

UPDATE: URGENT ACTION

ACTIVIST'S DETENTION EXTENDED

Zhanbolat Mamay, journalist and leader of the unregistered opposition Democratic Party of Kazakhstan will remain in custody for yet another month, until 12 June, as a criminal suspect accused of insulting a government representative (Criminal Code, Article 378.2) and spreading false information (Article 274.2). Amnesty International believes this prosecution is politically motivated and Mamay should be immediately released from detention and the charges dropped.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Dear Mr President,

I am writing to urge you to take such measures as may be necessary for Zhanbolat Mamay to be released from detention immediately and the charges against him, that are politically motivated, dropped.

I am concerned that the 6 May court decision to extend Mamay's detention and the criminal cases against him constitute politically motivated retribution for his critical speech and his leadership of the unregistered opposition party, the Democratic Party of Kazakhstan.

Mamay is currently under investigation on charges of insulting a government representative (Criminal Code, Article 378.2) and spreading false information (Article 274.2) related to two separate incidents dating back to 2021. Previously he was already wrongfully sentenced to 15 days of "administrative detention" for organizing an "unsanctioned" meeting and was due to be released on 12 March but was re-arrested. In addition, Mamay, who attended the protests on 4 and 5 January, is being questioned as "a witness with the right to defence", in relation to an investigation into calls for participation in mass riots (Criminal Code, Article 272.3).

I urge you to take all necessary steps in your power to ensure that Zhanbolat Mamay is released from detention immediately and to put a stop his unfounded prosecution related to the peaceful exercise of his right to free expression and freedom of assembly.

Yours sincerely,

ADDITIONAL INFORMATION

Zhanbolat Mamay is a well-known political activist and journalist in Kazakhstan. He is the former editor in chief of *Tribuna* newspaper (now closed). In 2019 he founded and became the leader of the Democratic Party of Kazakhstan (DPK). To date, the opposition party has been arbitrarily denied registration.

Mamay took part in peaceful protests in Almaty, Kazakhstan's largest city, on 4 and 5 January. On 20 January he was summoned to a police station and was interrogated as "a witness with the right to defence", a legal status which usually leads to an indictment, in relation to authorities' interest in those protests, signalling the start of an investigation against him on charges of calling for participation in mass riots (Article 272.3, Criminal Code). On 13 February Mamay organized a peaceful public vigil in Almaty to commemorate those killed in the January violence. He was arrested on 25 February and sentenced to 15 days of "administrative detention" for "organizing or participating in an unsanctioned public meeting" (Article 488.11, Code of Administrative Offences). Zhanbolat Mamay's detention was extended for two months on 14 March. He was due to be released on 12 March; but was instead re-arrested, this time as a criminal suspect under Articles 378.2 and 274.2 of the Criminal Code, following two separate events in 2021. On 6 May his detention was extended again during an online court hearing.

In addition, authorities have now renewed their interrogations of Mamay in relation to their investigation under Article 272.3 of the Criminal Code. While originally Mamay had the status of "witness with the right to defence" in these proceedings, his recent interrogation by the police suggests they may be planning to bring additional charges against him as a criminal suspect also under Article 272.3, according to his lawyer. Mamay has insisted his participation in the January protest was peaceful. If convicted under Article 272.3 alone, Mamay could face up to three years in prison in addition to the penalties that may be imposed on him if convicted under Articles 378.2 and 274.2, including heavy fines and public or correctional labour. He is currently detained in a facility of temporary detention (SIZO) in Almaty.

On 4 January 2022 in protest against a dramatic rise in fuel prices, thousands of people took to the streets of Kazakhstan. In Almaty and elsewhere, violence broke out. In an alarming development, as damage to property and the number of casualties grew, troops were sent to the streets, and were instructed by President Kassym-Jomart Tokayev, in his own admission, to open fire without warning. Additionally, the authorities suppressed freedom of expression and the flow of independent information, including by detaining and harassing journalists and activists, shutting down the Internet, and disabling social media and other means of digital communication. The official figures provided by the government of those killed during the protest are 232 people including 19 of whom they said were identified as law enforcement or army personnel.

Authorities responded with hostility to the protestors, by targeting and silencing journalists and activists, and by suppressing freedom of expression and the flow of independent information. The government of Kazakhstan has failed to act on calls from Amnesty International and others for an independent international investigation of the January 2022 events.

The family and supporters of Zhanbolat Mamay have also been arbitrarily targeted by law enforcement authorities for peacefully exercising their right to assembly. On 4 May Inga Imanabay, Mamay's wife, was arrested when she was leaving the facility of temporary detention in Almaty after visiting her husband and was taken to a local police station. An administrative court of Almaty fined her under Article 488 of the Code of Administrative Offences for violation of the rules of mass gatherings for organizing a peaceful protest on 4 April in support of her husband. Following that, Inga Imanabay attempted to organize a peaceful protest on 7 May in support of political prisoners. On 7 May, before a group of activists including Imanbay reached the location of the protest, she and other supporters were taken to a police station. Again, Imanabay was fined under Article 488 of the Code of Administrative Offences. Seven of Mamay's supporters and activists from DPK are currently being held in administrative detention for 15-20 days for purported offences under the same Article in relation to the protest on 7 May.