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Kazakhstan: Hundreds of peaceful protesters detained throughout the country on 27 February

Hundreds of peaceful protesters were arrested throughout the country on 27 February as the ruling party, Nur-Otan, held its 18th annual conference. Most people were detained in Almaty and Astana. Members of the public gathered near the headquarters of Nur-Otan in several cities to talk to journalists and share their opinions with each other.

The Kazakhstani authorities once again demonstrated their disregard for the right to peaceful assembly by detaining peaceful protesters. Video footage of the events showed the police roughly manhandling peaceful protesters as they bundled them into police vans. In some cases, the police detained people who just happened to be passing by. In Uralsk an 80-year-old pensioner was detained as she made her way to a bank machine to withdraw money. According to some estimates around 100 people were detained in Almaty alone. Those detained were questioned in police stations and then released, usually, some four hours later.

Dmitry Tikhonov, a human rights defender working with the Kazakh International Bureau for Human Rights and Rule of Law, was detained along with others in Almaty. He told Amnesty International that police officers wearing masks and without any identification badges started detaining people who had gathered outside the offices of Nur-Otan at 11.40 on 27 February. He was detained along with 32 other peaceful protesters including schoolchildren and pensioners.

The actions of the protesters should not have been subjected to sanction, whether criminal or administrative, as they were protected by the rights to freedom of expression and assembly. In any case the protest could not be described as an “unsanctioned meeting”, even from the point of view of unduly restrictive Kazakhstani legislation on public assemblies. In fact, none of those detained together with Dmitry Tikhonov were suspected of having taken part in an unsanctioned meeting, and they were questioned as “witnesses with the right to defence” under criminal proceedings which meant they could be questioned without a lawyer. Most of those detained reported being questioned about their support for the unregistered political movement, Democratic choice of Kazakhstan, which was declared extremist in March 2018 on the grounds that it allegedly “incited national discord”.

Amnesty International calls on the Kazakhstani authorities to respect and protect the right to peaceful protest by making necessary changes to legislation and respecting the right in practice. All those who

were arbitrarily detained on 27 February for attempting to exercise this right should be compensated and offered reparation and the police officers and any other officials responsible for or complicit in these violations should be held responsible in due proceedings.

Background

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 non-central location. Those found in violation of Article 400 of the Criminal Code “(Violation of procedures for the holding of public gatherings, meetings, processions, pickets and demonstrations) can face a fine or detention of up to 50 days.

In its Concluding Observations on the Review of the State Report in 2016, the UN Human Rights Committee expressed concern about “undue restrictions on the exercise of freedom of peaceful assembly, arrests and the intimidation of civil activists” and called on the Kazakhstani authorities “to revise all relevant regulations, policies and practices with a view to ensuring that any restrictions on freedom of assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of Article 21 of the Covenant.”¹

¹ UN Human Rights Committee, *Concluding observations on the second periodic report of Kazakhstan*, 9 August 2016, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fKAZ%2fCO%2f2&Lang=en