

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2016/country-chapters/kazakhstan>

### Annual reports

Events of 2015

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How the Politics of Fear and the Crushing of Civil Society Imperil Global Rights

Meeting the Global Development Goals Promise to Girls

Making Legal Recognition for Transgender People a Global Priority

The Global Overuse of Detention of Children

Kazakhstan took few meaningful steps to tackle a worsening human rights record in 2015, maintaining a focus on economic development over political reform. Snap presidential elections in April extended President Nursultan Nazarbaevs heavy-handed 24-year rule for another five years. Opposition leader Vladimir Kozlov remains imprisoned after an unfair trial.

Authorities continued to close newspapers, jail and fine people for holding peaceful protests, ban peaceful religious practice, and misuse the vague and overbroad charge of inciting social, national, clan, racial, class, or religious discord. Workers rights are restricted and the adoption of a new trade union law in 2014 resulted in some trade unions unable to reregister in 2015.

President Nazarbaev won snap presidential elections on April 26 with 97.7 percent of the vote. The election monitoring mission of the Organization for Security and Co-operation in Europes Office for Democratic Institutions and Human Rights (OSCE/ODIHR) noted that reforms for holding genuine democratic elections still have to materialize, and that serious procedural deficiencies and irregularities took place. OSCE/ODIHR also found a lack of genuine opposition and a restricted media environment.

On September 17, Frances prime minister signed a decree approving the extradition of government critic and former banker Mukhtar Ablyazov to Russia. Ablyazov remains under threat of extradition pending review of his appeal at Frances supreme administrative court.

On April 13, a court imposed restrictions on Saken Baikenov of the Antigepitil group, known for protesting Baikonur rocket launches, for two years after his Facebook posts were found to incite ethnic discord. On November 9, authorities arrested Bolatbek Blyalov, also of the Antigepitil group, on suspicion of inciting social discord.

On October 12, police arrested activists Ermek Narymbaev and Serikzhan Mambetalin on suspicion of inciting national discord after Facebook posts about writings attributed to Murat Telibekov, another civil society activist who is under criminal investigaton on the same charges.

Prison officials put opposition leader Vladimir Kozlov into isolation in mid-July and again in mid-August for prison regime violations. In July, additional restrictions were placed on his visitation, telephone, and parcel rights for six months. In 2015, PEN International and Maina Kiai, the United Nations special rapporteur on the rights to freedom of peaceful assembly and of association, expressed serious concern about Kozlovs imprisonment and called for his release. Kiai visited Kozlov in prison in January.

Civil society activist Vadim Kuramshin continues to serve a 12-year prison sentence, despite procedural violations during his trial and concerns that his sentencing in December 2012 was retribution for public criticism of the government.

Participants at the fourth annual meeting of the Civil Society Platform, a gathering of Central Asian activists outside Astana, were subject to intimidation when plainclothes officers attempted to attend their meeting and police demanded to see a list of attendees.

In October, UN bodies and international and local human rights groups expressed serious concern after parliament adopted a draft law on nongovernmental organizations (NGOs), which would impose government control over nongovernmental organizations sources of funding.

Kazakhstan highly restricts media freedoms. Independent journalists and media outlets face harassment and interference in their work, and outlets have been shut down in recent years. Authorities brought criminal libel charges against Amangeldy Batyrbekov, a civil society activist, who was jailed in October for 18 months. In November, after four years, authorities unblocked access to LiveJournal, a blogging platform. A new access to information law was adopted in November.

In July, a Radio Free Europe/Radio Liberty journalist was detained while covering a peaceful protest in Astana. In October, journalist Yaroslav Golyshkin was imprisoned for eight years on charges of blackmail. In September, Reporters Without Borders criticized his arrest and called for his release.

In December 2014, an Almaty court closed down ADAM bol, an independent journal, prompting OSCE Media Freedom representative Dunja Mijatovic to voice concern over the drastic and disproportionate measures which endanger pluralism in Kazakhstan. In October, ADAM bols successor publication, ADAM, was shuttered for a language violation.

Authorities continued to exercise strict control over peaceful assembly, and broke up and detained people for even small-scale peaceful protests. Narymbaev, the activist, was on two occasions, in June and August, sentenced to 15 days administrative arrest for violating a restrictive peaceful assembly law.

UN Special Rapporteur Kiai concluded after his visit to Kazakhstan in January that the governments approach to regulating assemblies renders that right meaningless. He called on Kazakhstan to adopt a new law on peaceful assembly that complies with international standards.

Kiai also expressed serious concern about restrictions on public associations, political parties, religious groups, and trade unions. In August, an Almaty court closed down the opposition Communist Party of Kazakhstan for failing to meet membership requirements, a decision that the party head described as politically motivated.

Despite some efforts by the government to tackle torture, including by prosecuting some officers, torture remains a pressing issue and impunity is the norm. There have been no further steps to credibly investigate allegations of torture made by persons detained in connection with the 2011 violence in the town of Zhanaozen. The NGO Coalition against Torture in Kazakhstan reported 80 complaints of torture in the first half of the year.

In 2014, the UN Committee against Torture (CAT) found Kazakhstan responsible for torturing Rasim Bairamov. Bairamov was apprehended for alleged robbery and severely beaten by police and prison personnel in 2008. In partial implementation of the CAT decision, Kazakhstan granted Bairamov compensation and opened a criminal investigation into his treatment in custody. However, in September, authorities closed the case for lack of evidence of a crime. As of May, five other complaints against Kazakhstan are pending before CAT.

Some religious groups continued to be subjected to fines and short-term detention for violating a restrictive religion law, and some individual members faced criminal charges. A mosque in the city of Petropavlovsk has been repeatedly denied registration, according to Forum 18, an international religious freedom watchdog.

In July, Saken Tulbaev was imprisoned for almost five years for inciting religious discord and membership in a banned religious organization. He was banned from activity directed at meeting the religious needs of believers for three years after his release. In January, alleged members of Tabligi Jamaat were imprisoned for belonging to a banned religious organization. Four were sentenced to 20 months in prison, and another to 18 months.

In November, an Astana court sentenced Ykylas Kabduakasov, a Seventh-day Adventist, to seven years restricted freedom for inciting religious discord. Officials raided a childrens Bible camp in August, claiming the organizers had violated the religion law.

A 2014 trade union law restricts the right of workers to join trade unions of their choice and to freely determine their structure. In 2015, some unions, including the Confederation of Free Trade Unions of Kazakhstan (KSPK), were unable to re-register in accordance with the new law. Worker members expressed serious concern about the law at the June session of the International Labour Organization (ILO). The government failed to attend the session, prompting heavy criticism from the ILO.

Other legislation governing the financing and collective bargaining rights of trade unions remains restrictive. A new labor code was adopted in November. Oil unions expressed concern that the draft labor code would restrict workers rights.

Lesbian, gay, bisexual, and transgender (LGBT) people in Kazakhstan live in a climate of fear fuelled by harassment, discrimination, and violence. On the rare occasions when LGBT people report abuse, they often face indifference and hostility.

In March, parliament passed bills that sought to introduce a broad ban on propaganda of non-traditional sexual orientation, but final drafts were not made public and the end-stage of the legislative process was non-transparent. In May, the propaganda legislation was found unconstitutional for being too vague, but the Constitutional Council did not address the bills discriminatory elements.

Despite the absence of meaningful political reform in Kazakhstan, and European Union pledges to link upgraded relations to human

rights improvements, the EU and Kazakhstan initialed an Enhanced Partnership and Cooperation Agreement on January 20. In April, following presidential elections, the EU issued a rare public message urging Kazakh authorities to enhance their efforts to honour their international commitments regarding democratic principles and human rights.

The United States continues to be largely silent on publicly registering human rights concerns in Kazakhstan, and the bilateral relationship focuses prominently on security, nuclear nonproliferation, the economy, and trade.

During his June trip to Kazakhstan, UN Secretary-General Ban Ki-moon called on the government to continue to make human rights progress and remember that all religious and minority groups should be guaranteed [freedom of religion] on an equal footing.

In April, Baskut Tuncak, the UN special rapporteur on human rights and hazardous substances and waste, concluded after a mission to Kazakhstan that the government was not properly implementing or enforcing environmental legislation and needed to protect people from hazardous waste, including in Berezovka, a village whose residents, particularly children, continue to live in a toxic environment and suffer chronic health problems.

In April, Kazakhstan ratified the Convention on the Rights of Persons with Disabilities and in August, signed on to the Safe Schools Declaration, a political commitment to better protect students, teachers, schools, and universities in armed conflict.

In its October concluding observations on Kazakhstan, the UN Committee on the Rights of the Child issued comprehensive recommendations, including on the prohibition of torture and ill-treatment, corporal punishment, and sexual violence against children, and addressing the needs of children with disabilities.

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