

URGENT ACTION

ACTIVISTS FACE JAIL FOR PLANNING PEACEFUL RALLY

Following the wave of arrests of activists in May to prevent their participation in peaceful demonstrations across different cities in Kazakhstan, three remain in detention and now face criminal charges. They are prisoners of conscience detained solely for peacefully exercising their rights to freedom of expression and peaceful assembly.

Maks Bokaev, Talgat Ayan and Zhanat Esentaev, were among activists arrested in the days leading up to 21 May, when demonstrations against changes to the Land Code had been planned across Kazakhstan.

Maks Bokaev and Talgat Ayan were detained on 17 May in Atyrau, western Kazakhstan, after making public their intention to participate and encouraging others to take part in the 21 May demonstrations. They were sentenced to 15 days' administrative detention under Article 488 of the Administrative Offences Code for "violation of the legislation of the Republic of Kazakhstan on organizing and holding peaceful assemblies". Zhanat Esentaev was arrested on the same day in Uralsk, north-western Kazakhstan, accused of "inciting social, national, clan, racial, class, or religious discord" under Article 174 of the Criminal Code of Kazakhstan. This crime carries a sentence of up to seven years (and up to 20 if committed by a criminal group). All three had put in requests with the local authorities in their respective towns to hold demonstrations on 21 May, as national law requires.

On 31 May, a day before their administrative detention was due to expire, Maks Bokaev and Talgat Ayan were charged with "propaganda and public calls to seize or retain power, as well as seizure or retention of power or violent change of the constitutional order of the Republic of Kazakhstan" under Article 179 of the Criminal Code, and remanded for three months in pre-trial detention in Atyrau. If convicted, they may face up to 15 years' imprisonment. According to the Atyrau regional office of the National Security Service (KNB), Maks Bokaev and Talgat Ayan, among others, had influenced public opinion negatively with regard to the adopted amendments to the Land Code, called for demonstrations in different towns across Kazakhstan and "prepared provocation for mass riots during a demonstration and armed resistance to law enforcement authorities". Zhanat Esentaev remains in pre-trial detention in Uralsk.

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

- Urging the Kazakhstani authorities to drop all charges against Maks Bokaev, Talgat Ayan and Zhanat Esentaev and release them immediately and unconditionally as they are prisoners of conscience, detained solely for exercising their right to freedom of expression and intending to exercise their right to peaceful assembly;
- Calling on them to respect the rights to freedom of peaceful assembly and freedom of expression for all in Kazakhstan.

PLEASE SEND APPEALS BEFORE 22 JULY 2016 TO:

Prosecutor General

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

Salutation: Dear Prosecutor General

And copies to:

Human Rights Commissioner

Askar Shakirov
8 Orynbor Street
Astana, 010000
Republic of Kazakhstan
Fax: +7 7172 74 05 48

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

MR ERZHAN KAZYKHANOV, Embassy of the Republic of Kazakhstan, 125 Pall Mall SW1Y 5EA, Fax 020 792 51757

Email london@kazembassy.org.uk Salutation HIS EXCELLENCY

Please check with your section office if sending appeals after the above date. This is the first update of UA 115/16. Further information:

<https://www.amnesty.org/en/documents/EUR57/4067/2016/en/>

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ADDITIONAL INFORMATION

Demonstrations took place across Kazakhstan throughout late April and into May, against changes to the Land Code that would allow unused, state-owned agricultural land to be privatized and sold off to Kazakhstani citizens, or leased for up to 25 years to foreigners. A presidential moratorium was placed on the changes in May, meaning that they have been dropped for the time being; however, protests continued.

Further protests were planned for 21 May. Where organizers sought advance permission for the rallies from local authorities, as required under national law, permission was arbitrarily refused in all cases. Nonetheless, in towns and cities across Kazakhstan, people attempted to come to town centres on the day in peaceful protest. These were all relatively small gatherings, of between several dozen (in most places) to several hundred people. In most places the gatherings were dispersed by police. No violence was reported.

In the days leading up to 21 May, at least 34 activists were arrested and sentenced to administrative detention (for up to 15 days), as the authorities attempted to suppress information about the planned protests and place behind bars those identified as “organizers” (see: <https://www.amnesty.org/en/documents/eur57/4141/2016/en/>). Most of those arrested between 17 and 20 May had done nothing more than use posts on social media to state their intention to participate in the planned protests, or to provide information about the demonstrations. On 21 May itself, people reported having difficulties accessing Facebook and Google, while access to YouTube and to Periscope (an online platform for sharing videos) was blocked, presumably to stop people from sharing information and uploading videos of the demonstrations or the police response. The majority of those detained were released, but some were fined or sentenced to administrative detention of between 10 and 15 days.

On 27 May, a press release posted on the official website of the Office of the Prosecutor General described protests as a “chain of events” by means of which “certain individuals” intended to “destabiliz[e] the social-political situation, inciting interethnic discord and seizing of power”. It indicated that criminal proceedings had been instigated against a number of individuals in connection with these events, but did not specify who these were.

Freedom of peaceful assembly is heavily restricted in Kazakhstan. Permission from local authorities is needed to hold any kind of street protest and this is often refused, or permission is given to hold the event in a non-central location. Penalties of up to 75 days’ administrative detention are in place for violations of the rules on holding assemblies, including for organizing or participating in an unauthorised demonstration (Articles 155 and 400 of the Criminal Code and Article 488 of the Administrative Offences Code).

The right to freedom of peaceful assembly is provided in legally binding international human rights treaties that Kazakhstan has ratified, including Articles 19 and 21 of the International Covenant on Civil and Political Rights. This right, as detailed by international law and standards, should not be subjected to the permission of government authorities. The authorities may require prior notification of assemblies in order to facilitate the right of peaceful assembly and to take measures to protect public safety or the rights of others, but this should never translate into advanced authorization of such demonstrations.