

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Date: 27 May 2016

Index: EUR 57/ 4141/2016

Kazakhstan: A dark day for freedom of expression and peaceful assembly

In clear violation of the rights to freedom of expression and peaceful assembly, police rounded up scores of would-be protestors – as well as journalists covering the events – attempting to take part in peaceful demonstrations planned across Kazakhstan on Saturday 21 May. While most of those detained at police stations were eventually released without charge, a small number received fines or a period of 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”.

In the days leading up to 21 May, at least 34 activists were arrested and held in 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”. Most of those arrested and detained 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) were blocked, presumably to stop people from sharing information and uploading videos of the demonstrations or the police response.

In the event, the numbers of people who actually tried to participate in the protests were very low; far fewer than had participated in earlier, spontaneous protests that have been going on across Kazakhstan since the end of April. These protests have been against proposed changes to the Land Code that would allow unused agricultural land to be privatized, and leased to foreign citizens for up to 25 years.

In Almaty, the country’s largest city, which saw the largest gatherings, local commentators estimated a total number of 1,000 would-be protestors. Streets leading into Republic Square and Astana Square, where the rallies were planned, had been blocked by the police the day before, which meant that people gathered instead on the corners of the main streets leading up to these two public squares. As one reporter noted (writing for the regional Fergana News portal),¹ left to their own devices, the would-be protestors in Almaty might have dispersed of their own accord. However, at around 10.30am, police officers began manhandling would-be protestors into waiting police vans or commandeered city buses, after which they were driven to district police stations. They were made to sign statements to the effect that they had participated in an unsanctioned public meeting (an administrative, and in some cases, criminal offence in Kazakhstan) and had their fingerprints taken. In total, local commentators estimated that up to 500 people were detained. Most were released after several hours in detention. Other tactics to discourage participation were also used, including rescheduling university exams for 21 May and issuing warnings to students and civil servants, telling them to stay away from protests, according to one media source.²

¹ Grishin, Andrei, “Казakhstan: Битва за землю” [“Kazakhstan: the battle for land”], Fergana News, 23 May 2016, <http://www.fergananews.com/articles/8979>

² Mashaev, Askar, “Протест на обочине” [“Protest by the wayside”], Ekspert Kazakhstan, 21 May 2016, <http://expertonline.kz/a14339/>

In Astana, the capital, a few dozen people were detained, with similar numbers recorded in Atyrau and Uralsk. Smaller numbers were reported to have been detained in Karaganda (eight would-be protestors and six journalists) and Kostanai (15 people), while in Aktyubinsk, no one turned up to the planned protests, so the police detained local journalists instead, according to Fergana News.³ The one place where a rally did actually take place was Pavlodar, where 35-40 people gathered to hear opposition activist Serikbai Alibayev speak; the crowd was quickly dispersed by police, and Serikbai Alibayev was detained and later fined for organizing an unsanctioned meeting.⁴

Video footage from Almaty clearly shows would-be protestors being physically moved into waiting police vans, usually with two officers on either side of each person, but in some cases being carried by their arms and legs by four officers. Amnesty International is not aware of any further police violence against those who were detained in Almaty or in other parts of the country.⁵

The heavy handed and disproportionate police response – both in the period leading up to 21 May and on the day itself – clearly shows how the authorities continue to violate the rights of people in Kazakhstan to freedom of expression and peaceful assembly, rights that are recognized in international treaties to which Kazakhstan is a party, and which are also protected in the Kazakhstani Constitution. The right to freedom of peaceful assembly, 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.

The decision to prosecute people, albeit under the Administrative Offences Code, just for stating their intention to participate in the planned demonstrations in posts on social media, sends a particularly chilling message. Along with the temporary blocking of social media sites and a recent string of prosecutions against social media users for supposedly using posts on Facebook and other platforms to incite social “discord” (a criminal offence with penalties of up to 20 years imprisonment),⁶ this appears to be part of an ongoing attempt by the authorities in Kazakhstan to close down social media spaces as the one arena where people in Kazakhstan can still express themselves relatively freely, in the absence of independent media outlets and restrictions on public protest. They represent an undue restriction of the right to freedom of expression, including the right to seek, receive and impart information.

A large number of journalists were also among those rounded up by the authorities in response to the planned protests on 21 May. According to local freedom of expression NGO Adil Soz,⁷ 42 journalists were detained, including journalists working for local news outlets and for international agencies such as Radio Free Europe / Radio Liberty and Reuters and some Russian newspapers (some foreign nationals were among those detained). Most were released without charge within three hours, and a Ministry of Interior spokesperson later stated that their detention had been due to a “misunderstanding”. Whether intentional or a genuine mistake, rounding up journalists had the effect of ensuring that any protests that did take place would not receive any coverage, although also, inadvertently, making them “part of the story” as they experienced detention first hand. In addition, Radio Free Europe / Radio Liberty’s Kazakhstani service (Radio Azzatyq) was blocked in Kazakhstan

³ Grishin, Andrei, “Казахстан: Битва за землю” [“Kazakhstan: the battle for land”], Fergana News, 23 May 2016, <http://www.fergananews.com/articles/8979>

⁴ Radio Azzatyq, “В Павлодаре несколько участников митинга привлечены к ответственности” [“In Pavlodar several participants of the meeting have been prosecuted”], 22 May, <http://rus.azattyq.org/a/27750139.html>

⁵ <https://youtu.be/oRK4DpUKUeY> <https://youtu.be/sFDSKbPSSNw>;

⁶ See Amnesty International, ‘KAZAKHSTAN: as 2015 draws to a close, rights to freedom of expression and freedom of association remain under threat’, EUR 57/3123/2015, <https://www.amnesty.org/en/documents/eur57/3123/2015/en/>

⁷ Adil Soz, “Список журналистов (обновленный), чьи права были нарушены при освещении митингов 21 мая 2016 г.” [“List of journalists (updated) whose rights were violated while covering the meetings on 21 May”], 23 May, <http://www.adilsoz.kz/news/show/id/2041#sthash.4PI9AOpi.dpufhttp://www.adilsoz.kz/news/show/id/2041>

from the morning of 21 May, in what appears to be a clear attempt to bury reports from the service's network of regional correspondents on any demonstrations that might have taken place beyond Almaty and Astana.

The immediate response to this attempt by some people in Kazakhstan to exercise their right to peaceful assembly was to prevent it, including by arresting would-be protestors, dispersing rallies on 21 May, and rounding up their participants. On 27 May, a press release posted on the official website of the Office of the Prosecutor General described these 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". The same document indicated that the authorities intend to open criminal proceedings against some unnamed suspects.

The authorities' message is clear: public protest – whether it takes place on the streets or on the internet – will not be tolerated, on the "land issue" or on anything else. What could have been the start of a meaningful dialogue between officials and ordinary people on an issue that has clearly touched a great many people in Kazakhstan, was forcefully shut down before it could even begin. As one commentator in Kazakhstan posted on social media, all that's left now is to imagine what might have been, had these peaceful protests been allowed to go ahead.

Further information:

Amnesty International news flash, "Kazakhstan: Release activists arrested in disturbing crackdown over Land Code protest", 20 May 2016 (<https://www.amnesty.org/en/latest/news/2016/05/kazakhstan-release-activists-arrested-in-crackdown-on-land-code-protest/>)

Amnesty International, "Urgent Action: Kazakhstan: detained for stating intention to attend a rally", EUR 57/4067/2016, (<https://www.amnesty.org/en/documents/eur57/4067/2016/en/>)