March 2023 has shown, the change in the electoral system played into the hands of the pro-governmental *Amanat* party and allowed it to increase the number of deputies in the Mazhilis. None of the independent candidates for the Mazhilis were able to enter parliament, due to massive vote rigging. Registration of parties remains an impossible mission for opposition forces, and is systematically rejected under various pretexts.
- Kasym-Jomart Tokayev's relatives do not officially hold senior positions in state-owned companies, but they, like the entourage of former President Nursultan Nazarbayev, have a huge fortune, the origin of which is difficult to explain. For example, according to media reports, Tokayev's son Timur Kemel owns elite property in Switzerland. Tokayev's family also owns property in Russia, information about which has been classified. According to *Forbes* rating, in 2022, Kasym-Jomart Tokayev's nephew Mukhamed Izbastin, who was 39 years old at the time, joined the rating of the 50 most influential businessmen of Kazakhstan.²⁵ Another nephew of Tokayev, Kanysh Izbastin, held the position of the first deputy of the National Managing Holding "Baiterek" until January 2022, and according to media reports, his wife has a luxury property on the coast of Miami. Tokayev's niece Dana Medeuova owns three construction companies in Bulgaria.²⁶
- Despite the declared "denazarbayevisation", the Constitution of Kazakhstan retains Article 46, which provides that "the provision, maintenance and protection of the ex-president of the Republic and his family shall be at the expense of the state" and his "honour and dignity shall be inviolable". In fact, the ex-president has immunity from prosecution for offences committed.²⁷ Former President Nursultan Nazarbayev and his inner circle remain among the few who have access to power and wealth in the country. Therefore, the current regime in Kazakhstan is essentially a Nazarbayev–Tokayev regime.
- By limiting presidential rule to one seven-year term, Tokayev actually increased the length of time he could serve as president. According to the old version of the Constitution, he was entitled to be president for two terms of five years each. However, according to the new wording of the Constitution, another seven years will be added to his four years of rule as of 2022.

Extraordinary election

Kazakhstan held extraordinary presidential elections in November 2022 and extraordinary parliamentary elections in March 2023. The presidential and parliamentary elections were held in a non-competitive environment, accompanied by massive violations and falsifications.

No opposition candidates were allowed to participate in the presidential election. Kasym-Jomart Tokayev was re-elected for another term, which, according to amendments to the Constitution, is seven years.

The 2023 elections to the Mazhilis (the lower house of the Parliament of Kazakhstan) were held under a mixed electoral system — by party lists (69 deputies) and single-seat majoritarian districts (29 deputies).

The authorities allowed two new parties, *Respublika* and *Baitak*, led by persons close to the Nazarbayev–Tokayev regime, to participate in the elections.²⁸ In this way, an illusion was created that voters were given

²⁵ https://forbes.kz/leader/50_samyih_vliyatelnyih_biznesmenov_-_2022_1665370398/

²⁶ <https://rus.azattyq.org/a/31654438.html>

²⁷ https://www.akorda.kz/ru/official_documents/constitution

²⁸ The leader of the party *Baitak* Azamathan Amirtai is a member of the National Kurultai under the President of the Republic of Kazakhstan; the leader of the party *Respublika* Aidarbek Hodzhanazarov for several years is the chairman of the Regional Council of the Chamber of Entrepreneurs of Kostanay region.

a wider choice. However, in reality, opposition parties are still unable to register and participate in the elections. None of the parties that participated in the elections protested against the official results and numerous irregularities.

Civil activists, journalists and public figures declared their intention to participate in the elections in single-seat districts. However, under various pretexts, many of them²⁹ were not allowed to participate in the elections. For example, well-known civil activists and former political prisoners **Max Bokayev** and **Alnur Ilyashev** were not allowed to participate in the elections because they had unexpunged criminal records. Journalist **Duman Mukhammedkarim** was denied registration as a candidate on the grounds that he had a period of eight months within the last ten years when he did not have a permanent place of registration in Kazakhstan. At the same time, he had been living in Kazakhstan all this time.

Only a few well-known journalists and public figures were allowed to participate in the elections, but none of them could win, as the results were fabricated in favour of pro-government candidates. For example, in West Kazakhstan region, Abzal Kuspan,³⁰ a supposedly independent candidate, won the election. His rival was the well-known journalist Lukpan Akhmedyarov. According to the results of an independent vote count in 66 of the 125 polling stations in Uralsk (the largest city in the region), Lukpan Akhmedyarov received 9,416 votes, while Kuspan received 5,229.³¹ However, the district was eventually won by Kuspan, who allegedly received 126,000 votes and Akhmedyarov 46,000. It was in this district (at polling station No. 161 in Aksay) that a case of mass ballot stuffing by election commission members was recorded.³²

In the national district elections, the pro-government party *Amanat* (formerly called *Nur Otan*) won 53.9 per cent of the vote. In the elections in single-seat districts, *Amanat* members also “won” in most cases (22 out of 29 seats). This was facilitated by the widespread use of administrative resources, as well as large-scale vote rigging. Thus, **the mixed electoral system played into the hands of the ruling party**. Having received fewer votes in the elections than *Nur Otan* received in the previous parliamentary elections (53 per cent against 71 per cent), the ruling party *Amanat* won 62 seats in the new Mazhilis (out of 98), which is one more than *Nur Otan* had in the previous convocation.

The real attitude of the citizens of Kazakhstan to the snap parliamentary elections is evidenced by the record low turnout of 54 per cent. Experts agree that even this figure was overstated.³³ In Almaty, where most observers were present, the turnout was less than 24 per cent. The extremely low turnout indicates that voters see no point in elections, where the results are known in advance, and do not go to the polling stations.

According to the findings of the OSCE mission, restrictions on fundamental freedoms continue to exist in Kazakhstan and some political forces are prevented from running as candidates. The OSCE called for further changes to the electoral legislation. At the same time, the OSCE noted that voters were given a wider choice of candidates in the 2023 parliamentary elections. The EU confirmed the OSCE's findings and also mentioned greater competitiveness in the 2023 elections.³⁴

This indicates **that the authorities' tactic of increasing the number of parties allowed to participate in the elections and partially allowing independent candidates to run in single-seat districts played a positive**

²⁹ <https://kaztag.kz/ru/news/kogo-iz-izvestnykh-kandidatov-v-deputaty-mazhilisa-snyali-s-predvybornoy-gonki-v-kazakhstane>

³⁰ Abzal Kuspan is a lawyer who has repeatedly participated in projects supported by the Kazakh authorities. In particular, he was a member of the investigation commission into the “mass riots of January 2022” and, according to activists, persuaded victims of torture not to file complaints of torture. <https://informburo.kz/novosti/abzal-kuspan-nasha-komissiya-s-trudnostyami-pri-rabote-s-nekotorymi-oblastnymi-prokurorami>

³¹ <https://www.facebook.com/LukpanAkhmedyarov/posts/pfbid0f7RXyA4NZaxu9PwN26y1usBzxWuDjJEoYBFhWyqyZo6vhvdJZPXQBfQNVSGGWgYAI>

³² <https://www.facebook.com/lukich75/videos/128124616730146/>

³³ <https://rus.azattyq.org/a/kazakhstan-candidates-evidence-of-fraud/32333964.html>

³⁴ https://www.eeas.europa.eu/node/427313_ru?s=222

role in the assessment of the elections by international observers. However, in reality, none of the independent candidates were able to be elected to parliament due to large-scale falsifications.

How Kazakhstan's propaganda works: loyal experts at the service of the regime and “diplomatic troops”

The efforts of Kazakhstani propaganda are aimed at showing that Western partners support the changes in Kazakhstan. Kazakhstan relies on loyal experts, opinion leaders and politicians from EU countries positively assessing the reforms of the “new president”. In this way, negative assessments about the toughening of the authoritarian regime, the growing number of repressions and political prisoners are silenced. Pluralism of opinions allows authoritarian regimes like Kazakhstan to manipulate public opinion in democratic countries and avoid responsibility for systematic violation of human rights and democratic standards.

For example, more than 800 international observers participated in the observation of the extraordinary parliamentary elections. Along with the OSCE observers, the elections were monitored by representatives of loyal international organisations, who did not notice any violations and praised democracy in Kazakhstan. For example, observers from the CIS Interparliamentary Assembly said that the extraordinary parliamentary elections in Kazakhstan were characterised by a “high level of competition” and that the voting was conducted “with respect for democratic freedoms”.^{35, 36} The SCO (Shanghai Cooperation Organisation) observers recognised the elections in Kazakhstan as “transparent, credible and democratic”.³⁷ The CSTO PA observers stated that the elections were held in accordance with “international electoral standards”.³⁸ Also present at the elections were sporadic observers from democratic states, who praised the democratisation processes³⁹ in Kazakhstan and did not observe any violations during elections.⁴⁰

This plurality of opinions allowed the Kazakhstani authorities to focus on more loyal conclusions, silence negative criticism and, thus, legitimise the elections internationally.

The Kazakhstani authorities provide representatives of the EU and Western countries with inaccurate information about “fulfilment of their human rights obligations”. The regime's advocates are Kazakhstan's diplomats, such as Yerzhan Kazykhanov, who serves as the President's Special Representative for International Cooperation. Tokayev instructed Kazykhanov to establish “feedback with domestic and foreign think tanks [...] in line with the concept of a 'listening state'”.⁴¹ For this purpose, the Kazakhstani authorities have started to organise international online conferences and meetings with the alleged participation of Kazakhstani human rights defenders. In reality, such meetings are held with the participation of GONGO organisations. Kazakhstani officials regularly make visits to the EU and the USA, during which they are engaged in whitewashing the reputation of Kazakhstan's authoritarian regime.^{42, 43} Kazakhstan's diplomatic representatives regularly disseminate statements that “human rights defenders misinform the international community” about the existence of political prisoners in Kazakhstan and political persecution.⁴⁴

The Kazakhstani authorities resort to tactics of symbolic actions that do not fundamentally change the situation but provide the Kazakhstani authorities with additional bonuses in the eyes of the international

³⁵ <https://tass.ru/mezhdunarodnaya-panorama/17316019>

³⁶ https://www.youtube.com/watch?v=uZJLrmkATM&ab_channel=%D0%A2%D0%B5%D0%BB%D0%B5%D0%BA%D0%B0%D0%BD%D0%B0%D0%BB%D0%90%D1%81%D1%82%D0%B0%D0%BD%D0%B0%2FAstanaTV

³⁷ <https://kz.mir24.tv/news/141267>

³⁸ <https://turantimes.kz/politika/41833-nabljudateli-ot-pa-odkb-opublikovali-zakljuchenie-po-vyboram-v-kazahstane.html>

³⁹ <https://kz.kursiv.media/2023-03-19/zhn-r-nabljudateli/>

⁴⁰ <https://life09.kz/ru/news/novosti/nabljudateli-iz-norvegii-i-polshi-polozhitelno-ocenili-provedenie-vyborov-v>

⁴¹ <https://www.kt.kz/rus/state/tokaev-obratil-vnimanie-kazykhanova-na-vazhnost-obratnoy-1377913996.html>

⁴² <https://www.gov.kz/memleket/entities/mfa/press?lang=ru>

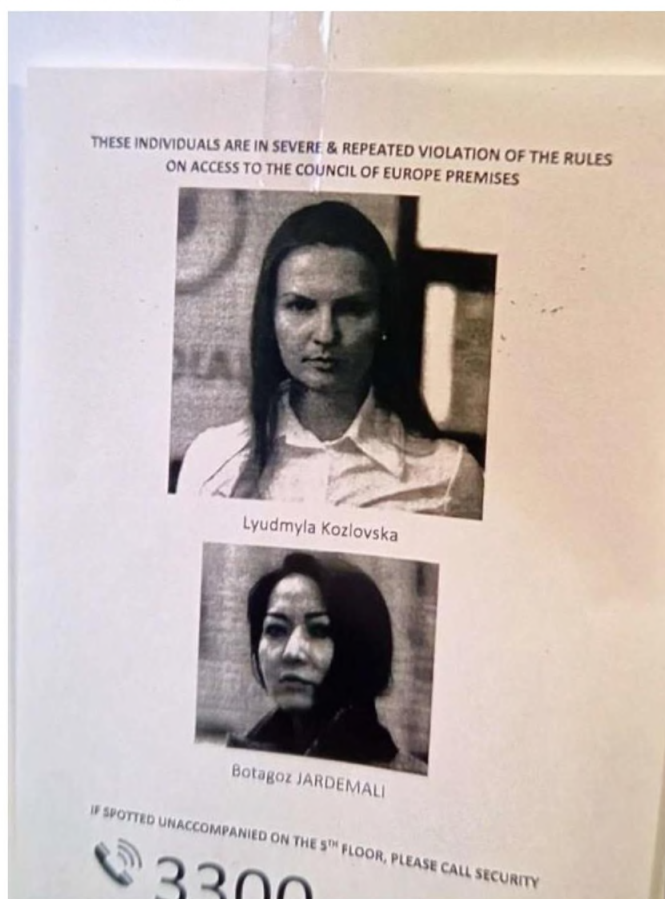
⁴³ <https://www.gov.kz/memleket/entities/ombudsman/press?lang=ru>

⁴⁴ <https://ru.odfoundation.eu/a/54495.politicheskie-uzniki-i-zhertvy-politicheskikh-presledovanij-v-kazahstane/>

community. For example, in December 2021, Kazakhstan finally abolished the death penalty, although the country had already had a moratorium on the death penalty since 2004.

Kazakhstan's propaganda is also aimed at waging smear campaigns against critics of the regime, in particular the Open Dialogue Foundation. In October 2022, the Institute for European Integrity, an allegedly non-governmental organisation, published a report⁴⁵ that allegedly found that the Foundation “has close ties to individuals who are under sanctions or are being prosecuted”. The report was based on information from Stephen M. Bland, who has worked for years supporting Kazakhstan's propaganda.⁴⁶ Bland's statements come from highly unreliable sources: Kazakhstani and Russian propaganda, fakes created by the former corrupt government in Moldova, and allegations from the hybrid regime in Poland. In all these states, the Open Dialogue Foundation defended human rights and the rule of law, which led to conflict with the authorities. (In the case of Moldova, the conflict between the authorities and the Foundation was resolved with the fall of the corrupt regime of Vladimir Plahotniuc).

Over the years of its human rights activities, the Open Dialogue Foundation has repeatedly faced disinformation attacks aimed at falsely portraying the Foundation as a corrupt NGO funded by oligarchs and linked to Russia and thus undermining its credibility. Due to the dissemination of false information, the Foundation was forced to file a number of lawsuits against some Polish media and former Polish civil servants. The Foundation has already won several of these cases — the courts of first instance recognised that false or unconfirmed information had been disseminated against the organisation and ordered the disseminators of such information to refute it.^{47, 48, 49, 50, 51, 52} In February 2023, the Moldovan Parliament annulled the report of a parliamentary commission on “the alleged interference of the Open Dialogue Foundation and its founder Lyudmyla Kozlovskaya into Moldova's internal affairs”, which was prepared in 2018 during the rule of Vladimir Plahotniuc's regime in the country. Parliament recognised that the report was used as a tool to intimidate the opposition, with the Deputy Speaker of Parliament calling it “a disgrace in the history of Moldovan parliamentarianism”.⁵³



An example of a smear campaign against Lyudmyla Kozlovskaya and Botagoz Jarmaliev in the Council of Europe

⁴⁵ <https://www.iei.ngo/ngo-watchlist/open-dialogue-foundation>

⁴⁶ <https://ru.odfoundation.eu/a/600878,oproverzhenie-vnesenija-fundacii-otkrytyj-dialog-v-kontrolnyj-spisok-npo-iei/>

⁴⁷ <https://en.odfoundation.eu/a/336905,court-maciej-wasik-must-apologize-to-the-open-dialogue-foundation/>

⁴⁸ <https://en.odfoundation.eu/a/478849,pls-once-again-lost-to-the-president-of-the-open-dialogue-foundation-the-supreme-administrative-court-overturned-the-verdict-of-the-neo-judges-in-her-case/>

⁴⁹ <https://en.odfoundation.eu/a/541007,moldova-dismisses-the-report-slandering-kozlovskaya-and-krameks-open-dialogue-foundation/>

⁵⁰ <https://en.odfoundation.eu/a/675871,joachim-brudzinski-lost-a-court-case-he-is-to-apologise-and-pay-pln-30-thousand-in-damages/>

⁵¹ <https://en.odfoundation.eu/a/669571,tvp-is-to-apologise-to-the-open-dialogue-foundation-at-the-beginning-of-wiadomosci-news-service-and-pay-compensation-of-pln-200000/>

⁵² <https://en.odfoundation.eu/a/574421,marcin-reys-apology-court-settlement-concludes-the-dispute/>

⁵³ <https://ru.odfoundation.eu/a/608056,parlament-moldovy-annuliroval-otchet-porochashchij-fundaciju-otkrytyj-dialog/>

Kazakhstani diplomats exerted pressure on the president of the Open Dialogue Foundation Lyudmyla Kozlovskaya and lawyer Bota Jarmaliev during the autumn and winter plenary sessions of the PACE in October 2022 and January 2023 in Strasbourg by spreading false information among PACE deputies. As a result of this disinformation campaign, the Chairperson of the Ukrainian delegation to the PACE, Maria Mezentseva, and the Chairperson of the European Conservatives Group and Democratic Alliance in PACE (ECDA), Jan Liddel-Grainger, sent letters to the PACE Secretary General repeating the theses of the Kazakhstani propaganda against the Open Dialogue Foundation and Lyudmyla Kozlovskaya.⁵⁴ In this way, the Kazakhstani authorities were able to use the PACE deputies to block the activities of the only organisation — the Open Dialogue Foundation — that discloses the facts of cooperation between Russia, Kazakhstan and other Central Asian countries in order to circumvent the international sanctions that have been imposed against Russia.

2. REPRESSIONS AGAINST POLITICAL OPPONENTS: AUTHORITIES BLOCK REGISTRATION OF “ALGA KAZAKHSTAN” PARTY

The authorities of Kazakhstan do not allow any political competition in the country. Today there are only seven officially registered political parties in Kazakhstan. The process of registration of new political parties in Kazakhstan is complicated. The state has a wide range of tools to refuse registration.

Unprecedented in the modern history of Kazakhstan, political repression is associated with the banning of the peaceful opposition movements Democratic Choice of Kazakhstan (DCK) and *Koshe Partiyasy*. The authorities equate opposition activity with “extremism”. This technique was first used in January 2005, when, on the basis of an application by the prosecutor's office, the court banned the activities of the opposition party DCK on charges of “political extremism”.⁵⁵

In 2018, a Kazakhstani court decided to ban the “legal successor” of the DCK party — the opposition movement DCK. On 13 March 2018 the Yesil District Court of Astana, at the request of the General Prosecutor's Office, issued a decision according to which the DCK and its leader Mukhtar Ablyazov “incites social discord”, “forms a negative image of the authorities”, “forms protest moods”, “inflames social tension” and “encourages political disobedience”.⁵⁶ On 19 May 2020, the court granted the request of the General Prosecutor's Office and ruled that “the DCK was transformed into the *Koshe Partiyasy* (“Street Party”) movement” and that the DCK and *Koshe Partiyasy* “became one extremist organisation”. The activities of *Koshe Partiyasy* were banned in Kazakhstan. Decisions to ban opposition movements were made secretly, and investigations and trials were conducted without the participation of representatives of DCK and *Koshe Partiyasy*. The court decisions to ban DCK and *Koshe Partiyasy* could not be appealed, as the activists were refused recognition as a “party to the case”. At the same time, the same activists were convicted for their links to opposition movements.⁵⁷ Thousands of DCK and *Koshe Partiyasy* supporters across Kazakhstan have been persecuted. The European Parliament, in its resolutions^{58, 59, 60} has repeatedly recognised the peaceful nature of the activities of DCK and *Koshe Partiyasy*.

⁵⁴ https://www.eureporter.co/economy/eu-economy/2023/08/06/a-brussels-ngo-and-a-kazakh-oligarch-in-exile-in-the-service-of-russia/?_ga=2.53245420.577198595.1691668167-1005141057.1691395024

⁵⁵ <https://ru.odfoundation.eu/a/7249,istorija-oppozitsionnogo-dvizhenija-demokraticeskij-vybor-kazahstana/>

⁵⁶ <https://www.facebook.com/gulnara.ju/posts/1549569151855938>

⁵⁷ https://www.facebook.com/permalink.php?story_fbid=1045404696226549&id=100022710849711

⁵⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0056_EN.html

⁵⁹ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

⁶⁰ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0012_EN.html

Persecution of opposition politician Mukhtar Ablyazov

For many years, the Kazakhstani authorities have been persecuting Mukhtar Ablyazov, the leader of DCK, an opposition politician. In the past, Mukhtar Ablyazov served as Kazakhstan's Minister of Energy (1998-99) and head of Kazakhstan's largest bank, BTA Bank. In 2001 he became one of the founders of the opposition movement "Democratic Choice of Kazakhstan". As an influential politician and businessman, Ablyazov was in favour of liberal reforms and supported the opposition and independent media in Kazakhstan. For this reason, a conflict began between former Kazakh President Nursultan Nazarbayev and Mukhtar Ablyazov, forcing the latter to leave the country. The Kazakhstani authorities launched a large-scale transnational reprisals against Mukhtar Ablyazov, his relatives and colleagues around the world. The Kazakhstani authorities resorted to fabrication of criminal cases, kidnapping his wife and daughter from Italy,⁶¹ surveillance of his colleagues in other countries⁶² and intimidation. The Kazakhstani authorities also made sure that criminal cases were opened against Mukhtar Ablyazov in Russia and Ukraine. Thus, they are trying to get Mukhtar Ablyazov extradited to Kazakhstan, Russia or Ukraine.

On 9 December 2016 the Council of State of France refused to extradite Ablyazov to Russia and recognised his case as politically motivated. The Council of State emphasised that Kazakhstan had been putting pressure on the Ukrainian and Russian authorities to issue extradition requests. On 29 September 2020 the National Asylum Court of France granted refugee status to Mukhtar Ablyazov.⁶³

However, in December 2021, the Council of State of France cancelled the decision of the National Asylum Court of France and returned Mukhtar Ablyazov's case for reconsideration. Without denying the political motives of Ablyazov's prosecution, on 8 September 2022 the National Asylum Court cancelled its own decision to grant Ablyazov refugee status. Ablyazov challenged this decision in court.

The Kazakhstani authorities exerted pressure on France in connection with the Ablyazov case. In particular, according to media reports, during the meeting between Kassym-Jomart Tokayev and Emmanuel Macron at the end of 2022, the "Ablyazov problem", which is the main obstacle in Kazakh-French relations, was one of the items on the agenda.⁶⁴ Given the significant investments of French companies in Kazakhstan's raw materials sector and the fact that Kazakhstan is one of the main suppliers of uranium for French nuclear power plants, Mukhtar Ablyazov could become a bargaining chip in relations between the two countries. The French President assured his Kazakh counterpart that despite the Ablyazov case being under the jurisdiction of the French judicial system, he is closely following its development.

On 30 June 2023, Mukhtar Ablyazov received an order from the French Prefect of Police requiring him to leave the territory of France within 30 days. The order did not contain specific legal grounds and violated both the European Convention on Human Rights and French law, since at that time there was no final court decision on Mukhtar Ablyazov's asylum case. On 11 August 2023, it became known that the French court refused to grant Mukhtar Ablyazov asylum. It should be noted that the treaty on mutual legal assistance has not yet entered into force between Kazakhstan and France, so Ablyazov cannot be extradited to Kazakhstan.⁶⁵

At the end of July 2023, it became known that the 73-year-old uncle of Mukhtar Ablyazov, Kuanysh Nurgazin, returned to Kazakhstan after 12 years abroad. Prior to this, Nurgazin had lived in Lithuania, where he received political asylum. A criminal case was opened against him in Kazakhstan. Nurgazin's health had recently deteriorated, so he decided to return to his home country. Upon arrival in Kazakhstan, he was

⁶¹ <https://thediplomat.com/2020/10/italian-policemen-sentenced-for-kidnapping-kazakh-ex-bankers-family/>

⁶² <https://www.thetimes.co.uk/article/how-our-elite-troops-became-corporate-spies-for-hire-gstz0bfdd>

⁶³ <https://ru.odfoundation.eu/a/31799,lider-dvk-mukhtar-ablyazov-poluchaet-politicheskoe-ubezhishche-vo-francii/>

⁶⁴ <https://www.lefigaro.fr/international/moukhtar-ablyazov-le-refugie-politique-kazakh-qui-valait-sept-milliards-de-dollars-20221128>

⁶⁵ <https://globalnews.kz/kazakhstan-i-franciya-blizhe-chem-kazhetsy/>

immediately arrested at Almaty airport and placed in a pre-trial detention facility where pro-government journalists with cameras were waiting for him. According to the law of the Republic of Kazakhstan, arrested persons who are under investigation cannot give interviews to the media, but in the case of Nurgazin, the administration of the pre-trial detention facility “did not notice” violations of the law. As a result, the authorities used Nurgazin's case for a propaganda information campaign against opposition politician Mukhtar Ablyazov. More than 20 pro-government media outlets published interviews⁶⁶ with Nurgazin from the pre-trial detention facility in which they distorted his words. The announcers of propaganda channels added on Nurgazin's behalf that “Mukhtar Ablyazov involved him in fraudulent schemes” and advised “fugitives to return to Kazakhstan”, although Nurgazin did not say such words. Nurgazin was then released from the pre-trial detention facility, allegedly due to his advanced age. In fact, the Kazakhstani authorities have taken Nurgazin hostage and are using him as one of the levers of influence in the Ablyazov case, especially on the French authorities.

Repressions against representatives of the unregistered party “Alga Kazakhstan”

The authorities systematically refuse to register the opposition party *Alga Kazakhstan*, although representatives of the initiative group for the creation of the party were able to collect all the necessary documents for this purpose. The Ministry of Justice of Kazakhstan is not accepting the documents for registration due to the discover of alleged “inconsistencies”.⁶⁷ Since May 2022, **17 refusals** to register the party have been received. The authorities refer to the fact that the list of the initiative group allegedly does not meet the requirements of the law. At the same time, no specific answer is provided as to what exactly does not meet the requirements. On 25 May 2023, a list of 3,054 people was submitted; 700 people are required by law.⁶⁸ The organising committee of *Alga Kazakhstan* has videos from 1,500 people, which confirms that the list consists of real people and meets the requirements of the law. On 5 May 2023, members of the initiative group for the creation of the party came to the building of the Department of Justice of Almaty to confirm their signature under the application for registration of the party. The authorities qualified the actions of the activists as an “unauthorised rally” and four months later, in August 2023, arrested activists **Bibigul Imangaliyeva** and **Aset Abishev** for 20 and 15 days, respectively.⁶⁹ The arrests took place on the eve of a press conference that was to be held by members of the initiative group for the creation of the party *Alga Kazakhstan*.

Representatives of the organising committee of the *Alga Kazakhstan* party are systematically subjected to detentions, administrative arrests and fines for participating in peaceful protests and posting on social media. They are also frequently subjected to preventive detentions to stop them from participating in protests. On 8 June 2023, at least 14 activists of *Alga Kazakhstan* who intended to hold peaceful protests during the Astana International Forum were detained. The activists wanted to draw international attention to the problem of political repression in Kazakhstan. In accordance with Kazakhstani law, they submitted notifications about the intent to hold peaceful assemblies, but received refusals.⁷⁰

Moreover, **the authorities have launched a politically motivated criminal prosecution of *Alga Kazakhstan* members.** The authorities subjected the chairman of the organising committee of the unregistered *Alga Kazakhstan* party, **Marat Zhylanbayev**, to politically motivated persecution. A criminal case was opened against him on charges of “financing terrorist or extremist activities” (Article 258 of the Criminal Code) and “participation in the activities of a banned organisation” (Article 405 of the Criminal Code). On 23 May 2023

⁶⁶ <https://turantimes.kz/obschestvo/44379-ja-nevolno-byi-vo vlechen-abljazovym-v-moshennichestvo-kuanys-h-nurgazin.html>

⁶⁷ <https://rus.azattyq.org/a/32101600.html>

⁶⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3563989500586974/>

⁶⁹ <https://rus.azattyq.org/a/32535468.html>

⁷⁰ <https://rus.azattyq.org/a/32451477.html>

Marat Zhylanbayev's house was searched.⁷¹ In early May, Zhylanbayev was arrested for 20 days for holding a peaceful rally near the office of the EU Delegation to Kazakhstan in Astana demanding the release of political prisoners and imposition of sanctions against Kazakhstani authorities for helping Russia circumvent sanctions. After serving the arrest, Zhylanbayev was not released, but was taken into custody on a criminal case initiated against him.



Activists of the *Alga Kazakhstan* party in the building of the Ministry of Justice. Photo: Sania Toiken (RFE/RL)

According to the materials of the criminal case, “financing of extremism” implies that in February 2023 Zhylanbaev transferred 500,000 tenge (about USD 1,100) to activist Zhanna Sarsenova. She is allegedly a member of the “extremist organisation” DCK, according to the investigation. Zhylanbayev made the transfer ahead of the parliamentary elections so that Sarsenova could make an electoral deposit and stand as a candidate for the Mazhilis of Parliament.⁷² Zhylanbayev had also intended to run in the election. However, his candidacy was withdrawn after he announced a fundraiser among his associates to run for election. Zhylanbayev was accused of allegedly campaigning prematurely. It should be noted that the money was transferred to the account of a third party (Zhanna Sarsenova's mother), but the investigation regarded it as a transfer to Sarsenova. At the same time, there is no court decision that would recognise Sarsenova as an extremist or a member of the DCK, so the transfer of money to her cannot be regarded as “financing extremism”. **Zhylanbayev's case shows that, in Kazakhstan, law enforcement agencies, in violation of the right to bank secrecy, have access to and illegally monitor citizens' money transactions, abusing the Financial Action Task Force (FATF) recommendations on combating money laundering and terrorist financing for political purposes.**

On 1 May 2023, a civil activist and a member of the emerging opposition party *Alga Kazakhstan*, **Sandugash Sand-Ahmet**, was detained. Police officers interrogated the activist in a politically motivated criminal case under Article 405 Part 2 (“participation in the activities of a banned organisation”).

On 13 May 2023, civil activist **Askar Sembay** was arrested for two months in Astana. A criminal case was opened against him for publications in social networks and he is also accused of “participation in the

⁷¹ <https://rus.azattyq.org/a/32423896.html>

⁷² <https://otyrrar.kz/2023/02/vybory-2023-kto-izyavil-zhelanie-podat-zayavlenie-v-shymkente/>

activities of a banned organisation” (Article 405 of the Criminal Code). He was previously prosecuted for supporting the peaceful movement *Koshe Partiyasy*.



Marat Zhylanbayev (center) during a protest near the EU Embassy

Following the opening of politically motivated criminal cases against *Alga Kazakhstan* leaders, party supporters across Kazakhstan have been summoned *en masse* for questioning as witnesses in criminal cases. In this way, the authorities exert pressure on activists. For example, in the case of Marat Zhylanbayev, 22 activists were questioned in the city of Aktobe alone.⁷³

The Kazakhstani authorities continue their crackdown on activists who, according to the authorities, “support the DCK and its leader Mukhtar Ablyazov”.

On 20 May 2023, activist **Zhandarbek Bashanov** was arrested in Uralsk. Bashanov is accused of having published videos in support of the opposition movements DCK and *Koshe Partiyasy*, as well as going on protests. A criminal case has been opened against him under Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”).

A criminal case under Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”) was brought against activist **Zhibek Bostanbekova** for joining Mukhtar Ablyazov's live broadcast on Instagram and asking him several questions. According to the investigation, in this way she expressed her trust in Mukhtar Ablyazov.⁷⁴

The persecution of Marat Zhylanbayev, Askar Sembay, Sandugash Sand-Akhmet and Zhandarbek Bashanov is a harbinger of large-scale repressions against representatives of *Alga Kazakhstan*, which the authorities will probably try to present as the “successor” of DCK and *Koshe Partiyasy*. Sembay and Zhylanbayev are being defended by lawyer Meirzhan Doskarayev, who is known for defending politically persecuted individuals. In 2021, Almaty police pressured the Bar Association of Akmola region to take “strict measures” against Doskarayev for refusing to sign a non-disclosure agreement.⁷⁵ There is reason to believe that the lawyer may again be under pressure in connection with the defence of members of *Alga Kazakhstan*.

⁷³ <https://www.azattyq.org/a/32533926.html>

⁷⁴ <https://www.facebook.com/hashtag/%D0%B1%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%B1%D0%B5%D0%BA%D0%BE%D0%B2%D0%B0>

⁷⁵ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/2957474194571844/>

3. PERSECUTION OF HUMAN RIGHTS DEFENDERS

The authorities persecute human rights defenders to silence them from reporting human rights violations in Kazakhstan to the world. Members of the Kazakhstani human rights movements *Qaharman*, *405*, *Bostandyq Kz*, *Femina Virtute*, *Veritas*, *Elimay* and *Article 14* have been subjected to politically motivated persecution. At least **18 human rights defenders** have been victims of political persecution over the past few years, including Saule Mukhambetova, Bibigul Imangaliyeva, Nurgul Kaluova, Zhanat Zhamaliyev, Aidar Syzdykov, Raigul Sadyrbayeva, Aliya Isenova, Daniyar Khassenov, Altynay Tuksikova, Dana Zhanay, Alma Nurushcheva, Ulbolsyn Turdiyeva, Aya Sadvakasova, Roza Musayeva, Barlyk Mendygazyev, Sholpan Dzhanzakova, Bakhytzhan Toregozhina and Shalipa Bekkulova.

In addition to monitoring the human rights situation, human rights defenders conduct public fundraising to provide humanitarian aid to the families of political prisoners. The authorities regard this as “financing the activities of radical supporters of the extremist movements *DCK* and *Koshe Partiyasy*”. Kazakhstani banks, in violation of banking secrecy, provide the police and NSC with banking information on cash donations and transfers involving human rights defenders and civil activists.

Human rights defender **Raigul Sadyrbayeva** was criminally prosecuted for allegedly “participating in mass riots” in the city of Semey in January 2022, when in fact she was monitoring human rights violations in the city during the dispersal of protests. Raigul Sadyrbayeva was arrested and subjected to torture and ill-treatment. Due to international pressure, the authorities were forced to release Sadyrbayeva and drop the criminal case against her.⁷⁶

Human rights defenders and former political prisoners **Nurgul Kaluova**⁷⁷ and **Aidar Syzdykov**⁷⁸ are systematically subjected to excessive control by the probation service. Thus, the authorities exert pressure on them to stop engaging in civil activities. It is worth noting that Nurgul Kaluova's probation term ended in January 2022, but probation officers continue to monitor her whereabouts.

Human rights defender **Ulbolsyn Turdiyeva**⁷⁹ has already been brought to administrative responsibility twice in 2023 on charges of “slander” for her publications in social networks.

In August 2023, human rights defender **Bibigul Imangaliyeva** was brought to administrative responsibility (arrest for 20 days) for allegedly “violating the legislation on peaceful assemblies” for her participation in the submission of registration documents for the opposition party “Alga Kazakhstan”.⁸⁰

Ordinary activists who call on the international community to pay attention to the events in Kazakhstan and impose personal sanctions against human rights violators are also subjected to repression.

4. FREEDOM OF THE MEDIA AND PERSECUTION OF JOURNALISTS

In the media freedom index compiled by Reporters Without Borders, Kazakhstan is ranked 122nd out of 180 countries in 2022.⁸¹ The situation with freedom of expression in Kazakhstan continues to deteriorate.

The Kazakhstani authorities are about to adopt a new law⁸² “On Mass Media”, which will greatly strengthen the state's control over the activities of the mass media. In particular, the draft law stipulates

⁷⁶ <https://www.amnesty.org/en/documents/eur57/5665/2022/en/>

⁷⁷ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3613299805655943/>

⁷⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3614030592249531/>

⁷⁹ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3544203429232248/>

⁸⁰ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3615468082105782/>

⁸¹ <https://rus.azattyq.org/a/kazakhstan-jumps-to-122-media-freedom-index-situation-still-difficult/31832267.html>

⁸² <https://legalacts.egov.kz/npa/view?id=14399024>

that the status of a journalist must be confirmed by a press card, which will be issued by a special commission under the ministry. A journalist can be deprived of a press card for “non-compliance with the norms of professional ethics”. The draft law also prohibits journalists from disseminating information “discrediting law enforcement agencies, undermining public order and defence capability”. Such provisions of the draft law directly undermine the independence of journalists and restrict their activities. Representatives of the Kazakhstani media have criticised the draft law and claim that it is restrictive in nature.⁸³

Kazakhstan's special services have the right to block the operation of social networks and access to Internet resources without a court order, in particular, “in the event of a potential or real social, natural or technical emergency”. Blocking the Internet and social networks during peaceful rallies has become commonplace in Kazakhstan. During the crackdown on peaceful protests in January 2022, Kazakhstan completely blocked the Internet in order to stop the spread and exchange of information. Tokayev explicitly stated that the Internet in Kazakhstan is blocked because of activists and human rights defenders who believe “that they have the right to gather wherever they want and say whatever they want”.⁸⁴

On 10 July 2023 Kasym-Jomart Tokayev signed the law “On Online Platforms and Online Advertising”.⁸⁵ According to the law, in addition to criminal liability, an administrative responsibility for the dissemination of false information on the Internet is also being introduced. For ordinary users the fine can be up to 70 thousand tenge (about USD 155), and for bloggers twice as much. The law obliges owners of Internet platforms to co-operate with state authorities in the fight against “inaccurate information”.

In early 2023, there was a wave of attacks on journalists across Kazakhstan. There were cases of beatings, property damage, threats and attacks on editorial offices. *El Media* and *Ulysmidia*,⁸⁶ as well as journalists Dinara Yegeubayeva,⁸⁷ Vadim Boreyko,⁸⁸ Samal Ibrayeva⁸⁹ and Daniyar Moldabekov.⁹⁰ For example, unknown persons set fire to Dinara Yegeubayeva's car and also attacked her son.⁹¹ Earlier, in November 2022, a campaign of vilification was organised against the journalist on social media.⁹² As a journalist, Dinara Yegeubayeva often criticises the actions of the authorities. A few days before the car arson, Yegeubayeva had publicly raised the issue of the shooting of peaceful protesters during peaceful protests in January 2022, mass torture, and the lack of a transparent and objective investigation, and named Tokayev as the main beneficiary of the tragic January events.⁹³

The Kazakhstani authorities said that 20 criminal cases were opened and 18 people were detained over the attacks on journalists and bloggers.⁹⁴ The attacks were allegedly aimed at “discrediting the President of Kazakhstan and the democratic reforms he is carrying out”.⁹⁵

Journalist **Duman Mukhametkarim** has been systematically persecuted. In 2023, the journalist was arrested three times for 25 days on charges of “violation of the order of peaceful assembly” for allegedly calling for rallies. The journalist was also prosecuted on charges of “participation in the activities of a banned organisation” (Article 405 of the Criminal Code) and “financing extremist activities” (Article 258 of

⁸³ <https://rus.azattyq.org/a/32268363.html>

⁸⁴ <https://akorda.kz/ru/obrashchenie-glavy-gosudarstva-kasym-zhomarta-tokaeva-k-narodu-kazahstana-70412>

⁸⁵ <https://www.akorda.kz/ru/glavy-gosudarstva-podpisan-zakon-respubliki-kazahstan-ob-onlayn-platformah-i-onlayn-reklame-106544>

⁸⁶ <https://www.facebook.com/samal.ibrayeva/posts/pfbid05eqbahG1iHznxFcAz86nJgYMogkvPA1cBBHbHK8Z1nLb2UmtU5Yd5xv71K2HkDrI>

⁸⁷ <https://mediazona.ca/news/2023/01/15/podrostki>

⁸⁸ <https://mediazona.ca/article/2023/01/30/bn>

⁸⁹ <https://ulysmidia.kz/news/12525-v-ofis-ulysmidia-kz-prislali-korobku-s-potrokhami-zhivotnogo-i-semeinym-foto-glaveda/>

⁹⁰ https://www.facebook.com/permalink.php?story_fbid=5982492651811057&id=100001511434029

⁹¹ <https://vlast.kz/novosti/53781-dinara-yegeubaeva-soobsila-o-napadenii-na-svoego-syna.html>

⁹² <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3421613738157885/>

⁹³ https://www.youtube.com/watch?v=QQv2nEwzDGU&t=312s&ab_channel=%D0%92%D0%BB%D0%B0%D0%B4%D0%B8%D0%BC%D0%B8%D1%80%D0%9C%D0%B8%D0%BB%D0%BE%D0%B2

⁹⁴ <https://rus.azattyq.org/a/32281757.html>

⁹⁵ https://tengrinews.kz/kazakhstan_news/pyitalis-diskreditirovat-reformyi-prezidenta-mvd-raskryilo-492384/

the Criminal Code).⁹⁶ On 22 June 2023, the journalist was arrested for two months and placed in a pre-trial detention facility. A criminal case against the journalist was opened in connection with an interview Mukhametkarim gave to opposition politician Mukhtar Ablyazov. Information Minister Darkhan Kydyrali explicitly stated that **Mukhametkarim was being persecuted “because of his political views”**.⁹⁷

Journalist **Sandugash Duysenova** was prosecuted on charges of "violating the law on personal data." On August 11 2023, the journalist was detained and taken to the police station, where she was filmed naked.⁹⁸ In the Ministry of Internal Affairs stated that it was a “personal search procedure”.⁹⁹ After public disclosure, the criminal case against the journalist was closed. Sandugash Duysenova is the author of the world-famous photo of the demolished monument to Nursultan Nazarbayev in Taldykorgan during the January protests.



The demolished monument to Nursultan Nazarbayev in Taldykorgan. Photo: Sandugash Duysenova

Kazakhstan continues to record cases of persecution of journalists on charges of “libel”. For example, in July 2023, journalist **Amangeldy Baterbekov** was arrested for 20 days following a complaint by Mazhilis deputy Bolatbek Nazhmetdinuly for publishing information on a criminal case against the deputy on a social network and thus allegedly “damaging his honour and dignity”.¹⁰⁰

5. SHOOTING OF PEACEFUL PROTESTERS IN JANUARY 2022: THE AUTHORITIES SHIFTED RESPONSIBILITY FOR THE TRAGIC EVENTS TO THE PROTESTERS

Sabotaging an objective investigation

Following the tragic events of January, the Kazakhstani authorities rejected calls for an international investigation and stated that they would conduct a full investigation themselves. However, the facts indicate that the investigation was aimed at covering up the scale of the crimes committed by the security forces against civilians.

⁹⁶ <https://rus.azattyq.org/a/32451757.html>

⁹⁷ <https://rus.azattyq.org/a/32431394.html>

⁹⁸ <https://kaztag.kz/ru/news/politsiya-kazakhstana-snimala-zhurnalista-sandugash-duysenovu-na-video-v-obnazhennom-vide>

⁹⁹ https://tengrinews.kz/kazakhstan_news/obnajennaya-syemka-mvd-vyskazalos-dele-sandugash-duysenovoy-507559/

¹⁰⁰ https://kaztag.kz/ru/news/zhurnalist-posle-pokusheniya-arestovan-po-zhalobe-mazhilismena-s-kriminalnym-proshlym-ot-amanat?utm_source=facebook&utm_medium=cpc&fbclid=IwAR2cXV8nMF40BG4Kb-LVK61lznGaXWOkcRdwl_eiRGpsUPDtk4HPWHV9fc

As of the end of August 2023, the authorities have not made public the full details of the deceased persons (full name, age) and the circumstances of their deaths, as well as the exact number of complaints of torture and the results of investigations into those complaints. The authorities provide only fragmentary and incomplete information.

According to official statistics of the Kazakhstani authorities, 5,350 people were injured during the crackdown of peaceful protests in January 2022. Among them, only 1,189 were civilians, and the rest were police officers and military personnel.¹⁰¹ Such statistics may indicate that injuries of civilians were recorded to a lesser extent and that, conversely, emphasis was placed on injuries among representatives of law enforcement agencies in order to make them look like victims of alleged “mass riots”.

According to official figures, 238 people were killed in the shooting of peaceful protests and related events, but independent estimates by human rights defenders place the death toll at about 256.¹⁰²

The Kazakhstani authorities have acknowledged that **only 67 of the 238 dead can be classified as attackers**.¹⁰³ However, the figure of 67 attackers cannot be considered true either. A detailed case study of some of the individuals who were posthumously charged with arson, seizure of buildings and rioting showed that they did not commit the offences they were charged with.

More than 200 civilian deaths are the result of erratic and illegal shooting at peaceful protesters. However, the authorities do not recognise this fact, stating that most of the dead (142 people) were allegedly “violators of the state of emergency” (SOE). Only 22 people were recognised as accidental victims.

Tokayev's order to “shoot to kill without warning”, which was issued on 7 January 2022,¹⁰⁴ was justified by the alleged attack of “20,000 foreign terrorists” on Kazakhstan. It was this order that actually led to the mass shooting by the military and law enforcement agencies of protesters and bystanders during the January protests. However, the legality of this order is not being investigated in Kazakhstan. According to Prosecutor General Asylov, firearms were first used around 4:00 pm on 5 January 2022 during the defence of the presidential residence in Almaty, so it is allegedly impossible to consider Tokayev's order as the cause of the mass shootings. On 16 March 2022, in his address to the nation, Kassym-Jomart Tokayev stated that



Twitter post by Kassym-Jomart Tokayev about "20,000 terrorists"

¹⁰¹ <https://bureau.kz/goryachee/neispravimym-verit/>

¹⁰² <https://rus.azattyq.org/a/32447001.html>

¹⁰³ <https://bureau.kz/goryachee/neispravimym-verit/>

¹⁰⁴ <http://president.kz/ru/obrashchenie-glavy-gosudarstva-kassym-zhomarta-tokaeva-k-narodu-kazahstana-70412>

the multiple victims during the suppression of protests were the result of “criminal actions of radicals and terrorists”.¹⁰⁵

The state of emergency (SOE), which was introduced during the January protests, does not authorise the arbitrary and disproportionate use of lethal weapons. Lethal weapons can only be used when there is a danger to the life and health of a member of a security or law enforcement agency. Many facts show that shooting was carried out erratically and indiscriminately against civilians in Kazakhstan. It was because of this that many bystanders, including children, were killed.¹⁰⁶ However, the authorities have not conducted a full and comprehensive investigation into the actions of the law enforcement agencies.

On 2 May 2023, during Kazakhstan's submission of its next Periodic Report to the UN Committee for the Prevention of Torture, the experts called on the Kazakhstani authorities to release updated data regarding the tragic events of January 2022 and, in particular, information on measures taken to bring to justice those responsible for the massive human rights violations of January 2022 in Kazakhstan.¹⁰⁷

Search for organisers of “mass riots” and “terrorists”

The authorities initially claimed that Kazakhstan was attacked by 20,000 well-trained and organised bandits and terrorists. President Kasym-Jomart Tokayev tweeted about “20,000 terrorists” who attacked Almaty and began killing police and soldiers, burning administrative buildings and looting.¹⁰⁸ Tokayev tweeted, “The bandits and terrorists are very well-trained, organised and under the command of a special centre. Some of them spoke languages other than Kazakh. There were at least six terrorist attacks in Almaty, 20,000 terrorists in total.”¹⁰⁹ This was used as a pretext to impose a state of emergency, Tokayev's order to “shoot to kill without warning” and the deployment of a CSTO troops into Kazakhstan.

So far, **not a single episode of terrorist activity has been proven**. Charges of terrorism initially brought against protesters were eventually dropped due to lack of evidence and public exposure of the law enforcement agencies' practice of using torture to extract false confessions of alleged terrorist activities. The case of Kyrgyz citizen **Vikram Ruzakhunov**, who was arbitrarily detained and forced under torture to confess that he was a foreign mercenary and terrorist, is illustrative in this context. When the existence of “terrorists” could not be proven, the rhetoric of the authorities changed. They started talking about “bandits”, “conspirators” and an “attempted coup d'état”.

On 5 January 2023, General Prosecutor Berik Asylov said at a meeting of the Mazhilis of Kazakhstan's parliament that in January 2022 in Kazakhstan there was an attempted coup d'état, organised by the former leadership of the NSC headed by Karim Massimov. According to Asylov, a total of 18 people were involved in organising the events. Massimov was named the main organiser of the coup d'état. According to Asylov, on Massimov's instructions, NSC officers abandoned department buildings in a number of cities. As a result, the NSC department buildings in Almaty and Taldykorgan were seized and weapons were allegedly stolen. The Prosecutor's Office refused to name the other organisers, citing the secrecy of the investigation.¹¹⁰ On 24 April 2023 Karim Massimov was sentenced by a military court to 18 years in prison on charges of “high treason” (Article 175 of the Criminal Code), attempted “violent seizure of power” (Article 179 of the Criminal Code) and “abuse of power” (Article 362 of the Criminal Code).¹¹¹ The materials of the criminal

¹⁰⁵ <https://primeminister.kz/ru/addresses/16032022>

¹⁰⁶ https://www.youtube.com/watch?v=x5YPraM_xEM&ab_channel=bazar_jok

¹⁰⁷ <https://media.un.org/en/asset/k1w/k1w33qancs>

¹⁰⁸ <https://www.currenttime.tv/a/prezident-kazahstana-udalil-tvit-o-yakoby-napavshih-na-almaty-20-tysyachah-terroristah/31645139.html>

¹⁰⁹ https://tvrain.tv/news/prezident_kazahstana_soobschil_o_napavshih_na_almaty_20_tysyachah_terroristov-545375/

¹¹⁰ <https://rus.azattyq.org/a/32225259.html>

¹¹¹ https://tengrinews.kz/kazakhstan_news/karimu-masimovu-vynesli-prigovor-495943/

case against Massimov are classified, and the trial was held in closed session. The NSC said that full information on his case would not be made public.¹¹²

Testimonies of eyewitness confirm that during the protests, **riots, arson and looting were organised by government-controlled criminal groups**. The criminal groups wore masks, acted in an organised manner and purposefully filmed their actions. It is indicative that the provocateurs of Dzhumageldiyev's criminal group and he himself had access to the internet, while the authorities had resorted to a complete blocking of the internet throughout the country. In some cases in Almaty, armed men in masks and civilian clothes were recorded marching in formation with police officers.



Arman Dzhumageldiyev and a man with a gun in the background

According to the General Prosecutor's Office of Kazakhstan, organised criminal groups participated in the mass riots. They were supervised by individual representatives of law enforcement agencies of Kazakhstan, including the NSC. According to the investigation, one of the organisers of the mass riots in Almaty was the mobster, **Arman Dzhumageldiyev**, also known as Wild Arman, who acted under the cover of the NSC. Dzhumageldiyev and his associates were allegedly instructed to attack citizens.

Dzhumageldiyev, who is currently being held in a pre-trial detention facility, unlike other prisoners, makes publications in social networks and gives interviews to pro-governmental media. According to the Internal Regulations of pre-trial detention facilities,¹¹³ a mobile phone is not included on the list of items that prisoners who are under investigation are allowed to have. Thus, the statements and interviews made by Dzhumageldiyev are

made with the knowledge of the administration of the pre-trial detention facility. Dzhumageldiyev disseminates statements that duplicate the rhetoric of the Kazakhstani authorities that Mukhtar Ablyazov and DCK were among the organisers of the riots during the mass peaceful protests in January 2022. Arman Dzhumageldiyev alleged that Ablyazov and members of DCK, who acted under the influence of psychotropic substances, were to blame for "the January pogroms and riots".¹¹⁴ Dzhumageldiyev also called Ablyazov "the most important terrorist of our republic". In doing so, he repeated the rhetoric of the Kazakhstani authorities that DCK is an "extremist organisation".

On 15 June 2023, the video of his detention in January 2022 was published on Dzhumageldiyev's social networks.¹¹⁵ The video shows law enforcement officers beating Dzhumageldiyev and his accomplices. Moreover, in June 2023, it became known that Arman Dzhumageldiyev had won a court case proving the use of torture against him.¹¹⁶ It is worth noting that almost 400 criminal cases were opened on the use of "torture" and "abuse of power" during the tragic events of January, but the absolute majority of them were closed due to a lack of *corpus delicti*. Only a few cases of torture went to trial, and the case of the mobster Arman Dzhumageldiyev, who cooperated with NSC, is one of them. This may signal that the authorities are preparing the ground for the release of Dzhumageldiyev, who was used to provoke, beat and intimidate

¹¹² <https://kaztag.kz/ru/news/samata-abisha-vyveli-iz-pod-udara-i-budet-li-rassekrecheno-delo-karima-masimova?fbclid=IwAR1k6ZwhX3RzESMR9XusyW5SAimevErQM4bbk1g5hyUpMn1kgt88U41HLM>

¹¹³ <https://adilet.zan.kz/rus/docs/V1700015564>

¹¹⁴ <https://orda.kz/y-pogromah-i-besporjadkah-krovavogo-yanvary-vinovaty-ablyazov-i-dvk-dikij-arman/>

¹¹⁵ https://www.instagram.com/reel/CthB4ocNOMA/?utm_source=ig_embed&ig_rid=f1d588ac-5793-46ae-a9c7-0b9815932d5d

¹¹⁶ https://tengrinews.kz/kazakhstan_news/dikiy-arman-vyigral-sud-po-faktu-pyitok-advokat-501668/

protesters, unleash violence during the peaceful protests in Almaty, and ultimately create legitimacy for the use of firearms against protesters.

The actions of the provocateurs together with the police and security forces are confirmed by multiple eyewitness accounts:

- One of the witnesses gave testimony to journalists, according to which on 6 January 2022 in Almaty he and more than a dozen civilians were grabbed by Arman Dzhumageldiyev's men, after which they beat them for several hours and called them "looters". "Among this group I saw MP Kairat Kudaibergen," a witness reported. **Kairat Kudaibergen** is at the time a deputy to the Almaty Maslikhat (local representative body) from the government's *Nur Otan* party. According to the witness, the deputy videotaped those who were detained and beaten by people of Dzhumageldiyev's criminal group.¹¹⁷ After that, according to eyewitness testimony, Dzhumageldiyev's criminal group coordinated its actions with Kazakhstan's special forces: Almaty residents abducted and tortured by members of Dzhumageldiyev's gang were handed over to Kazakhstan's police special forces, who continued to torture them to obtain false testimony about their alleged participation in riots and terrorist activities (one person was beaten to death). Kairat Kudaibergen is currently in custody. He is accused of organising mass riots.
- **Nurzhan Zhailaubayev**, a resident of Ust-Kamenogorsk, who was detained during the protests and tortured, said that among the participants of peaceful actions there were provocateurs who acted in cooperation with the police. "In the square there were people among us who shouted slogans, broke tree branches, stripped off cladding and led the crowd. Later, they also took part in detentions and even beat us in police stations,"¹¹⁸ Zhailaubayev said.



Armed men in civilian clothes among police officers in Almaty

- **Yerkebulan Kadyrkhanuly**, imam of a mosque in Ust-Kamenogorsk, said that after evening prayer shooting started in the city square. "At some point a man who was performing namaz came running in and shouted: "They are shooting there, don't be afraid, we have to go." We went. Two days later, the same guy was among those involved in my detention,"¹¹⁹ Kadyrkhanuly said. He was detained

¹¹⁷ <https://rus.azattyq.org/a/kazakhstan-dikii-arman-kidnapping/31703278.html>

¹¹⁸ <https://rus.azattyq.org/a/32403034.html>

¹¹⁹ <https://rus.azattyq.org/a/32403034.html>

and tortured at the “Dynamo” sports complex, where police officers set up a mass torture room for people detained during protests. “Do you confess that you are a Wahhabi?” the police asked him.

- **Bekbolat Isabekov**, a victim of torture, said that he was kidnapped in Almaty by members of Arman Dzhumageldiyev's criminal group. Isabekov was held captive for several days and then handed over to NSC officers who tortured him and demanded that he confess to “terrorism” and the seizure of the Almaty airport. The trial against the NSC officers who tortured Isabekov and 53 others was classified.¹²⁰
- A witness to the riots near the Almaty Akimat said that “the instigators had breast cameras like police officers. They were masked and dressed differently, some in red jackets. When I was in the Akimat, I saw these people, they were going through computers and documents. When I wanted to kick one of them out of his seat, this person said “I am an employee”.¹²¹

General Prosecutor Berik Asylov admitted that armed groups of individuals, including those in military uniform, were active during the January 2022 protests. According to Asylov, **they “all disappeared, went into hiding”** and their search is allegedly ongoing.¹²² This position of the General Prosecutor indicates that criminal groups were used by the authorities to discredit the peaceful protests and to obtain a pretext for their suppression by force.¹²³

CSTO and Russian intervention

The Kazakhstani authorities try not to touch upon the topic of the participation of a CSTO military troops during the mass shooting and torture of civilians in January 2022. The legality and validity of the deployment of a foreign military troops into the country has not been the subject of investigation by investigative and political bodies. However, some details of the deployment of CSTO troops show that it was in fact a military intervention by Russia to prevent the fall of the authoritarian regime loyal to Russia. Thus, the beginning of large-scale protests that spread throughout the country was accompanied by cases of police and military officers taking the side of the protesters. The Kazakhstani authorities faced the risk of losing control over the law enforcement agencies in the country. It was therefore decided to strengthen the defence of the Kazakhstani regime with CSTO military troops. The intervention of the CSTO, led by Russia, further increased the dependence of Kazakhstan and Kasym-Jomart Tokayev personally on Putin's dictatorial regime.

The CSTO intervention was justified by the Kazakhstani authorities by an alleged **external terrorist threat, which was never confirmed**. Tokayev stated that “international gangs” who were “trained abroad” were allegedly involved in the riots. On the evening of 5 January 2022, President Kasym-Jomart Tokayev said in a speech that he had asked the CSTO for “assistance”. Hours later, the formal chairman of the CSTO council, Armenian Prime Minister Nikol Pashinyan, announced that a “collective peacekeeping force” would be sent to Kazakhstan.

Officially, the first units of CSTO military troops, in particular those on the border with Ukraine, arrived in Kazakhstan on 6 January 2022.¹²⁴ The Russian Ministry of Defence created a special air grouping of more than 70 Il-76 and five An-124 aircraft, which, starting from 6 January 2022, began to carry out round-the-clock transfer of the Russian troops of CSTO peacekeeping forces to Kazakhstan. According to media

¹²⁰ <https://bureau.kz/novosti/epizody-v-krovavyyh-tonah/>

¹²¹ <https://rus.azattyq.org/a/32416979.html>

¹²² <https://rus.azattyq.org/a/kazakhstan-bloody-january-official-version/32210613.html>

¹²³ <https://ru.odfoundation.eu/a/179133.kazakhstan-besprecedentnyi%cc%86-terror-rezhima-protiv-mirnyh-grazhdan-i-vozglavljaemaja-rossiei%cc%86-voennaja-intervencija-odkb/>

¹²⁴ https://eurasia.expert/mirotvorsty-odkb-v-kazakhstan-detal-i-perspektivy/?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com

reports, the military troops consisted of servicemen who had previously taken part in the seizure of the Crimean peninsula and in military operations on the territory of Ukraine.¹²⁵ In addition, the Russian Air Force transported servicemen from other CSTO member states to the site of the operation. It is known that a few hours before Tokayev announced the decision to use the CSTO for assistance, self-proclaimed president of Belarus Alexander Lukashenko held telephone talks with the presidents of Kazakhstan and Russia, during which the situation in Kazakhstan was discussed.¹²⁶ Already after the withdrawal of CSTO troops from Kazakhstan, Alexander Lukashenko said that the plan of the “peacekeeping operation was developed by the two presidents – of Russia and Belarus – within one hour.” Lukashenko also repeated the rhetoric of the Kazakhstani authorities about externally controlled terrorists and extremists who were attacking Kazakhstan.¹²⁷



CSTO troops in the Almaty airport

Officially, the CSTO is reported to have sent some 3,600 troops to Kazakhstan.¹²⁸ The majority of CSTO military troops were made up of servicemen from Russia. The so-called CSTO “peacekeeping troops” in Kazakhstan were based on “elite units of the Russian Armed Forces, which are fully manned by contract personnel, equipped with the most modern military equipment and constantly participate in specialised exercises. These are units of the 45th separate brigade of the Airborne Forces Special Forces, the 98th Airborne Division of the Airborne Forces and the 31st separate brigade of the Airborne Forces”.¹²⁹ Formally, the CSTO “peacekeeping mission” was completed on 13 January 2022.

More than a year after the deployment of CSTO military troops to Kazakhstan, on 15 February 2023, CSTO admitted that Russia played a decisive role in the transfer of troops. **At the same time, the investigation of the Kazakhstani authorities does not even mention the role of CSTO troops in the mass shootings and torture in January 2022.** The CSTO also said that there was allegedly a threat to Kazakhstan's sovereignty and security, including from outside.¹³⁰ It is worth noting that the CSTO operation in Kazakhstan was used

¹²⁵ <https://www.golosameriki.com/a/ukraine-on-kazakhstan/6385682.html>

¹²⁶ <https://www.rbc.ru/rbcfreenews/61d5c8689a794745379a5bfb>

¹²⁷ <https://president.gov.by/ru/events/vstrecha-s-belorusskimi-mirotvorcami-na-aerodrome-machulishchi>

¹²⁸ <https://www.bbc.com/russian/features-64121146>

¹²⁹ https://eurasia.expert/mirotvortsy-odkb-v-kazakhstane-detali-i-perspektivy/?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com

¹³⁰ <https://kaztag.kz/ru/news/v-odkb-nazvali-rol-rossii-reshayushchey-pri-perebroske-voysk-v-kazakhstan-v-yanvare-2022-goda>

by Russia to demonstrate its military power ahead of a full-scale military invasion of Ukraine. In this context, the Kazakhstani authorities once again played on Russia's side.

The CSTO participation was positioned as a peacekeeping mission to protect strategic facilities on the territory of Kazakhstan. Officially, the CSTO military allegedly did not take part in the suppression of the protests. However, the media received video footage from Almaty airport from 7 January 2022, which shows the military brutally beating and detaining civilians. Almaty airport was one of the facilities that were under the protection of CSTO military troops.¹³¹

Mass fabrication of criminal cases

As of May 2023, 1,273 people had been convicted in Kazakhstan in cases related to the suppression of peaceful protests in January 2022. Of these, 215 were sentenced to imprisonment, while the rest were sentenced to suspended sentences and restriction of liberty. An amnesty was granted to 1,151 people.¹³²

For the shooting of peaceful protesters in January 2022 and related events, peaceful protesters, civil activists, bystanders, and, to a lesser extent, law enforcement officers and military personnel have been prosecuted.



Vikram Ruzakhunov after torture

In order to confirm the version of «foreign bandits and terrorists», citizens of other Central Asian countries were detained *en masse* during the crackdown on the January peaceful protests. They were subjected to torture and ill-treatment.¹³³ On 8 January 2022 in the Ministry of Internal Affairs of Kazakhstan stated about detention of more than 100 citizens of “neighbouring state”.¹³⁴ Kyrgyz citizen **Cholponbek Sydykov** was detained at a checkpoint in the suburbs of Almaty on 8 January 2022. He was taken to the police station where he was severely beaten. Sydykov had both legs and six ribs broken. He received a concussion. Kyrgyz diplomats intervened and secured Sydykov's return to his home country.¹³⁵ The case of **Vikram Ruzakhunov**, a well-known Kyrgyz musician, was also widely publicised. He was detained for allegedly planning and participating in riots. Footage of Ruzakhunov was

broadcast on Kazakhstan's national television, citing his example as evidence of foreign terrorists in the country.¹³⁶ In the video from the temporary detention facility, Ruzakhunov stated that he allegedly participated in the protests for “200 dollars”. His face showed signs of beatings and torture. As a result of international pressure, the Kazakhstani authorities were forced to release Ruzakhunov. After his release, he claimed that he was forced to incriminate himself under severe torture. Ruzakhanov filed a lawsuit

¹³¹ https://www.youtube.com/watch?v=4nuo4QH3vkM&ab_channel=%D0%91%D0%90%D0%A1%D0%95

¹³² <https://bureau.kz/goryachee/neispravimym-verit/>

¹³³ <https://rus.azattyq.org/a/32483293.html>

¹³⁴ https://t.me/kaztag_tg/2051

¹³⁵ <https://rus.azattyq.org/a/on-v-shokovom-sostoyanii-nv-navestil-v-bolnitse-kyrgyzstantsa-zhestoko-izbitogo-v-politsii-almaty-emu-slomali-rebra-i-obe-nogi/31666113.html>

¹³⁶ <https://rus.azattyq.org/a/31646954.html>

against the Ministry of Internal Affairs of Kazakhstan to protect his honour and dignity, but the Kazakhstani court dismissed it.¹³⁷

As a result of mass arbitrary detentions in January 2022, two persons are reported missing. Both are citizens of Uzbekistan. **Makset Kanatbayev** was detained in Almaty on 6 January 2022. He was taken to a temporary detention facility, after which he disappeared. The second missing person is Azat Zhumaniyazov, who disappeared on 4 January 2022.¹³⁸ It is likely that both missing persons were detained because they were not citizens of Kazakhstan. The Kazakhstani authorities do not recognise that there are missing persons as a result of the January events.

Criminal cases were initiated against those who were “on the hook” with law enforcement agencies. A striking example is the case of **Chingiz Alpiyev** and **Rinat Aliyev** from Semey. They did not participate in the January protests. Alpiyev and Aliyev are Muslims who have been persecuted for several years because of their religious beliefs. On 14 January 2022 they were detained and their homes were searched. After their detention, Alpiyev and Aliyev were subjected to severe torture. It was demanded that they confess to participating in the mass riots during the January protests. Their relatives and lawyers were not allowed to see them. After it was not possible to prove that Alpiyev and Aliyev had participated in the protests, they were charged with propagandising terrorism.¹³⁹ On 26 May 2023 they were sentenced to long prison terms. Chingiz Alpiyev was sentenced to nine years in prison and Rinat Aliyev was sentenced to 7.5 years in prison.

Protesters were tortured *en masse* to force them to confess to various offences. **Askhat Akashev**, a resident of Taldykorgan, was summoned to the police and beaten there, demanding that he confess to receiving weapons. Akashev had several broken ribs. In July 2022, on the basis of fabricated evidence, Akashev was given a four-year suspended sentence.¹⁴⁰ **Yerbol Borlibay**, 58, from Ust-Kamenogorsk, has a visual disability of the first degree. In January 2022, he went out on a peaceful protest. A few days later, he was detained. At the police station Borlibay was beaten and demanded that he confess that he had distributed petrol during the protests. In this way they tried to make an extremist out of him, but Borlibay refused to incriminate himself. As a result, the criminal prosecution against him was terminated.¹⁴¹

Police raids on hospitals and detention of patients admitted for treatment in connection with the crackdown on peaceful protests became a massive phenomenon. As a rule, such persons had multiple traumas and injuries, fractures, gunshot wounds. Their state of health was grave. Despite this, during detention they were beaten directly in hospital wards and even in intensive care units¹⁴². Afterwards, they were tortured at police departments, temporary detention facilities and pre-trial detention facilities.

- On 5 January 2022 **Sayat Adilbekuly** was shot while he was in the centre of Almaty city. He was not participating in the protests. Adilbekuly was looking for a pharmacy to buy medicine for his young daughter who had a fever. Sayat Adilbekuly was hospitalised at City Clinical Hospital No. 7, where he underwent a surgical operation. On 8 January 2022, law enforcement officers burst into Sayat's hospital room, started beating him and shouting at him. Sayat was forcibly taken out of the hospital, without being allowed to dress. Law enforcement officers also beat other patients who were admitted to the hospital as a result of injuries and traumas received during the crackdown on peaceful protests. For several days Sayat Adilbekuly was kept in the pre-trial detention facility without any explanation. All this time he was subjected to beatings and ill treatment. He was not provided with legal assistance. Under the influence of beatings and ill treatment Sayat Adilbekuly

¹³⁷ <https://rus.azattyq.org/a/32427053.html>

¹³⁸ <https://rus.azattyq.org/a/32228863.html>

¹³⁹ <https://mediazona.ca/article/2023/02/23/semej>

¹⁴⁰ <https://rus.azattyq.org/a/kazakhstan-taldykorgan-january-events-torture-victims/32373221.html>

¹⁴¹ <https://rus.azattyq.org/a/32403034.html>

¹⁴² <https://rus.azattyq.org/a/32394554.html>

was forced to incriminate himself. A criminal case of participation in mass riots was fabricated against him. Thanks to publicity, the case of Sayat Adilbekuly attracted the attention of the Kazakhstani and international community. The criminal case against him was closed due to lack of *corpus delicti*. However, the case of torture against Sayat Adilbekuly was also closed — law enforcement agencies allegedly failed to identify the perpetrators of torture.



Police take the injured out of the hospital, taking away and throwing away their crutches

- Yerkanat Zhenisuly** from Ust-Kamenogorsk received a shrapnel wound in his eye during protests in the city. He was hospitalised, but his eye could not be saved. While Yerkanat was in hospital, police officers burst into the ward and detained him by force. Yerkanat was arrested and placed in a pre-trial detention facility. There he was subjected to torture and ill treatment for two months. According to Yerkanat, during the beatings, the staff of the pre-trial detention facility deliberately turned the CCTV cameras so that the beatings would not be filmed. The torture case was terminated.¹⁴³ The criminal case against Zhenisuly was also dismissed due to lack of evidence. In May 2023, the court ordered to pay Yerkanat Zhenisuly compensation for moral damage in the amount of three million tenge.¹⁴⁴
- Dilshat Abdusattarov** came under fire when he and his comrade were travelling by car through the central part of



Dilshat Abdusattarov

¹⁴³ <https://rus.azattyq.org/a/32403034.html>

¹⁴⁴ <https://mediazona.ca/news/2023/05/26/renat-erkanat>

Almaty on 6 January 2022. Their car was shot by members of the security forces.¹⁴⁵ Abdusattarov was shot in the leg and his comrade was killed by a bullet to the head. Abdusattarov was hospitalised, and a few days later he was detained right in his hospital room. During the detention, he and other patients were beaten. “Those who could not walk were forced to go on all fours, crawl on their elbows. I saw that those who stopped were beaten with the rifle stocks,”¹⁴⁶ Abdusattarov said. A criminal case was opened against him on charges of participating in the mass riots. In September 2022, the criminal case was closed.

Even the dead have been prosecuted

- On 2 May 2023 by the decision of Bostandyk District Court No. 2 of Almaty, five people were **posthumously** found guilty of the attack on the Akimat and the Presidential Residence in Almaty.¹⁴⁷ The unconvincing nature of the evidence that was presented in court against the victims suggests that they were blamed for the riots in the city. For example, the investigation presented in court a video recording of the events near the Presidential Residence and stated that the accused were present in the video and were committing unlawful acts. However, relatives of the victims said the video did not show faces and therefore it was impossible to identify the person.¹⁴⁸
- **Ruslanbek Zhubanazarov** from Aktobe was posthumously accused of terrorism,¹⁴⁹ but the charges were later dropped and he was recognised as an accidental victim. Zhubanazarov's murder case was twice closed “for lack of *corpus delicti*”.¹⁵⁰
- **Farkhat Omarov** from Kyzylorda was posthumously accused of “participation in mass riots” (Article 272 of the Criminal Code), “use of force against a representative of authority” (Article 380 of the Criminal Code), as well as “breaking into the building” of the regional police department in Kyzylorda (Article 269-1 of the Criminal Code). However, according to eyewitnesses, he was not inside the police building. He was shot when he was near the building and was calling on police officers not to shoot unarmed people. Initially, Farkhat Omarov was also accused of “terrorism”, but these charges were dropped.
- **Andrey Opusheyev**, aged 17, from Taraz, was posthumously convicted in December 2022 on charges of participation in mass riots (Article 272 of the Criminal Code).¹⁵¹
- Also in Taraz, **Isatay Donbayev**, **Rais Rysbekov**, **Yerzhan Baizhanov**, **Nursultan Kuatbayev** and **Toktar Oshakbay** were posthumously convicted. They were found guilty of “organisation and participation in mass riots” (Article 272 of the Criminal Code) and “illegal possession of ammunition” (Article 287 of the Criminal Code). The relatives of the victims were intimidated with threats that they would have to pay damages for the buildings damaged during the protests if they did not admit to the charges.¹⁵²

¹⁴⁵ https://www.youtube.com/watch?v=x5YPraM_xEM&ab_channel=bazar_jok

¹⁴⁶ <https://rus.azattyq.org/a/32394554.html>

¹⁴⁷ <https://rus.azattyq.org/a/32282587.html>

¹⁴⁸ <https://rus.azattyq.org/a/32389617.html>

¹⁴⁹ <https://www.currenttime.tv/a/kazakhstan-protests-execution/32225471.html>

¹⁵⁰ <https://rus.azattyq.org/a/32372688.html>

¹⁵¹ <https://rus.azattyq.org/a/32237338.html>

¹⁵² <https://rus.azattyq.org/a/kazakhstan-bloody-january-taraz-isatay-donbayev/32253568.html>

Closure of cases concerning the murder of civilians

At least 238 people were killed during the shooting of peaceful protests in January 2022 and related events (independent estimates by human rights activists place the death toll at about 256 minimum), including 19 law enforcement and military personnel.

There are only a few cases of law enforcement officials having been sentenced to real prison terms for the deaths of civilians. In particular, according to human rights defender Bakhytzhan Toregozhina, court verdicts were passed on only 12 cases of civilian deaths.¹⁵³ Among them:

- In Taldykorgan, soldier Mark Zlunyaev was sentenced to six years in prison for shooting shepherd Yernazar Kyrykbayev when he was riding his horse past a military unit.¹⁵⁴ It should be noted that Zlunyaev was convicted on charges of “abuse of power” (Article 451 of the Criminal Code). The lawyer of the plaintiff insisted that Zlunyaev's actions should be qualified as “attempted murder”. Also, for the shooting of three members of the Seytkulov family (father, mother and their minor child) in Taldykorgan, soldier Daniyar Egembayev was sentenced to seven years in prison. He was also convicted for “abuse of power” (Article 451 of the Criminal Code).¹⁵⁵
- In Almaty, an employee of a cash collection service who shot and killed a man near a money exchange office during protests was sentenced to eight years in prison. During the trial, the actions of the employee of the cash collection service were reclassified from Article 99 of the Criminal Code (“murder”) to the lighter Article 106 of the Criminal Code (“intentional infliction of serious harm to health, resulting in the death of the victim”).¹⁵⁶
- On 4 July 2023, a soldier Serikbol Murathan was sentenced to 6.5 years in prison in Almaty, accused of killing Yelnar Kanceit, the son of Zhanseit Tuimebayev, the rector of Kazakhstan National University, during protests. Kanceit's car was shot as he drove through central Almaty. Muratkhan was convicted for “abuse of power” (Article 451 of the Criminal Code).¹⁵⁷

In most cases, cases of civilian deaths were closed due to “lack of *corpus delicti*”, impossibility to identify the perpetrators, or to the investigation period expiring.¹⁵⁸ Relatives of the victims complain that investigations are sabotaged — they transfer cases from one agency to another, change the qualification of the suspects' actions to milder ones (for example, from “murder” to “abuse of power”). Many cases are classified, so relatives are not provided with the materials of criminal cases.

In only occasional cases, when it is possible to draw public attention to the lack of results of the investigation, is it possible to achieve any progress in the investigation. For example, in January 2023, the case of the death of four-year-old **Aikorkem Meldekhan**¹⁵⁹ from Almaty was closed “due to lack of *corpus delicti*” and classified. On 7 January



Aikorkem Meldekhan

¹⁵³ <https://www.facebook.com/toregozhina/posts/pfbid02wxw3XZ1rCQAVKikiWLyZutgLBduT5yYJcDDzbxEfrigipHVjxoY1Kt8GGtdi6Qtbl>

¹⁵⁴ <https://www.currenttime.tv/a/sud-za-rasstrel-pastukha/32133403.html>

¹⁵⁵ <https://bureau.kz/novosti/strelyal-v-yanvare-2022/>

¹⁵⁶ https://www.inform.kz/ru/inkassatora-obvinennogo-v-ubijstve-vo-vremya-yanvarskih-sobytiy-osudili-v-almaty_a4032896

¹⁵⁷ <https://rus.azattyq.org/a/32488713.html>

¹⁵⁸ <https://rus.azattyq.org/a/kazakhstan-atyrau-almaz-berekenov-killed-in-the-january-events/31946316.html>

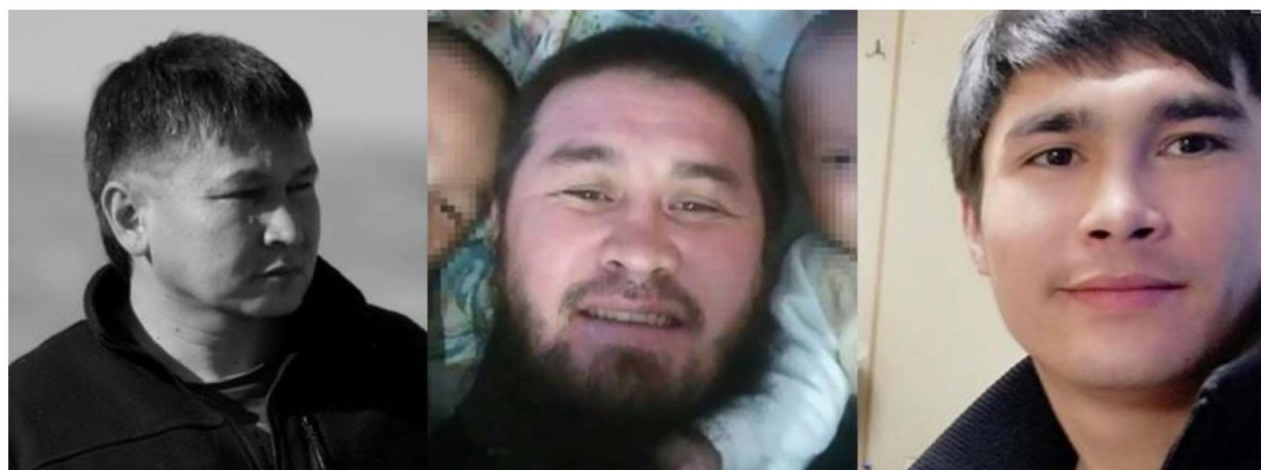
¹⁵⁹ <https://vlast.kz/novosti/53350-delo-ob-ubijstve-cetyrehletnei-ajkorkem-meldehan-vo-vrema-anvarskih-sobytiy-zakryli.html>

2022, the car in which Aikorkem was travelling, as well as her brothers and sister, was shot at by law enforcers in the central part of Almaty. Thanks to publicity, the case was returned for further investigation. The suspect Arman Zhuman was charged not with “murder” but with “abuse of power” (Article 451 of the Criminal Code).¹⁶⁰ The charges under this article allow the convicted person to be amnestied if the verdict is guilty. The Aikorkem Meldekhan murder trial is classified, and the father of the dead girl was not allowed to attend court hearings.¹⁶¹

Investigation of torture cases

During Kazakhstan's submission of the next Periodic Report to the UN Subcommittee on Prevention of Torture, the representatives of Kazakhstan stated that “those who used torture, regardless of their rank, will receive the punishment they deserve”.¹⁶² In reality, the absolute majority of torture cases were closed due to “absence of *corpus delicti*” and the victims did not receive any compensation for the harm caused to their health.

As a consequence of the massive use of torture against detainees during the tragic events of January, at least six people died. Human rights defenders estimate that the majority of persons detained during the crackdown on the January 2022 protests were ill treated or tortured.¹⁶³ In total, some 10,000 detentions were made during the crackdown. According to the General Prosecutor's Office, 329 criminal cases of torture were opened, with an additional 68 cases of “abuse of power” and two cases of military offences. However, only a few cases were sent to court. The rest were closed. As of early August 2023, at least 45 law enforcement officers have been prosecuted and at least 85 people have been harmed by their actions.^{164, 165, 166} **At least 18 people have been sentenced to imprisonment.**



Persons who died as a result of torture. From left to right - Yerlan Zhagiparov, Almas Mukashev, Yeldos Kaliyev

As a rule, torture took place in places where there were no CCTV cameras or witnesses. Therefore, torture cases were massively closed due to the impossibility to prove the fact of torture. According to former Human Rights Commissioner Elvira Azimova, most criminal cases of torture are closed because “the victims

¹⁶⁰ <https://rus.azattyq.org/a/32272135.html>

¹⁶¹ <https://orda.kz/otcza-pogibshej-vo-vremya-kantara-chetyryohletnej-ajkorkem-ne-pustili-v-zal-suda/>

¹⁶² <https://bureau.kz/goryachee/neispravimym-verit/>

¹⁶³ <https://bureau.kz/novosti/vse-predelno-ploho/>

¹⁶⁴ <https://www.gov.kz/memleket/entities/prokuror/press/news/details/530069?lang=kk>

¹⁶⁵ <https://rus.azattyq.org/a/32462279.html>

¹⁶⁶ <https://rus.azattyq.org/a/32511450.html>

failed to prove that they were actually tortured”.¹⁶⁷ In fact, the burden was placed on victims of torture to prove that they had been subjected to beatings and ill treatment.

According to a study by human rights defenders, torture methods included, among others, severe beatings, electroshock, dousing with boiling water, burning with hot irons and cigarettes, and sexual violence.¹⁶⁸

Children and women were also subjected to torture and ill treatment. The working group of the Kazakhstani NGO “On Protection of Children's Rights” reported that 13 minors and 12 women reported that they received severe injuries during their stay in the pre-trial detention facility. A total of 190 people appealed to human rights defenders with complaints of torture and ill-treatment. Most of these complaints did not make it to trial.¹⁶⁹

The observers recorded cases in which it was proposed to victims of torture that they withdraw their statements about torture in exchange for the termination of criminal cases against them. For example, a victim of torture, **Zhaksylyk Sovetbekov**, was prosecuted for allegedly stealing cattle and the offer was made to him that the case would be closed if he withdrew his torture allegation. Sovetbekov was arbitrarily detained in Taldykorgan. During the torture, he had nine ribs and his chest broken and was threatened with rape.¹⁷⁰ There was also a case when journalists were sued for reporting on torture of detainees.¹⁷¹

Few law enforcement officers have been prosecuted for torture. For example, on 10 February 2023, five police officers from Taldykorgan who tortured detainees with a red-hot iron were sentenced to terms of three to four years' imprisonment. At least 23 people, including a minor, suffered from the actions of these police officers.¹⁷² On 7 June 2023, seven police officers were found guilty of torture against **Zhasulan Anafiyayev**, who died on 12 June 2023 as a result of a severe beating in the cell of the temporary detention facility of the Almaty Police Department. Zhasulan Anafiyayev was the father of six minor children and had participated in peaceful protests in Almaty. The police officers were sentenced to terms ranging from five to ten years in prison.¹⁷³ On 2 August 2023, police officer Aidyn Azanbayev was sentenced to six years' imprisonment for the death of Yeldos Kaliyev in the pre-trial detention facility due to torture.¹⁷⁴



Zhasulan Anafiyayev

The fact of using a red-hot iron as an instrument of torture was also recorded in Almaty region, where 25 people became victims of torture.¹⁷⁵ On 17 January 2022 three police officers in Almaty were convicted for torture against alleged participants of the January protests. Two police officers who conducted torture were sentenced to the minimum possible term of three years in prison. Another police officer, who witnessed the torture and failed to prevent it, was sentenced to one-and-a-half years of restriction of liberty.¹⁷⁶

¹⁶⁷ <https://www.currenttime.tv/a/vashi-pokazaniya-golosovnye-nichem-ne-dokazyvayutsya-v-kazhstane-zakryty-80-del-o-pytkah-silovikami-uchastnikov-yanvarskih-sobytiy-/32115778.html>

¹⁶⁸ <https://rus.azattyq.org/a/y-zloveschem-krug-nasiliya-pytki-kantara-v-otsenka-pravozaschitnikov/32255682.html>

¹⁶⁹ <https://rus.azattyq.org/a/32248834.html>

¹⁷⁰ <https://rus.azattyq.org/a/kazakhstan-taldykorgan-bloody-january/32210908.html>

¹⁷¹ <https://bureau.kz/novosti/nesportivnoe-povedenie/>

¹⁷² <https://rus.azattyq.org/a/32265662.html>

¹⁷³ <https://kaztag.kz/ru/news/semoro-politseyskikh-priznany-vinovnymi-po-delu-o-pytках-mnogodetnogo-otsta-do-smerti-v-almaty>

¹⁷⁴ <https://rus.azattyq.org/a/32531091.html>

¹⁷⁵ <https://rus.azattyq.org/a/31906326.html>

¹⁷⁶ https://tengrinews.kz/kazakhstan_news/politseyskikh-osudili-pytki-vremya-yanvarskih-sobytiy-488780/

The case against 11 employees of the Department of NSC of Almaty, who participated in the torture of detainees, is noteworthy. Their actions affected at least 54 people, one of whom (Yerbol Otepbayev) died. The trial against the NSC officers was classified by decision of the District Court of Almaty. What is noteworthy in this case is that some of the victims were captured by members of Arman Dzhumageldiyev's (Wild Arman) criminal group and later handed over to officers of special services who subjected them to torture. This is yet another confirmation that **criminal groups acted in co-operation with law enforcement agencies**. Detainees were severely beaten¹⁷⁷ and it was demanded of them that they sign an interrogation report stating that they are “terrorists” and they committed attacks on the airport and other buildings.¹⁷⁸



Traces of torture with a hot iron on the body of Azamat Batyrbayev from Taldykorgan

Persecution of activists and human rights defenders

The Kazakhstani authorities have persecuted civil and human rights activists who have monitored protests and documented human rights violations.

In Semey, civil activist **Raigul Sadyrbayeva**, who was involved in monitoring human rights violations during protests, was criminally prosecuted. Sadyrbayeva was accused of participating in mass riots. She was held under arrest and tortured for two months. Under international pressure, the charges against Sadyrbaeva were dropped, but the allegations of torture were not investigated.¹⁷⁹

On 18 May 2022 the Enbekshy District Court of Shymkent sentenced activist **Yergali Kulbayev** to a four-year suspended sentence on charges of “participation in mass riots” and “calls for participation in mass riots” (Article 272 of the Criminal Code). Kulbayev partially pleaded guilty to the charges. He admitted that he was at the protest rally, but denied participation in the mass riots.¹⁸⁰

On 6 July 2022 the Al-Farabi District Court of Shymkent sentenced activist Moldabay Sadibekov to three years in prison on charges of “participation in mass riots” and “calls for participation in mass riots” (Article 272 of the Criminal Code) during the protests. Sadibekov was also accused of “use of violence against a

¹⁷⁷ https://www.youtube.com/watch?v=rra6J7y2pvs&t=305s&ab_channel=NikoPaz

¹⁷⁸ <https://bureau.kz/novosti/epizody-v-krovavyyh-tonah/>

¹⁷⁹ <https://rus.azattyq.org/a/31879655.html>

¹⁸⁰ <http://tirik.info/prokuror-zaprosil-4-goda-uslovno-dlya-aktivista-ergali-kulbaeva-obvinyayemogo-v-svyaazi-s-yanvarskimi-sobytyami/>

representative of the authorities” (Article 380 of the Criminal Code), but the court dismissed these charges. According to the charges, Moldabay Sadibekov's participation in the mass riots consisted of chanting various slogans at the rally: “Old man, leave!”, “Let's support Zhanaozen!” and “Zhanaozen, forward!” At the investigation stage, Sadibekov also faced accusations of “terrorism”, but no evidence of this could be found. Sadibekov was kept in a pre-trial detention facility beginning on 10 January 2022.¹⁸¹ In August 2022, the Court of Appeal commuted Sadibekov's imprisonment to a suspended sentence.

In Shymkent, activists **Lyazzat Dosmambetova**, **Zhanmurat Ashtayev** and **Kairat Sultanbek** were prosecuted. They were accused of “organisation and participation in mass riots” (Article 272 of the Criminal Code). All the accused were taken into custody and kept in pre-trial detention facilities during the investigation and trial. According to the investigation, Sultanbek and Dosmambetova provoked “political unrest” by shouting into a loudspeaker during a rally: “Old man, leave!” and “Let's create a parliamentary republic!” Ashtayev, according to the indictment, participated in the riots and “inspired the protesters” by “not running away and calling for active resistance”. Zhanmurat Ashtayev stated that he was tortured after his detention.¹⁸²

Zhanmurat Ashtayev, Lyazzat Dosmambetova and Kairat Sultanbek have been engaged in civil activities in Shymkent for many years. In 2021, all three activists were sentenced to restriction of liberty on charges of participating in the activities of a “banned organisation” — the peaceful opposition movement DCK.

The trial against Dosmambetova, Ashtayev and Sultanbek was concluded within three days. On 15 July 2022, a guilty verdict was passed. All three activists were found guilty. Ashtayev was sentenced to three years and one month of imprisonment, Sultanbek — three years and six months of imprisonment, Dosmambetova — three years and seven months of imprisonment. The execution of the sentence for Dosmambetova is suspended for two years — until her youngest child reaches the age of 14 years.¹⁸³ In November 2022, Kairat Sultanbek was amnestied. Zhanmurat Ashtayev was acquitted by the Supreme Court and released in March 2023.¹⁸⁴



From left to right: Lyazzat Dosmambetova, Zhanmurat Ashtayev, Kairat Sultanbek

¹⁸¹ <https://rus.azattyq.org/a/kazakhstan-shymkent-prigovor-aktivistu-janvarskim-protestam-zaverishila-turemnym-srokom/31886791.html>

¹⁸² <https://rus.azattyq.org/a/kazakhstan-shymkent-activists-trial-zhanmurat-ashtayev-kairat-sultanbek-lazzyat-dosmambetova/31943428.html>

¹⁸³ <http://tirik.info/sud-v-shymkente-ostavil-bez-izmenenij-prigovory-troim-aktivistam-neskolko-rodstvennikov-zaderzhany/>

¹⁸⁴ <https://rus.azattyq.org/a/32321330.html>

Activist **Muratbay Baimagambetov** was prosecuted on charges of organising “mass disturbances” in Kyzylorda during peaceful protests. Baimagambetov's guilt was proven by a video in which he urged protesters “not to disperse”. After his arrest, Baimagambetov was severely beaten in police custody.¹⁸⁵

Muratbay Baimagambetov is a well-known activist in Kyzylorda. He has repeatedly participated in protests, demanding the release of political prisoners. In April 2021, at the height of repression against supporters of the opposition movements DCK and *Koshe Partiyasy*, Baimagambetov was sentenced to two years of restriction of liberty on charges of “participation in the activities of a banned organisation”.

¹⁸⁵ <https://rus.azattyq.org/a/32125820.html>

THE LIST OF POLITICAL PRISONERS IN KAZAKHSTAN

Criteria for inclusion on the list of political prisoners

While preparing the list of political prisoners, the PACE criteria were used.¹⁸⁶ Although Kazakhstan is not a member of the Council of Europe, it has ratified four Council of Europe conventions and signed a declaration expanding cooperation with the organisation. Kazakhstan has been an observer in the Council of Europe bodies at various times. Since March 2012, Kazakhstan has been a member of the Venice Commission and joined the Group of States against Corruption (GRECO) in 2020.

A person is considered a political prisoner if:

- Detention violates fundamental rights and freedoms, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association.
- The detention is imposed for purely political reasons.
- Due to political motives, the length of the detention or its conditions are clearly out of proportion to the offence.
- Due to political motives, he or she is detained in a discriminatory manner as compared to other persons.
- The detention is the result of judicial proceedings that are clearly unfair and connected with the political motives of authorities.

In accordance with the above-mentioned criteria, in this report we provide information on persons who are subjected to politically motivated persecution and on those who remain in prisons or pre-trial detention facilities – i.e. about political prisoners.

In Kazakhstan, persons are politically prosecuted under both general criminal articles and “political” articles of the Criminal Code. The latter include charges of “inciting social discord” (Article 174 of the Criminal Code), “participation in the activities of the organisation after its recognition as extremist” (Article 405 of the Criminal Code), “financing of extremist activities and other aiding and abetting of extremism” (Article 258 of the Criminal Code), “disseminating of deliberately false information” (Article 274 of the Criminal Code), “propaganda or public calls for seizure or retention of power” (Article 179 of the Criminal Code), “organisation and participation in mass riots” (Article 272 of the Criminal Code) and “propaganda of terrorism or public calls to commit an act of terrorism” (Article 256 of the Criminal Code). Kazakhstan refuses to implement the recommendation of the European Parliament resolution¹⁸⁷ regarding the abolition of politicised and textually ambiguous Articles 174 and 274 of the Criminal Code.

¹⁸⁶ <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150&lang=en>

¹⁸⁷ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html

CONVICTED**In cases related to January's peaceful protests**

- 1 **Zhaksylyk ABDULLAYEV** – 5 years' imprisonment under Article 272 of the Criminal Code (“organisation and participation in mass riots”). Abdullayev did not accept the charges; his relatives said that he was slandered.¹⁸⁸
- 2 **Rinat ALIYEV** – 6.5 years' imprisonment under Article 256 of the Criminal Code for alleged “propaganda of terrorism”. He has been in detention since 14 January 2022 and was subjected to torture. Aliyev was initially detained on suspicion of “participation in mass riots” (Article 272 of the Criminal Code). Aliyev did not go to the protests. After the investigation failed to prove the fact of participation in mass riots, Aliyev was charged with propaganda of terrorism.
- 3 **Chingiz ALPIYEV** – 9 years' imprisonment under Article 256 of the Criminal Code for alleged “propaganda of terrorism”. He has been kept in detention since 14 January 2022 and was subjected to torture. Alpiyev was initially detained on suspicion of participation in mass riots (Article 272 of the Criminal Code). Alpiyev did not go to the protests. After the investigation failed to prove Alpiyev's participation in mass riots, he was charged with propaganda of terrorism.
- 4 **Nurlan DALIBAYEV** – 8 years' imprisonment under Article 200 of the Criminal Code (“illegal occupation of a vehicle”), Article 269 of the Criminal Code (“attacks on buildings”) and Article 272 of the Criminal Code (“participation in mass riots”). Dalibayev was convicted in the case of “seizure of Almaty airport” during the January protests.



¹⁸⁸ <https://rus.azattyq.org/a/32384250.html>

- 5 **Yerbol ZHUMANOV** – 16 years' imprisonment under Article 287 of the Criminal Code (“illegal possession of firearms”) and Article 380 of the Criminal Code (“use of violence against a representative of the authorities”). According to the prosecution, Zhumanov allegedly shot and killed the head of the Anti-Terrorist Centre of the Department of NSC of Zhambyl region during the protests in Taraz. In court, Zhumanov admitted that he picked up the weapon on the street, but claimed he did not kill anyone. According to CCTV footage, Zhumanov came to the town square when the NSC officer had already been shot dead. However, these video recordings were not presented at the trial.¹⁸⁹



- 6 **Nursultan ISAYEV** – 15 years' imprisonment under Article 380-1 of the Criminal Code for allegedly running over servicemen in Aktobe during protests. The servicemen were slightly injured. According to Isayev, his car was shelled, so he ducked down and did not see where he was going.¹⁹⁰ Convicted on 1 February 2023.



- 7 **Yerkin KAZIYEV** – 2 years' imprisonment in a penal colony under Article 380 of the Criminal Code (“use of violence against a representative of the authorities”) and Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”). Detained on 27 October 2022. Convicted on 12 April 2022. On 4 January 2022 Kazyev took part in the January protests. In particular, he participated in the performance “Kazakhstan is a big prison” during which activists drove a cage on wheels through the streets of Kaskelen and chained themselves to the cage. The police detained the participants of the performance. During the detention, the activists “fired” at the police from toy water pistols in which water was mixed with paint. The police officers allegedly received chemical burns from contact with the liquid and it was deemed “use of violence against a representative of authority”.¹⁹¹



Yerkin Kazyev has been engaged in civil activism for several years, taking part in protests demanding an end to political repression in Kazakhstan. In 2019, he was sentenced to 1 year

¹⁸⁹ <https://respublika.kz/media/archives/87392>

¹⁹⁰ <https://rus.azattyq.org/a/32361008.html>

¹⁹¹ <https://rus.azattyq.org/a/32362373.html>

of restriction of liberty on charges of “participation in a banned organisation”, DCK, and “propaganda of the ideas of the head of the DCK Mukhtar Ablyazov”.

- 8 **Darkhan KAMI** – 4 years' imprisonment under Article 272 of the Criminal Code (“participation in mass riots”). Convicted on 1 February 2023. After consideration of the case in the court of appeal, Kami's sentence became stricter and he was transferred from a general regime colony to a strict regime colony.¹⁹²



- 9 **Zhan-Aidar KARMENOV** – 8 years' imprisonment under Article 269 of the Criminal Code (“attacks on buildings”) and Article 272 of the Criminal Code (“participation in mass riots”). Karmenov was convicted in the case of “seizure of Almaty airport” during the January protests. Karmenov did not plead guilty to the charges.



- 10 **Kazybek KUDAIBERGENOV** – 17 years' imprisonment under Article 272 of the Criminal Code (“participation in mass riots”) and Article 380 of the Criminal Code (“attempt on the life of a serviceman”). According to the investigation, Kudaibergenov seized a “KamAZ” lorry and directed it at a group of servicemen, killing one of them. The indictment states that Kudaibergenov is associated with the movement *Democratic Choice of Kazakhstan* (DCK). Kazybek Kudaibergenov did not participate in the January protests. On 5 January 2022 he received a gunshot wound in the leg while he was in the city centre. A few days later, Kudaibergenov was detained. He was subjected to severe torture – beaten with truncheons, tortured with stun guns and threatened with rape. A forensic medical examination confirmed that Kudaibergenov had been subjected to violent acts. Under the influence of torture, Kazybek Kudaibergenov was forced to incriminate himself and sign false testimony on the charges.



Kazybek Kudaibergenov's wife reported that due to the preparation of an appeal to the Supreme Court against the

¹⁹² <https://rus.azattyq.org/a/32361008.html>

verdict, their family began to be pressurised by employees of the Akimat (local executive body), the Prosecutor's Office and the colony where Kazybek is serving his sentence. Kazybek is being threatened with torture and with being sent to a punishment cell.¹⁹³

- 11 **Nurakhan MAKHATOV** – 6 years' imprisonment under Article 272 of the Criminal Code (“organisation and participation in mass riots”) for the events that took place during the protests in Taraz. Makhatov is 64 years old and has not pleaded guilty to the charges. According to Makhatov's relatives, he went to the square during the protests to “calm the youth”. However, he was eventually accused of organising mass riots.¹⁹⁴ Criminal mastermind Bashirov, who was detained for looting during the January protests, testified against Makhatov in court.¹⁹⁵ Along with Nurakhan Makhatov, his 35-year-old son Kanat Nurakhanuly was convicted, but he was amnestied.



- 12 **Adlet MUSIN** – 9 months' imprisonment under Article 272 of the Criminal Code (“Participation in mass riots”). At the protest, Musin shouted the slogan “Shal ket!” (Kazakh for “Old man, leave” – a call for Nazarbayev to leave power). This was recorded on video and presented in court as evidence of his guilt. Convicted on 27 July 2023. Taking into account the time spent in the pre-trial detention facility, Musin's prison term should be about 2 months. Musin was beaten and tortured in the pre-trial detention facility.¹⁹⁶



- 13 **Kalas NURPEISOV** – 8 years' imprisonment under Article 191 of the Criminal Code (“robbery”), Article 200 of the Criminal Code (“unlawful seizure of a vehicle”) and Article 269 (“attack on buildings”). Kalas Nurpeisov was convicted in the case of “seizure of Almaty airport” during the January protests. According to the materials of the criminal case, Nurpeisov organised mass riots at Almaty airport, and also “did not limit himself to participation in mass riots at the airport and, in order to prevent the arrival of troops of the Collective Security Treaty Organisation (CSTO), tried to seize the office of *Kazaeronavigatsiya*, which provides electricity for system equipment and air traffic safety”.¹⁹⁷ Shortly after the



¹⁹³ https://www.facebook.com/groups/2333831603602776/?multi_permaLinks=3568268363492421&hoisted_section_header_type=recently_seen

¹⁹⁴ <https://masa.media/ru/site/prokurory-zaprosili-dlitelnye-tyuremnye-sroki-dlya-obvinyemykh-po-delu-o-yanvarskikh-sobytiyakh-v-taraze>

¹⁹⁵ <https://respublika.kz.media/archives/87392>

¹⁹⁶ <https://rus.azattyq.org/a/32522720.html>

¹⁹⁷ <https://rus.azattyq.org/a/kazakhstan-bloody-january-almaty-airport-attack-case/32343040.html?fbclid=IwAR2-r4jRcUTul5ee7XzIshXfXtrnsf26UWzvdvQe0jNLE9XBI3ragpRPrE>

suppression of the January protests, Kasym-Jomart Tokayev said in an interview that bandits and terrorists attacked the Almaty airport in order to seize it and ensure the arrival of “militants from a Central Asian city”.¹⁹⁸ According to Tokayev, these “bandits and terrorists” turned out to be civil activists Kalas Nurpeisov and Aigerim Tleuzhan, who were labelled as the organisers of the airport seizure.

- 14 **Aibol SAGINTAY** – 5 years' imprisonment under Article 272 (“organisation and participation in mass riots”). Sagintay does not deny that he went to the protests in Taraz, but claims that he did not violate the law. On the contrary, Sagintay urged the protesters to calm down. In the pre-trial detention facility, Aibol was offered to be released in exchange for incriminating against persons whom the police would point out. Aibol refused and was told: “Then you will serve time.”¹⁹⁹



- 15 **Aigerim TLEUZHAN** – 4 years' imprisonment under Article 272 of the Criminal Code (“organisation of mass riots”) in the case of “seizure of Almaty airport” during the January protests. According to the prosecution's version, she, together with Kalas Nurpeisov, was the organiser of mass riots at the airport and blocked the movement of aircrafts. Tleuzhan pleaded not guilty. At the trial Nurpeisov and Tleuzhan did not deny that on 5 January 2022 they arrived at the airport when she learnt that CSTO troops were preparing to enter Kazakhstan, but stayed there only about half an hour.²⁰⁰ Tleuzhan is a civil activist and journalist from Almaty and has been under house arrest since November 2022.



- 16 **Yermuhamet SHILIBAEV** – 8 years in prison under Article 269 of the Criminal Code (“attacks on buildings”) and Article 272 of the Criminal Code (“participation in mass riots”). Shilibayev was convicted in the case of “seizure of Almaty airport” during the January protests. Shilibayev pleaded not guilty.



¹⁹⁸ <https://rus.azattyq.org/a/31677395.html>

¹⁹⁹ <https://rus.azattyq.org/a/32413457.html>

²⁰⁰ <https://rus.azattyq.org/a/pozor-kak-vynosili-prigovor-obvinyayemyh-v-zahvate-aeroporta-vo-vremya-yanvarskih-sobytiy/32498793.html>

Prosecution for anti-corruption activities

- 17 **Makhambet ABZHAN** – 9 years' imprisonment under Article 194 of the Criminal Code (“extortion”) and Article 274 of the Criminal Code (“dissemination of knowingly false information”) for allegedly extorting about 50 million tenge (about USD 11,100) under the threat of spreading “defamatory information” in the media. Convicted on 3 February 2023. He has been under arrest since 5 July 2022. Abzhan worked as a journalist and published information about the alleged assets of President Kasym-Jomart Tokayev's nephew.²⁰¹



- 18 **Shaden KARIBAYEV** – 7 years in prison under Article 189 of the Criminal Code (“misappropriation or embezzlement of entrusted property”) for allegedly embezzling funds from the “Sputnik” Holiday House, where he worked as director in 2015–17. Karibayev was criminally prosecuted for uncovering numerous embezzlements and corruption in the Public Association “Kazakh Society for the Blind”, which includes the “Sputnik” Holiday House”.²⁰² According to some reports, the corruption schemes uncovered by Karibayev were in favour of firms linked to Nursultan Nazarbayev's daughter, Dariga. Therefore, law enforcement agencies ignored the facts of corruption Karibayev pointed out and fabricated a criminal case against him.^{203, 204} Karibayev is visually impaired and is at an advanced age (67), so being in detention conditions is dangerous to his life.



- 19 **Yerulan AMIROV** – 7 years' imprisonment under Article 174 of the Criminal Code (“incitement of social discord”), Article 256 of the Criminal Code (“propaganda of terrorism”) and Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”). He was sentenced on 16 May 2022. Amirov was prosecuted because he recorded a video and posted it on Facebook. In the video Amirov stated “the best jihad is the spoken word before an unjust tyrant ruler”. Amirov emphasised not to take up arms. However, it was enough for the investigating authorities that Amirov used the word “jihad” and a criminal case was initiated against him.²⁰⁵ Amirov claims that before that they wanted to fabricate a criminal case against him on charges of supporting *Koshe Partiyasy*.²⁰⁶



²⁰¹ <https://rus.azattyq.org/a/32254069.html>

²⁰² https://www.facebook.com/groups/ActivistsNotExtremists/posts/3321529461499647/?comment_id=3327236894262237

²⁰³ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3351489391836987/>

²⁰⁴ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3321712491481344/>

²⁰⁵ <http://tirik.info/rasshirenie-spiski-polituznikov-21-07-2021-goda/>

²⁰⁶ https://mediazona.ca/article/2021/08/03/psychiatry?fbclid=IwAR2QRlw-Fq_faaVtCP3pPquQoaTWZ3EbJGEq6r_xyF-qS8UokH7Gw_VaXn0

Amirov is a victim of punitive psychiatry. On 10 June 2021 he was placed in a psychiatric hospital. Due to constant psychological pressure in December 2021 Amirov made a suicide attempt while in the pre-trial detention facility.²⁰⁷

- 20 **Karasay ASHIRBEKOV** – 6,5 years' imprisonment under Article 120 of the Criminal Code (“rape”). Sentenced on 10.02.2023. The term is calculated from the date of arrest – 18 May 2022. The trial against Ashirbekov was held in a closed session. Ashirbekov is a civil activist from Kyzylorda region, chairman of the public association “Committee for the Elimination of Corruption”. He has been repeatedly persecuted by law enforcement agencies in connection with his public activities. Ashirbekov claims that the rape case against him is fabricated.²⁰⁸



- 21 **Saltanat KUSMANKYZY** – 8 years' imprisonment under Article 176 of the Criminal Code (“misappropriation or embezzlement of entrusted property”) and Article 419 of the Criminal Code (“knowingly false denunciation”). Kusmankyzy was convicted in July 2019. In April 2020, the Court of Appeal acquitted Kusmankyzy on the charge of “knowingly false denunciation”. She was released. However, the Prosecutor's Office challenged the appeal court's decision, and in January 2021, Kazakhstan's Supreme Court upheld the judgement of the court of first instance. There are indications that Kusmankyzy was prosecuted after she exposed financial fraud worth millions of US dollars in the Kazakh companies *As Ai LTD* and *Minmetals Kazakhstan*, which sell machinery and spare parts from China to Kazakhstan.²⁰⁹



Political hostages in the case of human rights defender and philanthropist Barlyk Mendygazyev

Barlyk Mendygazyev is an entrepreneur, philanthropist and human rights activist from the city of Aksay, West Kazakhstan region, who currently resides in the United States. The Kazakhstani authorities have subjected Barlyk Mendygazyev to politically motivated criminal prosecution because of his opposition and human rights activities. Because Mendygazyev resides outside of Kazakhstan, the authorities have effectively taken hostage members of Mendygazyev's family and employees of the company he founded, Karachaganak Support Services (KSS), who have also been charged with politically motivated criminal offences and sentenced to lengthy prison terms.

²⁰⁷ <https://rus.azattyq.org/a/31631082.html>

²⁰⁸ <http://tirik.info/kak-vlasti-podstavlyayut-aktivistov-s-zhenshhinami/>

²⁰⁹ <https://ru.odfoundation.eu/a/54495,politicheskie-uzniki-i-zhertvy-politicheskikh-presledovaniy-v-kazahstane/>

- 22 **Rinat BATKAYEV** – 5 years' imprisonment under Article 262 of the Criminal Code (“participation in an organised criminal group”) and Article 216 of the Criminal Code (“issuing an invoice without performing actual work”). Convicted on 26 July 2021. Initially, the court sentenced Batkayev to restriction of liberty, but the court of appeal replaced the punishment with imprisonment.



- 23 **Natalia DAULETYAROVA** – 7 years' imprisonment under Article 262 of the Criminal Code (“establishment of an organised criminal group”), Article 216 of the Criminal Code (“issuing invoices without performing actual work”), Article 245 of the Criminal Code (“tax evasion”), Article 419 of the Criminal Code (“knowingly false denunciation”). Convicted on 26 July 2021. Initially sentenced to restriction of liberty, but the Court of Appeal changed the punishment to imprisonment.



- 24 **Baurzhan JUSUPOV** – 5.5 years' imprisonment under Article 245 of the Criminal Code (“large-scale tax evasion”).²¹⁰ Convicted on 26 July 2022. Jusupov is a former director of KSS. Initially, the court sentenced Jusupov to restriction of liberty, but the Court of Appeal changed the sentence to imprisonment.



- 25 **Bekizhan MENDYGIZIYEV** – 5 years and 1 month of imprisonment under Article 262 of the Criminal Code (“participation in an organised criminal group”), Article 245 of the Criminal Code (“tax evasion”), Article 218 of the Criminal Code (“money laundering”), Article 216 of the Criminal Code (“issuing invoices without actually performing work”). The term of imprisonment is calculated from 3 June 2021. Bekizhan Mendygazyev is the brother of Kazakhstani businessman and philanthropist Barlyk Mendygazyev, who was forced to leave Kazakhstan due to politically motivated persecution. Having failed to get hold of Barlyk, the Kazakhstani authorities prosecuted his relatives and the management of KSS.



²¹⁰ <https://rus.azattyq.org/a/32260333.html>

Others

- 26 **Timur DANEBAYEV** – 3 years' imprisonment under Article 174 of the Criminal Code (“incitement of national and social discord”). Danebayev is known for having filed a police report against President Tokayev after the suppression of peaceful protests in January for spreading false information about “20,000 terrorists”. Danebayev published posts on social media criticising Russia for its military aggression against Ukraine. This was the formal reason for opening a criminal case.²¹¹ On 24 December 2022, Danebayev was detained and placed in a pre-trial detention facility. Convicted on 15 June 2023.



- 27 **Yerzhan YELSHIBAYEV** - 5 years' imprisonment under Article 106 of the Criminal Code (“infliction of bodily harm”) plus 7 years' imprisonment under Article 428 of the Criminal Code (“disobedience to the lawful demands of the colony administration”). First convicted in 2019 for allegedly participating in a street fight that took place in 2017. At the trial, the victim stated that he had no claims against Yelshibayev. Yelshibayev lived in Zhanaozen and was an activist of the unemployed movement, related to which he raised unemployment issues in the city. Because of this, he was subjected to pressure from the police.²¹²



Yelshibayev received his second sentence in September 2022. The administration of colony ZK-169/5, where Yelshibayev is serving his sentence, filed a complaint against him for disobedience and inciting other convicts to disobedience after he attempted suicide. Yelshibayev claims that he was protesting against the illegal actions of the colony administration — ill treatment and pressure.²¹³

- 28 **Kairat KLYSHEV** – 5 years' imprisonment under Article 405 of the Criminal Code (“organisation and participation in an extremist organisation”) for supporting the opposition movement *Koshe Partiyasy*. Convicted on 11 October 2021. The European Parliament in a resolution dated 20 February 2022 called on the Kazakhstani authorities to release Klyshev. On 27 April 2022, under pressure from the international community, Klyshev was released, replacing the unexecuted part of his imprisonment with restriction of liberty. On 8 June 2023, Kairat Klyshev was again returned to the colony, because he allegedly violated the conditions of early release — without notification



²¹¹ <https://rus.azattyq.org/a/32433109.html>

²¹² <https://rus.azattyq.org/a/30222769.html>

²¹³ <https://rus.azattyq.org/a/32057693.html>

he travelled to Almaty city and made publications on social networks.²¹⁴

- 29 **Dauren MAKIN** – 7 years' imprisonment under Article 265 of the Criminal Code (“propaganda of terrorism”) for allegedly calling civil servants “kafirs” (non-believers) in a private conversation and urging them to oppose the authorities.²¹⁵ Makin is a well-known Kazakhstani artist. He pleaded not guilty and claimed that he was the victim of provocation. He was detained in April 2022. He has been detained in pre-trial detention facility since 5 May 2022.²¹⁶ Convicted on 27 April 2023.²¹⁷



- 30 **Aslan UTEPOV** – 7 years' imprisonment under Article 190 of the Criminal Code (“fraud”) and Article 367 of the Criminal Code (“incitement to bribery”). Head of the association “People against Corruption” from Uralsk. On 31 December 2022 arrested and placed in a pre-trial detention facility. Utepov stated that he was a victim of provocation because of his public and anti-corruption activities. In March 2023 the trial started.²¹⁸ Convicted on 23 May 2023.²¹⁹



²¹⁴ <https://rus.azattyq.org/a/32451494.html>

²¹⁵ <https://mediazona.ca/article/2022/06/20/makin>

²¹⁶ <https://www.facebook.com/toregozhina/posts/pfbid0zFznondHDMXmYDYdKp5j3C6QwH163AnYXWTGFvosrUpTG4SG5rdhBGtyifZJyA4YI>

²¹⁷ <https://rus.azattyq.org/a/32381537.html>

²¹⁸ <https://www.uralskweek.kz/2023/03/13/strong-advokat-aktivista-aslana-utepova-poprosil-sud-otpustit-obshhestvennika-pod-domashnij-arrest-video-strong/>

²¹⁹ <https://rus.azattyq.org/a/32424645.html>

UNDER ARREST IN A PRE-TRIAL DETENTION FACILITY

In cases related to January's peaceful protests

- 1 **Adilet AKHYT** – is charged under Article 272 of the Criminal Code (“participation in mass riots”) and Article 188 of the Criminal Code (“theft”). On 3 May 2023, Akhyt made a suicide attempt in the pre-trial detention facility (stuck a nail in his stomach) in protest against the falsification of the criminal case against him. Akhyt named the names of prosecutors (Suttibayev S., and Nauryzbayev Sh.) and investigators (Syzdykov E., and Sapar Kuanysh) who are involved in his illegal prosecution.²²⁰



Defendants in the “Group 7” case

“Group 7” is a term used to refer to the criminal prosecution of seven civil activists from Almaty and Almaty region who allegedly prepared “mass riots” and “seizure of power” in Kazakhstan on the day of the snap presidential election. The activists were detained on 17 November 2022 — a few days before the elections. According to the investigation, they “favoured” opposition politician Mukhtar Ablyazov, “had similar views to Ablyazov”, and were members of the DCK and *Koshe Partiyasy* movements.²²¹ The video clip of the detention of the activists was used for propaganda purposes to demonstrate the authorities' fight against “extremists who tried to disrupt the elections”. The authorities did not provide evidence of the guilt of the detained activists. In June 2023, Aidos Ilipbayev, one of those arrested in the case, was released from the pre-trial detention facility and placed under house arrest.

It should be noted that on 16 March 2023 President Tokayev signed amendments to the *Criminal Code of the Republic of Kazakhstan*, according to which the responsibility for “calling for mass disorder” will be made more severe from three to five years of imprisonment, and if using a telecommunications network — up to seven years of imprisonment.

- 2 **Bagdagul ANDREYEVA** – is charged under Article 272 of the Criminal Code (“organisation of mass riots”), Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). She was detained on 17 November 2022. She is in a pre-trial detention facility. Andreyeva has been repeatedly prosecuted for participation in peaceful protests. In January 2022, she was arrested for 15 days for participation in a rally.



²²⁰ <https://ulyssmedia.kz/news/15628-v-taraze-obviniaemyi-po-delu-o-ianvarskikh-sobytiikh-zabil-v-sebia-gvozd-v-sizo/>

²²¹ <https://rus.azattyq.org/a/kazakhstan-early-presidential-elections-persecution-of-activists/32137228.html>

- 3 **Akylzhan KIYSYMBAYEV** — is charged under Article 272 of the Criminal Code (“organisation of mass riots”) and Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). Kiysymbayev received a gunshot wound during the shooting of the protests. He was detained and subjected to torture by the police.²²² Detained on 17 November 2022. Currently, he is in a pre-trial detention facility.



- 4 **Olzhas KULZHAKHANOV** — charged under Article 272 of the Criminal Code (“organisation of mass riots”), Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). Detained on 17 November 2022. Currently, he is in a pre-trial detention facility.



- 5 **Sagynkul KONAR** — is charged under Article 272 of the Criminal Code (“organisation of mass riots”), Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). Detained on 17 November 2022. Currently, she is in a pre-trial detention facility.



- 6 **Tenilik NURLANOV** — charged under Article 272 of the Criminal Code (“organisation of mass riots”), Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). Detained on 17 November 2022. Currently, he is in a pre-trial detention facility.



²²² <https://vlast.kz/obsshestvo/50302-perezit-anvar.html>

- 7 **Yerzhan TOREKULOV** — charged under Article 272 of the Criminal Code (“organisation of mass riots”), Article 179 of the Criminal Code (“propaganda or public calls for seizure of power”). Detained on 17 November 2022. Currently, he is in a pre-trial detention facility.



Persecution of Uzbek citizens in Kazakhstan

Kazakhstan is prosecuting activists from Karakalpakstan who have been accused by Uzbek authorities of “encroaching on the constitutional order of the Republic of Uzbekistan”. The activists are being prosecuted in connection with mass peaceful protests that were violently suppressed by Uzbek authorities in Karakalpakstan in July 2022.²²³ Five Uzbek nationals were detained in Kazakhstan for covering events in Karakalpakstan and defending the sovereign status of Karakalpakstan.²²⁴ They are currently under extradition arrest. The Kazakhstani authorities may extradite the arrested to Uzbekistan, where they will face unfair prosecution and torture.

- 8 **Zhangeldy DZHAKSYMBEKOV** — an Uzbek citizen, at risk of extradition to Uzbekistan. On July 31 2023, Kazakhstan refused to grant asylum to Dzhaksymbekov.



- 9 **Ziuar MIRMANBETOVA** — an Uzbek citizen, at risk of extradition to Uzbekistan.



²²³ <https://ru.odfoundation.eu/a/331211,rasstrel-protestov-v-karakalpakstane/>

²²⁴ <https://www.hrw.org/ru/news/2022/10/14/kazakhstan-dont-deport-activists-uzbekistan>

- 10 **Koshkarbay TOREMURATOV** – an Uzbek citizen, at risk of extradition to Uzbekistan. On July 31, 2023, Kazakhstan refused to grant asylum to Toremuratov.



- 11 **Raisa KHUDAIBERGENOVA** – an Uzbek citizen, at risk of extradition to Uzbekistan.



- 12 **Tleubike YULDASHEVA**²²⁵ – human rights defender, citizen of Uzbekistan, at risk of extradition to Uzbekistan. Detained on 13 November 2022.



Persecuted for participation in the unregistered *Alga Kazakhstan* party

- 13 **Zhandarbek BASHANOV** – charged under Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”). He was imprisoned in a pre-trial detention facility on 20 May 2023. Bashanov is accused of publishing videos in support of the opposition movements DCK and *Koshe Partiyasy*, going to protests, and publicly criticising Tokayev.



²²⁵ <https://rus.azattyq.org/a/32164077.html>

- 14 **Marat ZHYLANBAYEV** – charged under Article 258 of the Criminal Code (“financing of terrorist or extremist activities”) and Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”). Zhylanbayev is a world-renowned ultramarathoner. He is chairman of the organising committee of the unregistered *Alga Kazakhstan* party.



According to the materials of the criminal case, “financing of extremism” implies that in February 2023 Zhylanbayev transferred 500,000 tenge (about USD 1,100) to activist Zhanna Sarsenova. She is allegedly a member of the “extremist organisation” DCK, according to the investigation. Zhylanbayev made the transfer ahead of the parliamentary elections so that Sarsenova could make an electoral deposit and stand as a candidate for the Mazhilis of Parliament.²²⁶ Zhylanbayev had also intended to run in the election. However, his candidacy was withdrawn after he announced a fundraiser among his associates to run for election. Zhylanbayev was accused of premature campaigning. It is worth noting that the money was transferred to the account of a third party (Zhanna Sarsenova's mother), but the investigation regarded it exactly as a transfer to Sarsenova. At the same time, there is no court decision that would recognise Sarsenova as an extremist or a member of the DCK, so the transfer of money to her cannot be regarded as “financing extremism”. **Zhylanbayev's case shows that in Kazakhstan law enforcement agencies, in violation of the right to bank secrecy, have access to the monetary transactions of citizens and illegally monitor them.**

Also according to the investigation, Zhylanbayev's criminal activity consists in the fact that he allegedly organised protests of the DCK. The investigation came to this conclusion on the basis of the fact that the leader of DCK Mukhtar Ablyazov reported on social networks about the planned peaceful protests announced by Zhylanbayev. Thus, the investigation blamed Zhylanbayev for the actions of another person. Zhylanbayev was also allegedly a member of a chatroom on the social network of the organisers and participants of the DCK.²²⁷

According to the conclusions of political science research (which is not on the list of forensic examinations according to the legislation of Kazakhstan), Zhylanbayev's actions and statements contain signs of “discrediting the authorities”. Using the example of systematic refusals to register the *Alga Kazakhstan* party, he criticised Tokayev's statement that Kazakhstan had “simplified the procedure for registering political parties”. Zhylanbayev also called Tokayev a “dictator”

²²⁶ <https://otyrar.kz/2023/02/vybory-2023-kto-izyavil-zhelanie-podat-zayavlenie-v-shymkente/>

²²⁷ <https://rus.azattyq.org/a/kazakhstan-opposition-activist-marat-zhylanbayev/32427878.html>

on social media and blamed him for the tragic consequences of the events of January 2022 in Kazakhstan.²²⁸

On 23 May 2023, Marat Zhylanbayev's house was searched, his phones and personal correspondence were examined.²²⁹ In early May, Zhylanbayev was arrested for 20 days for holding a peaceful rally near the building of the Delegation of the European Union to the Republic of Kazakhstan in Astana demanding the release of political prisoners and sanctions against Kazakhstani authorities for helping Russia circumvent sanctions. After serving the administrative arrest, Zhylanbayev was not released, but was arrested in connection with a criminal case. Zhylanbayev faces up to ten years in prison.

- 15 **Askar SEMBAY** – charged under Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”) for publications on social media with “criticism of the authorities” of Kazakhstan, which he made in November 2022. According to the materials of the criminal case, Sembay “published video messages on Facebook about organising rallies”, “shared information about DCK programmes” and called for “building a parliamentary republic in Kazakhstan”. On 13 May 2023, he was arrested for two months by a decision of the Astana court. Beginning in 2019, Sembay took part in protests organised by the DCK and *Koshe Partiyasy*. He has repeatedly been brought to administrative responsibility.



Others

- 16 **Nurlan KANATOV** – charged under Article 419 of the Criminal Code (“false denunciation”), arrested on 7 February 2023 and placed in a pre-trial detention facility. A civil activist from the city of Taraz who was prosecuted for allegedly setting fire to his own car and “false denunciation” on social media against the Deputy Akim of the region, Kanatbek Madibek. As a civil activist, Kanatov called for the withdrawal of the military from the city during the shooting of peaceful protests in January 2022 and afterwards participated in compiling the list of the dead.



²²⁸ <https://www.facebook.com/groups/ActivistsNotExtremists/posts/3573171686335422/>

²²⁹ <https://rus.azattyq.org/a/32423896.html>

- 17 **Duman MUKHAMETKARIM** – is charged under Article 258 of the Criminal Code (“financing of terrorist or extremist activities”) and Article 405 of the Criminal Code (“participation in the activities of an extremist organisation”). The criminal case against Mukhametkarim was initiated in connection with an interview he gave to opposition politician Mukhtar Ablyazov. He was accused of co-operating with Ablyazov. On 22 June 2023, the journalist was arrested for two months and placed in a pre-trial detention facility.



RECOMENDATIONS

We, members of the coalition of human rights organisations #ActivistsNotExtremists — “Open Dialogue” Foundation, “Qaharman” Human Rights Foundation, “Elimay” Human Rights Movement, “Bostandyq Kz” Human Rights Initiative, “Femina Virtute” Human Rights Movement, “Article 14” Human Rights Movement, “405” Human Rights Movement and “Veritas” Human Rights Movement call on the UN, the OSCE and EU institutions, as well as the governments of the USA, Canada and other democratic states to take urgent measures to stop repressions and crimes against human rights in Kazakhstan. In this regard, we consider it necessary:

- to exert pressure on the Kazakhstani authorities to conduct an independent international investigation into the January 2022 shooting of peaceful protesters in Kazakhstan. This process should involve independent international experts as well as representatives of Kazakhstan's civil society. In particular, each individual case of civilian deaths during the events of January 2022 in Kazakhstan should be investigated.
- to conduct an international investigation under the auspices of the UN and the OSCE into the role of Russia and other countries within CSTO in the violent military actions against peaceful demonstrations in January 2022.
- to demand that the Kazakhstani authorities publish full lists of those killed, injured and detained during the dispersal of peaceful protests in January 2022.
- to reflect an objective assessment of the human rights situation in Kazakhstan in reports of the European Parliament, the European Commission, PACE and the OSCE PA. In particular, provide international platforms for independent human rights defenders from Kazakhstan to effectively report on the human rights and rule of law situation in Kazakhstan. This will help overcome misinformation by the Kazakh authorities and GONGO organisations about alleged reforms in Kazakhstan.
- to send representatives of international institutions and diplomatic missions to monitor politically motivated trials.
- to demand the immediate and unconditional release of all political prisoners in Kazakhstan.
- to demand that the Kazakhstani authorities stop repressions against peaceful protesters, civil activists, journalists and human rights defenders.
- to demand that the Kazakhstani authorities refrain from extraditing to Uzbekistan activists who are being prosecuted in connection with the events in Karakalpakstan in July 2022.
- to use international institutions (OSCE and UN) to exert pressure on the Kazakhstani authorities to comply with human rights obligations.
- to provide financial support for initiatives in the field of human rights protection, democratisation and the rule of law in Kazakhstan.
- to ensure that the economic co-operation of democratic countries with Kazakhstan be in direct correlation with Kazakhstan's fulfilment of its commitments to human rights, democracy and the rule of law.
- to impose personal sanctions against top Kazakhstani officials responsible for the violent dispersal and shooting of peaceful protests in January 2022, as well as those responsible for systematic human

rights violations in the country. In particular, to introduce personal sanctions against Kasym-Jomart Tokayev, Imangali Tasmagambetov, Timur Kulibayev and Roman Vasilenko. [The justification for the need to include the above persons in the list of personal sanctions is presented in Annex 3]

RECOMMENDATIONS ON PERSONAL SANCTIONS AGAINST INDIVIDUALS AND ENTITIES WHO FACILITATE THE CIRCUMVENTION OF SANCTIONS AGAINST THE RUSSIAN FEDERATION

Individuals to be included on the sanctions list:

1. Kassym-Jomart Tokayev (Kazakh: *Қасым-Жомарт Кемелұлы Тоқаев*), (Cyrillic: *Касым-Жомарт Кемелевич Токаев*): born 17 May 1953, a Kazakh politician and diplomat who has been serving as the President of Kazakhstan since 20 March 2019.

The President of Kazakhstan is responsible for helping Putin to circumvent Western sanctions for a number of reasons. Despite claims of democratic reforms and improvement in human rights, the reality is that under the governance of Tokayev, Kazakhstan has remained authoritarian with human rights abuses.

The mass shootings and deployment of CSTO troops to suppress protesters during the January 2022 protests in Kazakhstan are a clear indication of the government's disregard for human rights and democracy. Over 10,000 people were arrested and hundreds were severely tortured, indicating a blatant disregard for the basic rights of citizens. Moreover, the Kazakhstani authorities have failed to conduct an objective and transparent investigation into the shootings and torture of peaceful citizens, indicating a lack of accountability. Tokayev remained in power only due to employment of the Russia-led CSTO troops, who were called to Kazakhstan on a false pretext.

Kazakhstan's strategic alliance with Russia and its conduct of large-scale disinformation operations in Ukraine and the West about the alleged "conflict" between Tokayev and Putin, "strict implementation of sanctions", the "threat of a Russian attack on Kazakhstan" and, accordingly, "forced support for Russia" indicates an active effort to help Russia circumvent international sanctions.

As Head of State, Tokayev controls all branches of government. All the actions of the customs service, the state railroad company, the country's financial regulator (controlling the second-tier banks that secure transactions) are subordinated to the President of Kazakhstan. Therefore, export operations to circumvent sanctions cannot take place without his direct instruction and coordination.

2. Imangali Tasmagambetov (Kazakh: *Иманғали Нұрғалиұлы Тасмағамбетов*), (Cyrillic: *Имангали Нурғалиевич Тасмағамбетов*): born 9 December 1956, is a Kazakh politician and diplomat, since 1 January 2023 the current Secretary-General of the Collective Security Treaty Organization (the CSTO) for a period of three years (appointed on 23 November 2022) as the representative for Kazakhstan.

Tasmagambetov has close ties to the Kremlin's regime and has been a member of the board of directors of KAMAZ, Russia's largest truck manufacturer, since 2021. KAMAZ is a supplier of armored vehicles to Russia's military and has been sanctioned by the US and the EU. From 2017 to 2019, he served as the Kazakh Ambassador to Russia.

Tasmagambetov has held several high-profile government positions in Kazakhstan. From 2016 to 2017, he was Deputy Prime Minister of Kazakhstan. Prior to that, Tasmagambetov was the Minister of Defense of Kazakhstan from 2014 to 2016. He also served as the mayor (akim) of Astana from 2008 to 2014 and as the mayor of Almaty from 2004 to 2008. Tasmagambetov served as Minister of Defense of Kazakhstan in 2014–

16. Tasmagambetov was the Prime Minister of Kazakhstan from 2002 to 2003 and held various government positions before that.

On 28 February 2023, there was a meeting between Secretary-General of the CSTO Tasmagambetov and the Russian Minister of Trade and Industry and concurrently Chairman of the CSTO Interstate Commission on Military-Economic Co-operation Denis Manturov.

Tasmagambetov and Manturov, on behalf of Kazakhstan and Russia respectively, publicly stated that “military-economic cooperation is the most sought-after area of cooperation in the CSTO format”. Tasmagambetov proposed that the Russian minister “implement practical measures for cooperation among military-industrial complex enterprises of the CSTO member states for joint development and production of weapons and military equipment, and creation of service centres for maintenance and repair in connection with the geopolitical situation and increasing tension.”

On 31 March 2023, during an expanded meeting of the leadership of the CSTO's working bodies, Secretary General Imangali Tasmagambetov was a keynote speaker. During his speech, he criticised the West's supplying of weapons to Ukraine which, according to him, nullifies the prospects of negotiations between Putin's Russia and Ukraine: “The line of further escalation of the situation in Ukraine continues. Massive deliveries of increasingly lethal weapons to the war zone practically nullify the prospects of ending the confrontation through negotiations.”

3. Kulibayev, Timur Askaruly (Kazakh: *Құлыбаев, Тимур Асқарұлы*), (Cyrillic: *Кулибаев, Тимур Аскарович*): born 10 September 1966, a Kazakh business oligarch and son-in-law of former Kazakh president Nursultan Nazarbayev.

Kulibayev has held several positions in important state-owned enterprises that manage Kazakhstan's natural resources, and still, through networks of onshore and offshore companies, has immense influence over Kazakhstan's oil and gas industry. He is the former Chairman of the Management Board of Samruk-Kazyna National Welfare Fund and a member of the Board of Directors of the currently sanctioned Russian Gazprom company from 2011 to 2022. Kulibayev is the Chairman of the Kazakh Association of Oil, Gas and Energy Sector Organizations (Kazenergy). Kazenergy is a union of 59 companies operating in the oil and gas industry, power generation, and the nuclear industry in Kazakhstan.

In 2020, a *Financial Times* investigative report revealed that Kulibayev was involved in schemes to skim profits from state contracts for pipeline construction between Russia and Kazakhstan. Kulibayev has been called “the most important business figure in the resource-rich Republic of Kazakhstan” by *The Daily Telegraph*.

As of July 2022, *Forbes* magazine estimated the net worth of Timur Kulibayev and his wife Dinara Kulibayeva (Nazarbayeva) to be USD 7.6 billion, and that by 2023, it had increased to USD 8.6 billion. Together with his wife Dinara, Kulibayev owns the largest bank in Kazakhstan – Halyk Bank.

After the Russian invasion, on 6 April 2022, Sberbank Kazakhstan, which was owned by Russian shareholders came, under US blocking sanctions. As of the end of 2021, Sberbank Kazakhstan was the second-largest bank in Kazakhstan by asset size. The only shareholder of Sberbank Kazakhstan at the time of the sanctions list was the Russian Joint Stock Company Sberbank of Russia. Its ultimate shareholder is the Central Bank of the Russian Federation.

On 13 April 2022, Timur Kulibayev through his Halyk Bank purchased from Sberbank Kazakhstan part of its loan portfolio that consisted of 7500 corporate borrowers (25% of the loan portfolio of Sberbank Kazakhstan). Kulibayev paid a purchase price of over USD 730 million for that loan portfolio, thereby

providing much needed liquidity to the sanctioned Russian subsidiary bank. On 30 May 2022, the shareholder of Sberbank Kazakhstan, Sberbank Russia, decided to pay a shareholder dividend of 99.99% of Sberbank Kazakhstan's net profit, which was approximately USD 300 million.

4. Vasilenko Roman Yurievich (Cyrillic: Василенко, Роман Юрьевич): born on August 14, 1972, since January 2022, Deputy Minister of Foreign Affairs of the Republic of Kazakhstan.

Vasilenko began his career as a senior specialist and translator in the International Department of the Presidential Administration of the Republic of Kazakhstan from 1994 to 1996. He then worked as a third secretary and second secretary at the Embassy of the Republic of Kazakhstan in the United Kingdom from 1996 to 1999. Vasilenko also served as an assistant to the Head of the Prime Minister's Office of the Republic of Kazakhstan in 1999–2000, and as the first secretary and counselor at the Embassy of the Republic of Kazakhstan in the United States from 2000 to 2007.

From 2007 to 2009, Vasilenko worked as the Chief Inspector of the Secretary's Office of the State Secretary of the Republic of Kazakhstan and as a consultant to the Presidential Administration of the Republic of Kazakhstan. He was also the Deputy Head of the Secretary's Office of the State Secretary of the Republic of Kazakhstan during this time. In 2009–12, Vasilenko served as the Chairman of the International Information Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan, and from 2012 to 2013 he was the Deputy Director of the State Institution “Nazarbayev Center”.

From 2013 to 2014, Vasilenko worked as the Ambassador at Large for the Ministry of Foreign Affairs of the Republic of Kazakhstan, and from 2014 to 2016 he was the Chairman of the International Information Committee of the Ministry of Foreign Affairs of the Republic of Kazakhstan. From 2016 to 2019, Vasilenko served as the Deputy Minister of Foreign Affairs of the Republic of Kazakhstan, and from 2019 to 2022 he was the Extraordinary and Plenipotentiary Ambassador of the Republic of Kazakhstan to the Slovak Republic.

Deputy Minister Vasilenko is responsible for disinforming Ukraine and Western countries about Kazakhstan's alleged compliance with sanctions. However, official statistics on Kazakhstan's foreign trade indicate massive shipments of sanctioned goods from Kazakhstan to Russia. Deliberate disinformation allows the regime in Kazakhstan to avoid secondary sanctions and enjoy impunity, while helping Russia to continue its aggressive war against Ukraine.

During the press briefing on 10 March 2023, Deputy Minister Roman Vasilenko stated: “We stated a year ago that, on the one hand, while we do not support sanctions as an instrument of international policy, Kazakhstan will not assist in circumventing these sanctions by the use of our territories. At the same time, we did not receive any complaints on this matter from our Western partners.”

In his interview to Al Jazeera on 6 April 2023, Deputy Minister Vasilenko reiterated his earlier statement: “But from the first day of the conflict, we said that while we are not imposing sanctions on Russia, we will also not allow our territory to be used for the circumvention of sanctions.”