

URGENT ACTION

CIVIL ACTIVIST DETAINED IN PSYCHIATRIC FACILITY

Ardak Ashym, a 52-year-old blogger and civil activist from Shymkent, south Kazakhstan, has been detained in a psychiatric facility after being charged with “insulting a state official, with the use of mass media” under Article 378 of the Criminal Code for her posts on social media which criticize the government. Amnesty International considers Ardak Ashym to be a prisoner of conscience.

On 15 March, police carried out a court-ordered search of blogger and civil activist, **Ardak Ashym’s** house and took her for a psychiatric examination. They informed her that she was being charged with “inciting social, national, racial, class or religious discord” under Article 174 of the Criminal Code of Kazakhstan. The charges have since been changed to “insult of a state official, with the use of mass media” under Article 378 of the Criminal Code; it has not been specified who the official Ardak Ashym is accused of insulting is. On 27 March, a judge at Abay District Court in Shymkent ruled in her absence that Ardak Ashym should be placed in a psychiatric hospital pending trial because she has suffered from “episodic paranoid schizophrenia” since 2015 and that she was purportedly “not in a condition to understand the danger to society of her actions”. The judge also stated that she was under investigation for having published “various materials against the authorities on a Facebook page”. Ardak Ashym only found out about this court decision on 31 March, when she was summoned to the police station for interrogation and subsequently detained at the psychiatric facility. Ardak Ashym’s family were not allowed to see her for three days following her forced institutionalization. On 12 April, the South Kazakhstan Regional Court upheld the decision of the District Court and detained Ardak Ashym in the institution for a further month pending trial. On 26 April, the Abay District Court in Shymkent extended her pre-trial detention for another month. The hearing on the charges is expected to take place in early June in Shymkent. If convicted, the activist could face 75 days in detention and a fine of up to KZT 721,500 (US\$ 2,200). Ardak Ashym’s family deny that she has any mental health problems.

States have a responsibility to protect the right to freedom of expression, and as Ardak Ashym has been detained solely because of the peaceful expression of her views, Amnesty International considers to be a prisoner of conscience.

Please write immediately in Kazakh, English or your own language:

- Urging the authorities to immediately and unconditionally release Ardak Ashym, and drop all charges against her, as her detention appear to stem solely from the peaceful expression of her views;
- Urging them, pending her release, to ensure that Ardak Ashym is granted access to her family and her lawyer and, should she wish this, to an independent psychiatric examination.

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
Salutation: Dear Minister

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.

**AMNESTY
INTERNATIONAL**



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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 5-year prison terms, including for this offence. Talgat Ayan's sentence was commuted on 12 April 2018 to conditional imprisonment and he is expected to be released from prison on 29 April 2018. 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* (AI EU57/5644/2017) 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 Kobylowa who has now been released for medical reasons but remains charged with financing an extremist organisation, merely for browsing Democratic Choice of Kazakhstan's website.

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