

URGENT ACTION

CIVIL ACTIVIST RELEASED FROM PSYCHIATRIC FACILITY

Ardak Ashym, a 52-year-old blogger and civil activist from Shymkent, south Kazakhstan, has been released from the psychiatric facility where she had been detained since 31 March. The criminal investigation against her for comments on social media is still ongoing.

On 5 May, the appeal commission of the South Kazakhstan Regional Court overturned a 12 April ruling of the regional court which ordered **Ardak Ashym's** detention in a psychiatric facility for a month. She was subsequently released on 5 May.

Police started a criminal investigation against Ardak Ashym following a report from a member of the public concerning Ardak Ashym's posts on social media which were critical of government policy. Ardak Ashym first learnt that she was being investigated when armed police carried out a search of her home. She was taken to the local police station for questioning and then, according to her daughter, to the morgue where a commission carried out a psychiatric examination. She was initially charged with "inciting social, national, racial, class or religious discord" under Article 174 of the Criminal Code of Kazakhstan, before the charges were changed to "insult of a state official, with the use of mass media" under Article 378 of the Criminal Code. On 31 March Ardak Ashym was again summoned to the police station and then detained in a psychiatric facility. Her family were summoned to the local council office and told that if they publicly acknowledged that Ardak Ashym suffered from a mental illness, she would be released, but they refused. On 5 May the charges were changed again to "inciting social, national, racial, class or religious discord". The hearing on the charges is expected to take place in early June in Shymkent.

Amnesty International remains concerned that Ardak Ashym has been charged with a criminal offence for the peaceful expression of her views. If convicted, the activist could face from two to seven years in prison.

Please write immediately in Kazakh, Russian, or your own language to the authorities:

- Calling on the authorities to terminate the criminal proceedings against Ardak Ashym and any others who have been accused under anti-extremism legislation solely for the peaceful exercise of their human rights;
- Urging them to initiate changes to the overly-broad provisions in anti-extremism legislation to ensure it cannot be misused to target political opponents and stifle dissent, and reminding them that they have an obligation to respect and protect the right to freedom of expression.

PLEASE SEND APPEALS BEFORE 7 JUNE 2018 TO:

Prosecutor General

Kairat Kozhamzharov
14 Orynbor Street
Astana, 010000
Republic of Kazakhstan
Fax: +7 7172 506 402

Salutation: Dear Prosecutor General

Human Rights Ombudsman

Askar Shakirov
Dom Ministerstv, 15 podezd
Astana, Levy Bereg
Republic of Kazakhstan
Fax: +7 7172 740548
Email: ombudsman@ombudsman.kz,
ombudsman-kz@mail.ru

Salutation: Dear Askar Shakirov

And copies to:

Minister of Foreign Affairs
Kairat Abdrakhmanov
ul. D. Kunaeva 31
Republic of Kazakhstan
Email: mfa@mfa.kz

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ERLAN IDRISOV, Embassy of the Republic of Kazakhstan, 125 Pall Mall SW1Y 5EA, 020 792 51757, london@kazembassy.org.uk

Please check with your section office if sending appeals after the above date. This is the first update of UA 82/18. Further information: www.amnesty.org/en/documents/eur57/8298/2018/en/.

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ADDITIONAL INFORMATION

Article 174 of the Criminal Code is being increasingly used to clamp down on the right to freedom of expression in Kazakhstan. Two other civil activists, Maks Bokayev and Talgat Ayan, have both been sentenced to five-year prison terms, including for this offence. Talgat Ayan's sentence was commuted on 12 April 2018 to conditional imprisonment and he was released from prison on 29 April. Maks Bokayev remains in prison despite his worsening health condition. They are prisoners of conscience.

Amnesty International has already documented the severe restrictions on the right to freedom of expression in Kazakhstan and in a report published in 2017, *Think before you post: Closing down social media space in Kazakhstan* (see: <https://www.amnesty.org/en/documents/eur57/5644/2017/en/>), demonstrated that while Article 174 appears to protect individuals against discriminatory behaviour or speech, including advocacy of hatred, the term "discord" is not defined in a precise way, resulting in a broad and vaguely worded law. Rather than being used to protect vulnerable groups and individuals from discrimination, Article 174 has most commonly been used to silence dissenting voices who have disseminated materials or encouraged discussions which are critical of the authorities. Article 174 should be substantially amended to ensure that such a provision aimed at combatting advocacy of hatred and discrimination is precisely drafted in compliance with Article 19(3) of the ICCPR, to ensure that it does not unlawfully restrict the right to freedom of expression.

Since 13 March, when the opposition party Democratic Choice of Kazakhstan was declared an extremist organization, dozens of people have been called in for questioning by the police and some have been detained. Amnesty International issued an Urgent Action on the case of Akmaral Kobylova who has now been released for medical reasons but remains charged with financing an extremist organization, merely for browsing Democratic Choice of Kazakhstan's website (see: <https://www.amnesty.org/en/documents/eur57/8236/2018/en/>).

Name: Ardak Ashym
Gender m/f: f

Further information on UA: 82/18 Index: EUR 57/8378/2018 Issue Date: 9 May 2018