



## 2012 OSCE Human Dimension Implementation Meeting

### ***Written Intervention by Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee***

#### **Working Session 2 (Fundamental Freedoms II), Tuesday 25 September 2012:**

#### **Continued restrictions of freedom of assembly in Kazakhstan**

Kazakhstani authorities continue to restrict freedom of assembly with the same tactics as previously: applications to hold assemblies are rejected on arbitrary grounds or assemblies are only allowed in specifically designated places, which are typically located at the outskirts of cities. If assemblies are held elsewhere, or without applying for permission at all, participants are frequently detained and brought to court, where they are fined sizeable amounts or sentenced to administrative arrest for their involvement in unsanctioned assemblies. These tactics are used above all against members of political and civil society groups that are critical of authorities.

Authorities also use other means to try to obstruct the conduct of unsanctioned assemblies held by opposition-minded groups, including “preventive” detentions of activists prior to protests. In some cases, those targeted by such detentions are brought to court on charges of planning to conduct an unsanctioned assembly or disseminating information about such an event.

During trials related to assemblies, judges base their rulings on Kazakhstan’s Law on Assemblies, which requires that permission be obtained in advance for the conduct of assemblies, and the country’s Administrative Code, which provides for accountability for organizing and participating in unsanctioned assemblies. In no case is a court known to have taken into consideration the provisions of the International Covenant for Civil and Political Rights (ICCPR) with respect to freedom of assembly, although this treaty takes precedence over national law.

The following two examples illustrate actions taken by authorities in relation to protest actions held with the involvement of opposition-minded groups:

- On 31 May 2012, about 200 people gathered at a central Almaty avenue to commemorate the day of victims of political repression. Local authorities rejected the application to hold the assembly at this place and the organizers and participants faced intimidation and harassment. A few days prior to the event, the five organizations that submitted the application were warned by prosecutor office representatives that they may be held responsible for organizing an unsanctioned assembly. Members of the opposition Alga party were detained when they were distributing invitations to the event, and the invitations were confiscated. Two of the

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organizers, Alihan Ramazanov and Georgy Arhangelsky were detained as they were leaving their homes on the day of the assembly. Leader of the Amansaulyk NGO Bahyt Tumenovoy and civil society activist Adilzhan Kenzhegaliev, who both moderated at the event, were brought to court and fined around EUR 170 and EUR 430, respectively, in a hearing held on 4 June.

- On 28 April 2012, so-called Disagreement Day rallies took place in the cities of Almaty, Astana, Taldykorgan, Taraz, Shymkent, Atyrau, Uralsk, Karaganda, Pavlodar, Semey and Ust-Kamenogorsk. It was already the fourth protest action of this kind since the beginning of the year, held to demand fair elections, political reforms and justice for those criminally charged in connection with the Zhanaozen events. In all cities, local authorities rejected the applications to hold the rallies.

In Almaty some 400 people gathered outside Hotel Kazakhstan. Some 15 minutes before the start of the rally about 20 police and special force officers forcefully detained civil society activist Ermek Narymbaev, who subsequently was brought to court and fined some 170 EUR. After the rally about ten people were detained and three fined. In the morning of the day of the rally, leader of the "Let's grant people accommodation" association Larisa Boyar and the head of the Ar Rykh Hak group Bahytzhan Toregozhina were detained in their homes. They were both subsequently sentenced to 15 days' administrative arrest. Toregozhina was accused of making online appeals for holding the rally, while Boyar was held accountable for inviting journalists to it. Also in other cities, a number of rally participants were detained and fined.

Moreover, in the period leading up to 28 April, opposition and civil society activists involved in coordinating and mobilizing support for the Disagreement Day rallies, were subjected to various forms of pressure. Among others, they were warned that they may face legal consequences if they participate in the non-sanctioned protests and detained when disseminating invitations.<sup>1</sup>

The following two examples depict cases where local residents have been subjected to pressure when staging protests to express dissatisfaction with the conduct of local authorities:

- In early August 2012, some 30-40 residents of the Besova housing complex in the city of Karaganda began a hunger strike. One house in this newly built complex has collapsed due to serious construction violations, while others are due to be demolished. The participants in the hunger strike demanded that local authorities, who failed to prevent the inadequate construction, grant them equivalent housing elsewhere. The hunger strike continued for less than a week before it was called off on 17 August. The participants were subjected to pressure by local authorities, who warned them that they will be charged with "inciting social hatred" if they don't put an end to their action. This development is of particular concern in view of the fact that vague charges of "inciting social hatred" have previously been used against individuals supporting and assisting participants in the oil worker strike that took place in Zhanaozen and other cities in western Kazakhstan in 2011 (see also the statement of KIBHR, IPHR and NHC on "current challenges to freedom of expression in Kazakhstan").
- On 21 May 2012, residents of the Almerек settlement close to Almaty marched up to the local administration with posters in their hands, demanding that the authorities fix broken roads, clean the local water supply system and address the problem of continuous interruptions in electricity supply. The protesters also brought their children along. The following day, children who had been present were summoned by police. As reported by these children and their parents, the

children were made to write statements stating who had brought them to the unsanctioned protest action. This was done in the presence of the principal of their school. The police officers involved claimed that they only invited the children for “discussion.”

**Recommendations to the authorities of Kazakhstan:**

- Abolish existing restrictions on freedom of assembly (in legislation and practice) that are in violation of international standards, in particular article 21 of the ICCPR. Among others, the authorities should stop requiring that organizers of assemblies obtain permission in advance, and instead allow them to simply give notice about their plans to hold such actions.
- Ensure that peaceful protests can take place without undue interference or harassment of organizers and participants.

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<sup>1</sup> See statement by KIBHR, IPHR and NHC, 27 April 2012, [http://www.iphronline.org/kazakhstan\\_20120427\\_e.html](http://www.iphronline.org/kazakhstan_20120427_e.html)