



About 5,000 people attended an opposition meeting on 18 March 2006 in Almaty to commemorate the murdered opposition leader Alтынбек Сарсенбаев. Authorities order the event to be held in the city's suburbs. © Yulia Vasilyeva

President Nursultan Nazarbayev further consolidated his power following his re-election in December 2005, officially scoring more than 91% of the vote in the elections that observers judged as falling seriously short of international standards for free, fair and democratic elections. No genuine separation of powers existed in Kazakhstan since the president controlled the executive, the legislative and the judicial branches.

The kidnapping and killing on 11 February of Alтынбек Сарсенбаев, the leader of the then unregistered opposition party "Naghiz Ak-Zhol," and his aides Vasily Zhuravlev and Baurzhan Baibosyn drove the country into a political crisis. Yerzhen Utembayev, head of the Senate's administrative department along with National Security Committee (KNB, i.e., the secret service) members were arrested and char-

ged with the crimes. The trial against them, which was riddled with controversy, ended with a death sentence for Rustam Ibragimov - although Kazakhstan had a moratorium on executions - and prison sentences between three and twenty years for nine other defendants.

The government continued to advance its bid for the 2009 chairmanship in the Organization for Security and Cooperation in Europe (OSCE) while many democratic OSCE member states declared that they would not lend support to Kazakhstan unless its government improved its poor human rights record.

On a positive note, the *Majilis* (House of Deputies) in June adopted a bill<sup>1</sup> to expand the mandate of the ombudsman to allow him or her to interfere in judicial cases and to file a complaint to courts and the public prosecutor's office of human rights violations.

### Freedom of association

While Kazakhstan's constitution safeguarded the right on freedom of association, all public groups had to be registered to operate legally, yet registration was made difficult especially for opposition parties. Youth activists in particular faced harassment and intimidation, and their organizations obstacles in registering.<sup>2</sup> As of the end of 2006, only one youth organization, OMPK, was legally registered but its members were nevertheless reportedly threatened with expulsion from university or urged to leave the organization in exchange of free tuitions, money or jobs. Telephone cables were cut through and the electricity was switched off in buildings where OMPK members were gathering.<sup>3</sup>

The February assassination of Alтынбек Sarsenbayev, who led the then unregistered "Naghiz Ak-Zhol" opposition party, overshadowed the political situation in 2006. On 17 March, the registry of the Ministry of Justice registered "Naghiz Ak-Zhol" after having rejected its application on several occasions. Yet, the party experienced another blow on 24 July when its head Bolat Abilov received a three-year suspended sentence for insulting a police officer, a sentence that bars him from running in the 2009 parliamentary elections. He also faced politically motivated charges of embezzlement and tax evasion from 2005.

The attempt of the Democratic Choice of Kazakhstan Party (DVK), which had been banned in January 2005, to register under a new name ("Forward Kazakhstan!") was rejected on 6 June by the Supreme Court, which cited "errors" found in the list of more than 62,000 members that was submitted as part of the party's application.

DVK leader Galymzhan Zhakianov was released from prison in January 2006 after having completed a four-year sentence for corruption and abuse of power while governor of Pavlodar region, but he (as well as Bolat Abilov) was prohibited by police au-

thorities from traveling internationally and their political activities were obstructed.

Other opposition politicians also faced harassment, including Alibek Zhumabaev, who was sentenced to five years' imprisonment for allegedly creating civic disorder and having insulted the personal dignity and honor of President Nazarbaev by destroying a poster with his portrait during the presidential election campaign in 2005.

### Freedom of assembly

Opposition meetings and demonstrations were discouraged in Kazakhstan. The Kazakhstan International Bureau for Human Rights and Rule of Law stated that the law on peaceful rallies did not correspond to Kazakhstan's international commitments.

◆ On 26 February, police arrested 11 prominent members of the opposition holding an unsanctioned public meeting of 1,500 people related to the assassination of Alтынбек Sarsenbayev in Almaty. At least seven opposition leaders were sentenced to 5-15 days in detention and others fined. About 30 people were arrested during that week in related demonstrations in different parts of the country. In March, Bulat Abilov – one of the leaders of the movement "For Just Kazakhstan" who was detained – was on hunger strike for several days.

◆ On 18 March another opposition meeting took place in Almaty in memory of Sarsenbayev and other recent oppositionists victims (see photo). The meeting was officially authorized on the condition that it be held in city suburbs, and was closely monitored by police and security services. Around 5,000 people attended the event.

### Freedom of the media

A restrictive media bill, proposed by the new minister of culture, information and sport, Yermukhamet Yertysbayev, was signed into law on 5 July despite protests

and appeals by journalists, NGOs, and the OSCE. The law *inter alia* makes registration for license mandatory for all media; provides for unacceptable grounds to deny registration; and prohibits a media outlet for using more airtime to broadcast in a language other than the state language, i.e., Kazakh. Re-registering is required for minor administrative changes.

◆ During the year the newspapers *Aina Plus* and *Alma-ata info* were suspended for three months for having changed their thematic focus without official approval. A similar warning was sent to *Gorod 326*.

Violating “the honour and dignity of the president” remained a pretext for fining critical journalists and publishers and for shutting down opposition media, while several independent journalists were physically attacked by unknown persons.

◆ In April two unidentified men severely beat Yaroslav Golyshkin, editor of the newspaper *Versiya*. In October the same happened to Albert Zhiger, former editor of the newspaper *Alternativa*.

## Right to life

### Death penalty

Despite a moratorium in force since January 2004, the Kazakh criminal code continued to carry death penalty for eighteen crimes. According to the OSCE, 28 persons were on death row with their executions suspended due to the moratorium at the end of 2006.

◆ On 31 August, Rustam Ibragimov, a former security officer and one of two primary suspects in the murder trial of Alтынбек Sarsenbayev, was sentenced to death after proceedings riddled with controversy. Sarsenbayev’s relatives called the trial a “farce” and partly boycotted it, claiming that higher-ranking government officials were responsible for the assassination.<sup>4</sup>

Many obstacles remained in Kazakhstan’s way toward a full abolition of the

death penalty. While in May a member of the Constitutional Council, Svetlana Bychkova, suggested that the death penalty be retained only for terrorism-related crimes, in October the minister of internal affairs, Baurzhan Mukhamedzhanov proposed that it be introduced also for drug dealing.

Kazakhstan had yet to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which aims at the abolition of the death penalty.

## Prison conditions

In May several civil society organizations<sup>5</sup> criticized the recent worrying developments in the Kazakh penitentiary system. They expressed concern about mass incidents of self-mutilation; a rising number of prisoners committing suicide; the continued violations of prisoners’ rights; and the worsening relationship between the penitentiary system and civil society organizations.

◆ One of the most serious incidents occurred on 31 March in a penal colony in Zarechny, Almaty region, where nearly 50 inmates maimed themselves by cutting their abdomens to protest a policy of unwarranted searches, beatings and the confiscation of personal belongings.

Although Kazakhstan was the first Central Asian country to initiate penal reforms, the country had one of the region’s highest per-capita prison population rates: 342 per 100,000.<sup>6</sup>

On a positive note, in recent years the government undertook projects to provide medical and human rights training to prison officials and moved control of the prison system from the Interior Ministry to the Ministry of Justice. However, NGOs pointed to “a certain stagnation in the implementation of penal reforms in the past two years.” In addition, members of the penitentiary oversight commission, composed by NGOs and government officials,

were reportedly denied access to some prisons and proposals made by the commission were partially neglected.

### Freedom of religion

On the basis of legislation on combating extremism that entered into force in 2005, authorities increased their control on religious organizations and introduced new requirements for compulsory state registration. The state agency called Spiritual Administration oversaw the activities of the officially recognized *muftis*. Harassment was reported against minority religious groups, such as Evangelical Christians and Hare Krishna.

◆ In April, court executives of the Karasai district of the Almaty region started to demolish the houses of members of the Religious Organization Society for Krishna Consciousness. The official demolition list for 2006 reportedly included 47 houses. Evictions, confiscations and demolitions - sometimes only with a few hours' notification - continued throughout the year on the official grounds that the owners had not officially privatized their plots of land and were unable to produce the necessary property documentation for their homes. In fact the people had repeatedly approached the local government with the aim of regulating their ownership, but their applications had been rejected. Members of the society, including children and elderly women, sometimes blocked the entrance to the building by throwing themselves in the path of bulldozers. Police detained several community members. No alternate housing was offered to the homeless.<sup>7</sup>

### Migrants, asylum seekers and refugees

According to Kazakh prosecutors, as of 10 February 2006, between 350,000 and one million illegal immigrants lived in Kazakhstan, a fact that they said warranted

stricter controls over immigration with help of an improved, unified system. The new practices targeted especially people coming from the neighboring Central Asian countries and from China - mainly ethnic Uigurs forced to flee China due to their advocacy for the independence for the region Xinjiang. According to official statistics, approximately 200,000 Uigurs lived in Kazakhstan, making it the largest Uigur community outside China. Unofficial estimates put the number at 500,000.

Several Uigurs have disappeared in Kazakhstan in recent years, and human rights activists presumed that they had been forcibly returned to China.

◆ In May two Uigurs, Yusuf Kadir Tohti and Abdukadir Sidik, were allegedly secretly deported from Kazakhstan to China in violation of the *non-refoulement* principle. Both men were detained for allegedly possessing false passports and diskettes containing "extremist" information. The men were released under pressure from human rights organizations, but went missing afterwards, which raised suspicion that they had been secretly returned to China, where they risked serious human rights violations.<sup>8</sup>

In a similar vein, Kazakhstan forcibly returned to Uzbekistan asylum seekers from that country despite the fact that they risked torture and ill-treatment upon return.<sup>9</sup>

◆ In late November 2005 Kazakh authorities forcibly returned at least nine Uzbeks who had fled persecution in Uzbekistan, four of whom were registered with the office of the UNHCR. Upon their return to Uzbekistan some of the men were tried and sentenced, while others are awaiting trial at this writing on various charges related to "religious extremism."

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**SOURCES FOR FURTHER INFORMATION:**

♦ Almaty Helsinki Committee, at [www.humanrights.kz/](http://www.humanrights.kz/)

**Other organizations:**

- ♦ Kazakhstan International Bureau for Human Rights and Rule of Law, at [www.bureau.kz](http://www.bureau.kz)
  - ♦ International Federation of Speech Freedom Protection, at [www.adilsoz.kz/](http://www.adilsoz.kz/)
  - ♦ Hands Off Cain, [www.handsoffcain.info](http://www.handsoffcain.info)
  - ♦ Penal Reform International, at [www.penalreform.org/central-asia.html](http://www.penalreform.org/central-asia.html)
  - ♦ Central Asian Death Penalty Blog, at [www.centralasianodeathpenalty.blogspot.com/](http://www.centralasianodeathpenalty.blogspot.com/)
  - ♦ Monitoring Committee of Penal Eeform and Human Rights, [www.hrpenal.org](http://www.hrpenal.org)
  - ♦ Zona, [www.zonakz.net](http://www.zonakz.net)
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**Endnotes**

- <sup>1</sup> The bill „On the Introduction of Amendments and Additions into the Acts Concerning Human Rights Representative Activity.“
- <sup>2</sup> On 7 January, the following youth organizations of opposition political parties and movements established the Coordination Council of Kazakhstan’s Progressive Youth: the Union of Kazakhstan Patriotic Youth, “Kakhar” youth movement, “Social Resistance” youth movement, the Society of Young Professionals of Kazakhstan, the youth organizations of “Alga” political party and the Kazakhstan Communist’s Party, and the youth organization of the political movement “For Justice in Kazakhstan.”
- <sup>3</sup> IHF, “Kazakhstan: Youth Movements Still Being Harassed,” 11 August 2006, at [www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=6942](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=6942).
- <sup>4</sup> See IHF, “Kazakhstan: Court Issues Death Sentence at Close of Controversial Murder Trial,” 11 September 2006, at [www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=7012](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=7012).
- <sup>5</sup> Including the Almaty Helsinki Committee, Penal Reform International, Committee for Monitoring Penal Reforms and Human Rights, Charter for Human Rights and the Kazakhstan International Bureau for Human Rights and Rule of Law.
- <sup>6</sup> As compared to the prison index of 247 for Kyrgyzstan and 164 for Tajikistan.
- <sup>7</sup> Information from the Religious Organization Society for Krishna Consciousness, April 2006. See also the chapter on religious freedom by HWRF in this report.
- <sup>8</sup> IHF, “Kazakhstan: Uighurs Sent Back to China at Risk of Being Tortured,” 19 May 2006, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=58&d\\_id=4251](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4251).
- <sup>9</sup> Human Rights Watch World Report 2007, at <http://hrw.org/englishwr2k7/docs/2007/01/11/kazakh14820.htm>.