

KAZAKHSTAN

CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS
TO CIVIC FREEDOMS





INTRODUCTION

A rapid decline in civic space was noted in Kazakhstan, with freedoms of peaceful assembly, expression and association under threat. In January 2022, the country experienced its most serious crisis of its 30 years of independence. Peaceful protests, during which thousands of people across the country took to the streets to call for social and political change, turned bloody as some people in the crowd resorted to violence and security forces used forceful tactics to put an end to the protests. The circumstances under which the protests turned violent and the role of different actors in these developments are yet to be fully clarified. However, there are serious concerns about the manner in which authorities responded to the crisis. In particular, concerns have been raised over their failure to make a clear distinction between non-peaceful and peaceful protesters when branding protest participants as “terrorists”, the arbitrary detentions of thousands of protesters, and reports of the excessive use of force, including the use of lethal force against peaceful protesters and passers-by. There were also widespread allegations of torture and ill-treatment, due process violations and disappearances of detained protesters as well as the prosecution of people for peacefully exercising their freedoms of peaceful assembly, association and expression. Following the events of January 2022, serious violations on civic freedoms have continued.

During the January events, the authorities also implemented a several-day long nationwide internet shutdown, thereby preventing access to information about the crisis. Media workers were obstructed and attacked when covering the events, and independent journalists and human rights defenders were targeted by smear and intimidation campaigns following the protests. Civil society activists and opposition supporters are among those detained and prosecuted in connection with the protests, reinforcing concerns that the events are being used as a pretext to increase pressure against government critics.

President Tokayev has [rejected](#) calls for an international investigation into the January events. At the same time, the authorities have to date failed to initiate a comprehensive, impartial and effective national investigation into these events to determine what happened and to hold accountable all those responsible for human rights violations, including high-level officials.

PEACEFUL, COUNTRYWIDE PROTESTS DISSOLVE INTO VIOLENCE

On 2nd January 2022, peaceful protests over a sharp increase in fuel prices began in Kazakhstan’s Mangystau region. In the days that followed, the protests spread to other cities across the country, with thousands of people voicing demands for broader social and political change. Under circumstances that remain unclear, the protests escalated into violence from 4th to 5th January 2022, particularly in Almaty - Kazakhstan’s largest city - with reports of [clashes](#) between protesters and security forces, and the use of force by the latter to disperse protesters. On 5th January 2022, some people in the crowd in Almaty stormed public buildings, set them on fire and seized the airport. Looting and vandalism were also reported. A similar violent turn of events was reported from several other cities.

The authorities responded by launching an anti-terrorist operation to combat what they claimed was a foreign-orchestrated terrorist threat, introducing a nation-wide state of emergency and [requesting assistance](#) from the Collective Security Treaty Organisation (CSTO), a military alliance between six post-Soviet states, whose forces were promptly deployed. President Kassym-Jomart Tokayev also dismissed the government, and initiated several measures to [strip](#) ex-President Nursultan Nazarbayev – who has remained a powerful actor since leaving

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Kazakhstan as “**Repressed**”.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



office in 2019 – and his allies of political influence, amid signs that a [power struggle](#) was taking place behind the scenes as the crisis unfolded.

After several days of intense security operations, during which [terrifying scenes](#) took place and a significant number of people were killed and injured, the situation eventually calmed in Almaty and other parts of Kazakhstan. The state of emergency in Almaty and several other regions remained [in effect](#) until 19th January 2022, when the withdrawal of CSTO troops was [completed](#). However, the fallout from the crisis will be felt long into the future, with serious implications for human rights protections in the country (see more below).

RIGHTS VIOLATIONS DURING PROTESTS

In responding to the January 2022 events, the authorities have violated the rights of protesters and other residents in several ways, which are summarised below.

Firstly, the authorities branded protest participants as “bandits” and “terrorists” in a sweeping fashion, without making a clear distinction between peaceful protesters and those using violence. Experts from the United Nations [criticised](#) the broad rhetoric used by the authorities in this context, stating that it was inconsistent with international human rights law, and warning about the dangers of misguided counter- terrorism measures.

Secondly, the [findings](#) of human rights groups and media reports indicate that the authorities resorted to excessive force, including lethal force, when dispersing protesters. On 7th January 2022, President Tokayev [stated](#) that he had ordered security forces and the army to “fire without warning” when putting down the unrest and restoring law and order in the country. This order was in violation of Kazakhstan’s obligation under international law to ensure that force is only used as the last resort and that it is proportionate, damage is minimised and human lives protected. He subsequently [insisted](#) that armed force was not used against peaceful protesters. However, human rights groups, the media and activists [reported](#) incidents of security forces shooting at unarmed protesters and protesters posing no imminent threat, even before the shoot-without-warning policy was announced.

According to official figures, 230 people were [killed](#) during the unrest, including 19 law enforcement officials, and over 4,000 people were [injured](#). The authorities have failed to publicise a complete list of those who were killed and information about the exact circumstances of their deaths, despite [pledges](#) to do so. However, available information indicates that peaceful protesters, activists and residents are among those who were killed. In several cases, peaceful residents who did not take part in the protests, including several [children](#), were arbitrarily killed as they moved around outside their homes during the period of security operations.

Thirdly, the authorities carried out arbitrary mass detentions in connection with the protests and the treatment of detainees has been in violation of international standards. According to [official information](#), as of 11th January 2022, around 10,000 persons had been detained across the country. There are concerns that many of those detained had not been involved in any violent, unlawful acts and were merely exercising their right to peaceful protest. There are also widespread allegations of due process violations and the torture and ill-treatment of detainees, with eight detainees [having died](#) in custody. The authorities have reported [receiving](#) over 300 complaints about torture and other “unlawful methods of investigation”, but the real number of cases of abuse is [believed](#) to be much higher as many victims have refrained from filing complaints for fear of reprisals and the lack of confidence in obtaining justice.

While President Tokayev has vowed that all allegations of abuse will be investigated, there are concerns that the authorities have failed to carry out [thorough, impartial and effective investigations](#) into such allegations and to adequately protect victims.

Furthermore, many of those who were detained when peacefully protesting or observing the January events were [warned, fined or sentenced](#) to short-term detention for participating in protests held without prior permission, which is punishable as an administrative offence under national law. In addition, civil society, human rights and political activists are among those who have been [criminally prosecuted](#) in relation to the January events, despite the lack of any evidence of their involvement in violent, unlawful actions. Thus, the charges initiated against them are believed to be in retaliation for their civic, human rights and pro-democratic



engagement. It is of further concern that some activists have been charged with the broadly worded criminal offence of “knowingly spreading false information”, which has widely been used to stifle legitimate free speech.

RESTRICTIONS ON ACCESS TO INFORMATION AND PRESSURE ON CIVIL SOCIETY

In connection with the January 2022 events, the authorities repeatedly restricted internet access in the country, including through a nationwide [internet shutdown](#), which lasted for several days. In this way, the authorities effectively implemented an information blockade and prevented independent reporting and communication about the crisis. Some individual internet resources were [blocked](#) because, according to authorities, their reports about the protests allegedly contained false information. Media workers covering the protests faced different forms of [harassment](#), including arbitrary detentions and [attacks](#) by both security forces and non-state actors. As a result, several journalists were injured and a TV crew driver was [killed](#) when the crew’s car came under fire. None of those responsible for the attacks are known to have been held accountable.

Journalists and civil society representatives also faced growing pressure following the January events. During a speech on 7th January 2022, President Tokayev [lashed out](#) at human rights defenders, activists and independent media representatives, calling them “irresponsible demagogues” and suggesting that they were partly to blame for the violent turn of events. His statement prompted a smear campaign against defenders and independent journalists, with various pro-state media and pro-state activists picking up this line of rhetoric.

While civil society actors are currently engaged in important efforts to independently document, analyse and assist victims of human rights violations committed in connection with the January events, they have faced difficulties because of the lack of transparency by authorities, fear of reprisals preventing victims of violations from sharing their experiences, as well as reported [acts](#) of intimidation and harassment.

CONTINUED PATTERN OF VIOLATIONS

In the aftermath of the January events, the Kazakhstani authorities have [continued to seriously restrict](#) civic freedoms. In particular, they have dispersed peaceful protests held without pre-approval, detaining and penalising participants; continued their crackdown on opposition movements and prosecuted the leader of the unregistered Democratic Party, Zhanbolat Mamai on criminal charges believed to be politically motivated; and stifled free speech online, including by adopting legislation introducing new restrictions on social media platforms in the name of preventing cyberbullying.



RECOMMENDATIONS

To the Kazakhstani authorities:

- Respect the rights to freedom of peaceful assembly, freedom of expression and freedom of association as protected under international human rights law, and refrain from excessive restrictions on these rights in the name of combating terrorism and upholding public order.
- Agree to an international, independent inquiry into the January 2022 events to clarify in detail what happened during the crisis and ensure accountability for all human rights violations perpetrated in connection with it.
- Promptly, thoroughly and impartially investigate all allegations of the excessive use of force, arbitrary detentions, torture and other violations perpetrated against protesters and other residents by security forces in connection with the January 2022 events and bring to justice those responsible for such violations.
- Guarantee full respect for the right to due process of all those prosecuted in relation to the January 2022 events, including the right to legal representation and the right to a fair and public hearing, and grant them access to necessary medical assistance in detention.
- Immediately and unconditionally release from detention anyone who is being held arbitrarily for having protested peacefully during the January events, and ensure that no one is penalised for non-violent behaviour that does not constitute any internationally-recognised crime.
- Respect the right to freedom of information and ensure that any restrictions imposed on internet access meet the strict requirements for permissible limitations set out by international human rights law.
- Protect the right of journalists and human rights defenders to carry out their professional obligations without hindrance, and take effective measures to investigate all cases of harassment and intimidation of such actors in relation to the January protests, and drop any charges initiated against them in retaliation for their legitimate journalism and human rights work.
- Seek cooperation with human rights groups on investigating and ensuring accountability for violations committed during the January events, and refrain from obstructing the work of national and international NGOs involved in such efforts.
- Refrain from using the January events as an excuse to crack down on civil society activists and opposition supporters who peacefully express dissenting opinions and call for political and social change.

To members of the international community:

- Use contacts, cooperation and leverage with the Kazakhstani authorities to help ensure that they comply with the recommendations listed above.