

**President of the Republic of Kazakhstan
K.K. Tokayev**

**General Prosecutor
of the Republic of Kazakhstan
G.D. Nurdauletov**

**Commissioner for Human Rights
in the Republic of Kazakhstan
A.O. Shakirov**

**Copies: Chairman of the National Security
Committee of the Republic of
Kazakhstan
K.K. Masimov**

**Chairman of the Anti-Corruption
Agency of the Republic of Kazakhstan
A.Zh. Shpekbayev**

**Chair of the Supreme Court
of the Republic of Kazakhstan
Zh.K. Asanov**

OPEN APPEAL

“Will Kazakhstan become a law-abiding state, or will the witch hunt continue?”¹

The situation with safety of human rights defenders, journalists and civil society activists has drastically turned to the worse as of late.

In June 2019 alone, various threats and attacks were perpetrated against 11 organisations, 28 women, 49 men – human rights defenders, journalists, civil society activists.² The threats had a few common features:

- they were violent:
- a public figure, anti-corruption activist in Karaganda oblast, was murdered;
- beatings³;
- a lawyer’s dog was poisoned in Almaty;
- two activists were abducted in Almaty;
- damage was caused to gadgets, video cameras, people were mugged, mobile phones taken away, people were pressed to divulge information;
- break-ins of WhatsApp chats, mobile phones of the human rights defenders, journalists, activists in Uralsk.
 - disguise was used to make identification of perpetrators impossible (umbrellas, masks, hands, use of female police officers);
 - gadgets of at least four journalists (laptops, mobile phones) were stolen or robbed.

At the same time, in connection with the 9 June 2019 election the events involved glaring and arbitrary restrictions of human rights and freedoms, which had a mass and lasting character. For instance, forceful arrests and temporary disappearances of innocent citizens without any access to a court whatsoever.

¹ Witch hunt – persecution of people suspected of witch craft. ... As a phraseological unit, “**witch hunt**” means persecution of dissidents taken to an absurd level or discrediting of certain social groups on unreasonable grounds.

² Of whom:

- Civil society activists - 14 women, 21 men (11 men, 9 women/ in connection with the election - 5 women, 10 men);
- Journalists - 2 mass media, 8 women, 14 men (2 mass media, 3 men, 2 women/ in connection with the election - 6 women, 11 men):
- Human rights defenders - 4 NPO, 2 women, 5 men (3 NPO, 1 woman, 2 men)/ in connection with the election - 1 NPO, 3 men, 2 women – 1 woman repeatedly)
- Observers during and after the election - 2 NGO, 1 woman, 2 men (2 NGO, 1 woman, 2 men)
- Public figures - 5 men (4 men/ in connection with the election – 1 man)
- Trade union activists - 2 trade unions, 1 man (2 trade unions, 1 man)
- Political activists - 2 women, 1 forum (2 women, 1 forum)
- Advocates - 1 woman, 1 man (1 woman, 1 man)

³ Deliberate shutting of the door in which the observer’s foot had been stuck who had been pushed out from a voting station in Aktobe; beating of an observer at a voting station in Almaty; beating of a female activist who had just come out of a police station in Almaty; beating by the police of an attorney assistant in Almaty; an open discussion in the social networks of methods of beating of a female human rights defender in Atyrau; beating by the police of D. Agadil in Nur-Sultan resulting in a broken arm.

All those events, without exception, were politically motivated and mostly targeted against “The Democratic Choice of Kazakhstan” (DVK), an opposition movement that had been banned by a court. Whatever the restrictions or threats were, every road lead to DVK (searches, interrogations, detentions, seizing video and audio equipment and gadgets, restrictions on lawful dissemination of information that was not prohibited, denying access to professional legal defence).

The last month was especially peculiar, because in addition to the violence, mass character and political motivation of the arbitrary actions by the authorities and state bodies that are paid by public taxes and that are supposedly designed to protect human rights, not violate them, the following had become clear: the state is afraid of its citizens and civil society, and it had begun using WOMEN as a “weapon” in their threats and attacks on human rights defenders, journalists and civil society activists (young women, women with many children, or women in a police uniform – it does not matter), those women who are dependent for one reason or the other, on the law enforcement agencies, or who are vulnerable, and who appear to be used by the National Security Committee, akimats and police for their own purposes. They are acting both on the streets and inside the buildings (i.e. when they get sent to certain events to cause ruckus).

The most recent event was carefully planned and took place on 22 July 2019 in Almaty. In the crosshair was the press centre of the country’s largest non-profit, Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR). And not for the first time. Bodily injuries, as well as material and psychological damages, were caused to the personnel of this non-government organization, to the speakers at the press conference, to the attorney Galym Nurpeisov, and to the journalists. The public was able to identify the perpetrators (e.g., Akzhol Akhmetova), KIBHR had video recordings, however neither the prosecutor’s office nor the National Security agents (who according to information from KazTAG had visited the Auezov district police station in Almaty on 23 July 2019) had been able to identify the perpetrators guilty of criminal crimes.

A vicious practice has been rented from Russia, Ukraine, Uzbekistan and Kyrgyzstan of using women as a tool to threaten human rights defenders. A paranoid fear of the so-called “colour revolutions,” stoked on theories of conspiracy or certain external forces allegedly seeking to destabilize the country, results in an absolutely inadequate reaction by the authorities when it comes to dealing with the active part of the civil society. Is the country’s administration capable or indeed prepared to build a civilized law-abiding state? Violence is never a justification, especially one perpetrated by the powers that be.

It seems that more and more measures taken by the state are aimed at stripping the people of their human dignity, access to information, professional defender (attorney), fair trial, or effective legal remedies. This means arbitrary restrictions of the rights that are guaranteed by articles 2, 7, 9, 14, 19, 21 of the International Covenant on Civil and Political Rights.

On 23 July 2019 the first US Ambassador to Kazakhstan William Cortney appealed to President Kasym-Zhomart Tokayev to condemn the attacks on journalists in Almaty. Harlem Désir, OSCE Representative on Freedom of the Media, called on the Kazakh authorities to conduct an investigation into the attacks on journalists.

Based on the Constitution and the international treaties ratified by the Republic of Kazakhstan, we hereby DEMAND that:

1. A swift, unbiased, independent, thorough and effective investigation be carried out into the attack, hooliganism, robbery, and insults that took place on 22 July 2019 at the KIBHR press centre and were perpetrated by aggressive women who the society already knows and who, it seems, were sent there by particular officials (whose identities must be found out and who must be held criminally responsible) to disturb a press conference that was being held on the topic of arbitrary restrictions of the rights of Oxana Shevchuk, a mother of four children, the youngest being eight months old.

2. The police be obligated to provide protection and security to the KIBHR personnel and guests and speakers at press conferences held at the organization’s press centre at offices 423, 428, Building 4a, microdistrict 8, Almaty city, based on KIBHR’s notifications. Unless such protection is provided, we will have no choice but declare that the Almaty city police department is incapable of ensuring public order, including the implementation of Kazakhstan obligations to ensure the rights of human rights defenders and civil society activists under the United Nations Declaration on Human Rights Defenders. This demand is categorical and immediate, since the police that was called to the place of the incident on 22 July 2019 ignored the law and the appeals of those in need of protection, and virtually did nothing at all. As this incident has elements of a criminal offense, we demand that the police officers, including R. Asayev, district inspector at the Auezov district police station for the city of Almaty, be held criminally responsible for a failure to act, as provided by article 371 of the Criminal Code of the Republic of Kazakhstan.

3. Strict compliance with the rule of law and each and every element of presumption of innocence, primarily by the courts of law, be adhered to as guaranteed by article 77 of the Constitution of the Republic of Kazakhstan, since Kazakhstan has long been practicing the “presumption of guilt” of a common person (citizen or non-citizen), and that any guilt bias be excluded and the practice be ceased of using the words and reports by a policeman, a prosecutor, an akimat official, or a verbal order by the National Security Committee, as the primary basis for any deliberation.

4. The practice of intimidation and persecutions, crackdowns on dissidents and freedom of expression, arbitrary restrictions on other human rights and freedoms, threats to human rights defenders and civil society activists, artificial creation of an atmosphere and environment of fear in the society by the special forces and police, and tolerance to the all-permeating and total corruption at the state institutions, be ceased. The law must work not in one way (i.e. against the people), it must work in relation to the government representatives and officials in the first instance. Stop the tyranny of bureaucrats, bring equality which is guaranteed by article 14 of the Constitution of Kazakhstan. Prove that you mean it, finally!

Signed:

1. Anara Ibrayeva, human rights defender, capital of Kazakhstan.
2. Evgeniy Zhovtis, human rights defender, KIBHR Director.
3. Alexander Danchev, human rights defender, city of Petropavlovsk.
4. Assel Nurgaziyeva, human rights defender, city of Atyrau.
5. Ivan Sinenko, chairman of True Equality LLP, city of Uralsk.
6. Valentina Sakhnenko, human rights defender, city of Almaty.
7. Marianna Gurina, human rights defender, city of Almaty.
8. Dariya Ulzhagaliyeva, human rights defender, city of Atyrau.
9. Raziya Nurmasheva, attorney at Almaty city collegium of attorneys, city of Almaty.
10. Aiman Umarova, attorney, city of Almaty.
11. Alexander Klyushev, human rights defender, capital of Kazakhstan.
12. Yerlan Kaliyev, human rights defender, city of Almaty.
13. Fatima Djandossova, human rights defender, capital of Kazakhstan.
14. Irina Mednikova, public figure, city of Almaty.
15. Tamara Kaleyeva, president of PF «Adil soz», Coalition «Article 20», city of Almaty.
16. Azamat Shambilov, human rights defender, city of Bishkek.
17. Galiya Azhenova, PF «Adil soz», Public centre of expertise on informational cases.
18. Tatyana Bazhova, human rights defender, PF “Aman-saulyk”, city of Almaty.
19. Dmitriy Tikhonov, human rights defender, KIBHR, Almaty.
20. Tokzhan Kizatova, human rights defender, city of Atyrau.
21. Georgiy Arkhangelskiy, citizen of RK, city of Almaty.
22. Gulnara Abilbekova, citizen of RK.
23. Serik Tenizbayev, human rights defender, city of Kyzylorda.
24. Sergey Solyanik, ecological activist, city of Almaty.
25. Rollan Mashpiyev, public figure, city of Semey.
26. Sergey Izmaylov, human rights defender, city of Petropavlovsk.
27. Yuriy Gussakov, human rights defender, city of Karaganda.
28. Yenikeyeva Elina, lawyer of PA «Sana sezim», city of Shymkent.
29. Lazzat Kamze, Social rights protection Centre's Director, participant of the Coalition on human rights defender's security and protection, capital of Kazakhstan.
30. Naylia Chuykina, participant of the Coalition on human rights defender's security and protection, Zhezkazgan.
31. Zhanara Balgabayeva, attorney, participant of the Coalition on human rights defender's security and protection, city of Almaty.
32. Bayan Yegizbayeva, Centre of youth problems, Head, participant of the Coalition on human rights defender's security and protection, city of Kyzylorda.
33. Ruslan Zhantassov, human rights defender, Youth information service of Kazakhstan, head of the branch, city of Petropavlovsk.
34. Kenzhebek Sultanbekov, human rights defender, city of Semey.
35. Vassilina Atoyants, Youth information service of Kazakhstan, Director, city of Almaty.
36. Igor Kolov, member of Coordination Council of Coalition on human rights defender's security and protection, city of Kostanay.
37. Andrey Prigor, trade union «Amanat», capital of Kazakhstan.
38. Vadim Nee, Public associations ecological forum of Kazakhstan, city of Almaty.

Republic of Kazakhstan, 24 July 2019