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Kazakhstan: Imprisoned for unfurling a banner

Two people have been arrested for holding a banner during the Almaty marathon in Kazakhstan which read “You can’t run away from the truth”, “#AdilSailayUshin” (#ForFreeElections) and “#I have a choice”. They have been detained for the peaceful expression of their views and are prisoners of conscience.

Asya Tulesova and Beibarys Tolymbekov unfurled the banner on 21 April on the sidelines of the marathon and held it for a short time before being detained by police at 09.10am. Their arrest was filmed by three friends, Suinbika Suleimenova, Aidos Nurbulatov and Aigul Nurbulatova who had come to film the marathon. All five were taken to Bostandyk police station where they were held for six hours before being allowed to see their lawyers. They were not given any food or water during that time. Asya Tulesova and Beibarys Tolymbekov were sentenced the same evening in separate hearings by judges at the Interdistrict Court in Almaty to 15 days’ detention under Article 488 section 3 of the Administrative Code for “carrying out a public action without agreement of permission from the local authorities to express their personal interests”.

During her hearing Tulesova, the great grand-daughter of the Kazakh writer and cultural activist Ilyas Zhansugurov who was accused of anti-Soviet activity and shot in 1938, explained the action: “The aim is to attract attention to the fact that we need to come together and hold honest independent elections.... I want people to realise that they also have a choice, that we must learn to build democratic institutions that will work”.

On 22 April, the friends who were filming the event, Suinbika Suleimenova, Aidos Nurbulatov and Aigul Nurbulatova were found in violation of Article 488 section 1 of the same code for taking part in an “unauthorized meeting” and fined the equivalent of US\$ 135 each.

The actions of the protesters should not have been subjected to any sanction, criminal or administrative, as they are protected by the rights to freedom of expression and peaceful assembly. Kazakhstan must review legislation concerning assemblies to ensure that peaceful protesters are not subject to administrative or criminal sanctions simply for organising or taking part in unauthorised events. Asya Tulesova and Beibarys Tolymbekov must be released immediately and unconditionally.

Background

Kazakhstan has been repeatedly criticized by international and independent national election monitors for failing to hold genuine democratic elections. Nursultan Nazarbayev won a fifth term in office in April 2015 by 97.7 per cent of votes cast. The OSCE/ODIHR Election Observation Mission found serious irregularities in the counting of the votes and noted the absence of genuine choice: “The predominant position of the

incumbent and the lack of genuine opposition limited voter choice.”¹ In March, President Nazarbayev stepped down and appointed Kassym-Jomart Tokayev as interim President. On 9 April, the new President announced that Presidential elections would be held on 9 June.

The right to freedom of peaceful assembly is heavily restricted in Kazakhstan. Permission from local authorities is needed to hold any kind of street protest (including by a single protester) and this is often refused, or permission is only given to hold the event in a different location, which often defeats or undermines the purpose of holding the event.

¹ “Republic of Kazakhstan early presidential election 26 April 2015”, OSCE/ODIHR Election Observation Mission Final Report, <https://www.osce.org/odihr/elections/kazakhstan/174811?download=true>