

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

31 July 2023 EUR 57/7071/2023

# KAZAKHSTAN: RELEASE PEACEFUL PROTESTORS

On 11 July 2023, a court in Almaty handed down prison sentences ranging from five to eight years to five activists who were exercising their right to peaceful assembly in January 2022. They were subjected to this severe sentencing following an unfair trial marred by allegations of torture and other ill-treatment and pressurization of witnesses, and they should be immediately released.

On 4 January 2022, thousands of people took to the streets of Kazakhstan to protest a dramatic rise in fuel prices. In Almaty and elsewhere, violence broke out. Troops were sent to the streets and were instructed by President Kassym-Jomart Tokayev to open fire without warning.<sup>1</sup> The violence resulted in at least 238 people killed. Following the events, on 7 January, the President stated: "We have had to deal with armed and organized bandits, local and foreign. Particularly, bandits and terrorists. Therefore, they need to be eliminated."<sup>2</sup>

While the demonstrations were happening there were also incidents of looting and property damage. Consequently Kassym-Jomart Tokayev alleged that the unrest resulted from "outside interference" and sought support from the Collective Security Treaty Organization (CTSO).<sup>3</sup> CSTO troops arrived on 6 January as part of a peacekeeping mission to help bring the situation under government control.

All five defendants were part of a group that travelled to the airport in Almaty on 5 January, prompted by rumours circulating about the arrival of Russian troops to violently suppress the demonstrations. Aigerim Tleuzhan, an independent journalist and translator, testified in court that she accompanied a group of activists, among them Kalas Nurpeisov, to the airport on 5 January 2022, to try to find out if Russian troops were due to arrive. She arrived at 20:00 and spent 20 minutes attempting, without success, to gather information before departing. At the time she left there had been no damage or looting to the building.<sup>4</sup> Looting and vandalism started later that night.

The events at the airport have raised numerous questions. An order was allegedly given for security personnel to withdraw following which the looting broke out. However, questions as to who gave the order remain unanswered. The Kazakhstan International Bureau for Human Rights and the Rule of Law has posted CCTV video footage showing uniformed officers of the Emergencies Ministry stealing from a damaged shop in the airport. The authorities have denied that these men were Emergencies Ministry officers.<sup>5</sup>

Aigerim Tleuzhan and Kalas Nurpeisov, a former schoolteacher and activist, were sentenced for organizing the looting at the airport as well as "organizing mass disturbances". Kalas Nurpeisov was additionally charged with, "attacking a building" and other violent crimes which resulted in an eight-year prison sentence. Aigerim Tleuzhan received a four-year prison sentence. Demonstrators Zhan-Aidar Karmenov, Ermukhamet Shilibaev and Nurlan Dalibaev, were sentenced to eight years in prison for their alleged participation in the looting. All five were also accused of causing significant financial damage to the airport and various airlines. The alleged damages amounted to 313 million Tenge (over US\$ 700,000) for the airport, 414 million Tenge (over US\$ 900,000) for Air Astana, and 1 million Tenge (over US\$ 2,000) for Scat-5 Airlines.

The numerous violations of fair trial standards during their hearing strongly support the claims that the charges were politically motivated. There are concerns that the government sought to use these charges to reinforce its narrative that the mass demonstrations were not peaceful protests, but part of riots inspired by foreign "terrorists" and supported by local criminal groups.<sup>6</sup>

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<sup>1</sup> On 7 January President Tokayev announced that the unrest was caused by terrorists and that he had given orders to open fire. Обращение Главы государства Касым-Жомарта Токаева к народу Казахстана — Официальный сайт Президента Республики Казахстан (akorda.kz)

<sup>2</sup> Обращение Главы государства Касым-Жомарта Токаева к народу Казахстана — Официальный сайт Президента Республики Казахстан (akorda.kz)

<sup>3</sup> [A military alliance made up of Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan](#)

<sup>4</sup> [Айгерим Тлеужанова: «Я считаю это дело политическим заказом» - respublika.kz.media](#)

<sup>5</sup> <https://bureau.kz/goryachee/zahvatchiki/>

<sup>6</sup> On 7 January President Tokayev announced that the unrest was caused by foreign and local terrorists: Обращение Главы государства Касым-Жомарта

On 13 July Aigerim Tleuzhan wrote to her supporters from the detention centre and stated:

"I won't disappoint you. We are going to fight to the end: appeal, Supreme Court, UN. Even if I am imprisoned, I will not stop."<sup>7</sup>

## **VIOLATIONS OF INTERNATIONAL FAIR TRIAL STANDARDS**

The trial which started in March has been marred by violations of international fair trial standards.

At least two of the defendants have claimed that they were tortured or subjected to cruel, inhuman and degrading treatment during the investigation stage. Shortly after being detained in January 2022, Kalas Nurpeisov attempted to commit suicide in the pre-trial detention centre claiming that he had been tortured to extract a confession.<sup>8</sup> Ermukhamet Shilibaev claimed during an early hearing that he was denied essential medicines and medical treatment after he complained about the quality of the food given to him in the detention facility.<sup>9</sup>

The claim by the prosecution that the five people were involved in violent attacks on airport staff and that they engaged in looting has not been backed up by evidence or witness statements. Kalas Nurpeisov is accused of violently seizing a walkie-talkie from airport personnel, but in fact a video posted on the independent news website Respublika shows that airport personnel handed him the walkie-talkie. When questioned in court the relevant airport personnel also denied that Kalas Nurpeisov had been aggressive or used any violence towards them. Neither evidence was taken into consideration by the court.<sup>10</sup>

Some of the witnesses have claimed that they were pressurized to give evidence against the defendants.<sup>11</sup>

All five have been convicted after an unfair trial which failed to demonstrate their guilt. Amnesty International calls on the Kazakhstani authorities to

- immediately and unconditionally release all five defendants who have been convicted solely for exercising their right to freedom of peaceful assembly;
- conduct effective, impartial and independent investigation into all allegations of torture and ill-treatment and bring those responsible to account in fair trial proceedings.

## **BACKGROUND**

The official figures provided by the government to the UN Committee Against Torture in May 2023 are of 238 killed during the January 2022 violence, of whom 219 were demonstrators and bystanders. According to these figures, over 10,000 people were detained and 5,350 people injured, among them demonstrators, bystanders and members of security forces. There were widespread allegations of torture and other ill-treatment in custody, but very few cases against law enforcement officers have come to court. In its Concluding Observations the UN Committee Against Torture expressed deep concern "about many consistent reports indicating various forms of torture and ill-treatment, including excessive use of force, resulting in multiple deaths and injuries, beatings, electric shocks and sexual violence in custody". It also expressed concern about the high rate of closure of cases against law enforcement personnel for torture and other ill-treatment – 236 out of 329 cases have been closed as of July 2023.<sup>12</sup>

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Токаева к народу Казахстана — Официальный сайт Президента Республики Казахстан (akorda.kz)

<sup>7</sup> <https://respublika.kz.media/archives/92078> «Правда»

<sup>8</sup> [Дело по захвату аэропорта Алматы: адвокат подала иск на Сенат - respublika.kz.media](https://respublika.kz.media/archives/89502)

<sup>9</sup> <https://respublika.kz.media/archives/89502>

<sup>10</sup> [Каласа Нурпеисова признали виновным в грабеже, которого не было - respublika.kz.media](https://respublika.kz.media/archives/89502)

<sup>11</sup> Суд по делу о захвате аэропорта Алматы: свидетели заявили о давлении, Kazakhstan International Bureau of Human Rights and the Rule of Law, <https://bureau.kz/novosti/svideteli-zayavili-o-davlenii/>

<sup>12</sup> UN Committee Against Torture, Concluding observations on the fourth periodic report of Kazakhstan CAT/C/KAZ/CO/4, 23 June 2023, G2310421.pdf (ecoi.net)

The government has insisted that foreign “terrorists” assisted by local “terrorists” were responsible for the attack on the airport. A Kyrgyzstani jazz musician, Vikram Ruzakhunov, was detained in Almaty in January 2022 and forced by security forces to give video testimony that he had been recruited by a foreign terrorist group. He appeared on Kazakhstani State TV showing signs of bruising and cuts to his face. He was returned to Kyrgyzstan on the demands of the Kyrgyzstani authorities and revealed later that he had been beaten and otherwise ill-treated in custody to coerce him into making a false confession.

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<sup>13</sup> <https://www.rferl.org/a/kazakhstan-kyrgyz-musician-severely-beaten/31668455.htm>