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REPORT

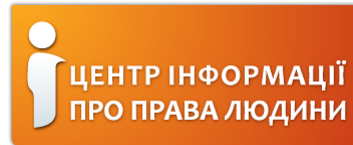
observation mission

for human rights observation in the Republic of Kazakhstan

23-30 April 2012



*Events of the 16th of December 2011 in Zhanaozen
and their consequences*



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This report was prepared on the basis of information gathered by the members of the Observation Mission on human rights observation in the Republic of Kazakhstan in connection with the events of the 16th of December 2011 in Zhanaozen and their consequences (23-30 April 2012). The Mission was caused by the necessity to analyse the crisis situation regarding human rights during and after the dispersal of demonstrations in the city of Zhanaozen and provide an overall assessment of the level of observation of certain fundamental human rights and freedoms in the Republic.

The members of the Mission visited cities such as Almaty, Aktau and Zhanaozen. On the basis of the information collected from various sources of information, expert description of the situation regarding the observation of such fundamental human rights as freedom of peaceful assembly, freedom of speech, freedom of association and the right to a fair trial was presented.

The mission was organised with the support of the Open Dialog Foundation (Lublin, Poland).

Opinions and assessments outlined in this Report are solely the author's personal thoughts and may not reflect the official standpoints of the partner organisations of the Mission.

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Introduction to the Report

Gathering and studying information on the level of observation of human rights is a very important yet difficult step in the activity connected with the protection of human rights, especially in complex crisis situations. Having no objective information, it is impossible to effectively plan any actions relating to human rights protection and to prevent future violations of this kind at national and international levels. It is also impossible to make the international community aware of the necessity of conducting scheduled, joint operations geared towards the normalization of the situation.

That is why there was a need for a separate study on the level of observation of certain fundamental human rights in the Republic of Kazakhstan in connection with the dispersal of mass protest actions of the 16th of December 2012 in Zhanaozen. For this purpose, with the support of the Open Dialog Foundation (Lublin, Poland) an Observation Mission for human rights observation in the Republic of Kazakhstan (hereinafter – "the Mission") was established. The Mission included Ukrainian human rights activists and journalists. The members of the Mission visited the Republic of Kazakhstan from the 23rd to the 30th of April 2012. Various methods of observation and data collection were used during the study of the situation. International human rights standards and the domestic Kazakhstan legislation were analysed. Also a content analysis of publications in the media was conducted. However, the main source of information was direct observations during the visit: participation in the trials, tracking the progress of peaceful assemblies, interviewing the representatives of public authorities and civil society activists, interviewing the victims of the events of the 16th of December 2011 and relatives of the defendants-oil workers, getting acquainted with the public opinion in Almaty, Aktau and Zhanaozen.

As a result of processing the information received, this Report was prepared.

Thus it is important to note the following factors:

1) This Report does not describe the observation of all of the fundamental human rights in the Republic of Kazakhstan. Given the limited resources (in particular, time) the Mission members only paid attention to the observation of such fundamental rights as freedom of peaceful assembly, freedom of speech, freedom of association and the right to a fair trial. According to the Mission members, these rights are key factors in the context of the events of the 16th of December 2011.

2) Gathering the information was complicated by the fact that the members of the Mission did not have a constant interpreter, while some of the conversations, as well as the trial, took place in the Kazakh language. The Mission often used the services of random citizens of the Republic of Kazakhstan, who translated the essence of what they heard into Russian. Therefore, the possibility of subjective assessment and incompleteness of individual conversations is not eliminated.

3) Certain sections of the Report are retrospective in nature. This means that they relate to events and facts that occurred prior to the visit of the Mission, however, they were prepared on the basis of the information obtained directly during the visit, from the sources of information mentioned above.

We sincerely hope that this Report will be useful for both the citizens of the Republic of Kazakhstan and representatives of other countries. We believe that international solidarity is not only important for the people affected by the human rights violations described in the Report, but also for the international community as a whole.

Head of the Observation Mission
for human rights observation in the Republic of Kazakhstan
Nazariy Boyarskiy

RIGHT TO A FAIR TRIAL

Prepared by: Andrey Chernousov

Court accessibility (the trial of the defendants-oil workers)

The members of the Mission used standard criteria for monitoring and assessing the accessibility of court proceedings, used in particular by the OSCE observation missions and reflected in the OSCE / ODIHR guide for trial observations, as well as the experience in observing court proceedings of the International Observation Mission of the Committee on International Control over the human rights situation in Belarus.

The trial of the protesting employees of a state-owned company "KazMunayGas" takes place in the regional centre of the Mangystau Province in Aktau, in the youth recreation centre building, where the first instance regional court of the Mangystau Province has its seat. In particular, the following observations relating to the accessibility of the court were made:

- ♦ the entrance to the building is surrounded by a metal fence;
- ♦ a video camera is installed at the entrance to capture the people entering the building;
- ♦ a police officer on duty stays at the entrance to let people inside the building;
- ♦ at the entrance (inside the building) an idle walk-through metal detector is located;
- ♦ there are two tables (one on the left and one on the right of the metal detector) at the entrance. At each table a court employee records the personal data of citizens entering the building based on identity documents. Another employee (a man on the left and a woman on the right) checks the clothing and bags of the citizens;
- ♦ the members of the Mission had to present international passports in order to enter the building;
- ♦ a man in civilian clothes asked the Mission members to show their documents. He also asked where they came from and sometimes checked the visa in the passport;
- ♦ those wishing to enter the courtroom had to leave their personal belongings (including mobile phones) in a locker. The lockers were closed by a court employee, and the person entering the court was given a key with the locker number;
- ♦ five police officers and a few security guards were usually present in the hallway of the building.

2. Judicial review in the case on mass disorders in Zhanaozen (trial of the defendants-oil workers)

The case is being investigated by a single judge, Aralbay Ibragimuly Nagashybaev. The criminal case file contains more than 100 volumes. 37 people are accused in the case, nine of whom are under house arrest and 28 are in custody. Two of the defendants are women, one of whom is in custody. The rest of the defendants are men.

Charges:

- ♦ Article 241 of the Criminal Code of the Republic of Kazakhstan, "mass unrest";
- ♦ Article 164 of the Criminal Code of the Republic of Kazakhstan, "Incitement of social, national, tribal, racial or religious enmity";
- ♦ Article 187 of the Criminal Code of the Republic of Kazakhstan, "deliberate destruction or causation of damage to someone else's property".

11 lawyers represent the interests of the defendants, two of whom are appointed counsels (free of charge). As far as it was known to the Mission members, the lawyers were not able to participate in the

defence of their clients before the court proceedings. This was due to the following reasons:

- at the stage of pre-trial investigation the criminal prosecution authorities (prosecutors, police, National Security Committee) blocked the access of professional advocates by constantly refusing to provide the defendants with professional legal assistance (according to the opinion of the representatives of the "Alga!" movement);

- the lawyers were invited only at the stage of court proceedings (according to the opinion of the lawyers from Almaty).

According to the representatives of the "Alga!" social movement and the "Zhanaozen - 2011" international committee, mass tortures and ill-treatments were carried out against the defendants in the pre-trial investigation and only one of them managed to undergo a medical examination after making allegations of torture. These allegations are now being investigated. During the conversation with the defendants' lawyer the Mission members learned that the counsels did not undertake any actions to investigate the tortures and ill-treatments due to an acute shortage of time. Supplying documentary evidence and proving the acts of torture requires meticulous time-consuming work, for which the defence has no human resources. During the trial the defendants stated that they had been subjected to torture and ill-treatments, however it is impossible to provide evidence other than these statements.

Application of Article 100 of the Criminal Procedure Code of the Republic of Kazakhstan. "Safety of victims, witnesses, suspects, defendants and other persons involved in criminal proceedings".

Restricting the access to information on the defended person takes place by removing the personal data from the investigation file and storing it separately, as well as using a pseudonym for that person. Data separated from the main file can be investigated only by the authority leading the criminal trial. Other participants of the trial may become acquainted with these files only with the permission of the authority leading the criminal trial upon a written agreement not to disclose the information. Legal proceedings involving a person defended may proceed (when necessary) under conditions preventing their recognition.

The practice of classifying the identities of witnesses was used massively during the trial - witnesses were questioned online using Skype with voice modifiers and pseudonyms.

Widespread use of security measures undertaken by the prosecution against witnesses, such as "classification" of identities and voices (more than 10 cases within two days of the trial) is a serious concern. The question is whether the life or health of those witnesses is really at risk. Another interesting fact is that, according to the lawyers and defendants, most of the "classified" witnesses are police officers. It is also worth noting that many of the anonymous witnesses cannot or refuse to answer questions of the defence and defendants about the appearance of the defendants, against whom they testified anonymously, or specific questions about their biography.

It is also important to point out the possibility of the government authorities forcing the witnesses to lie under oath. For example, on the 25th of April 2012 Zhayranov Erlan testified that he acted previously as an anonymous witness in the case. According to his testimony, physical and mental abuse was used to force him to perjure against one of the defendants. He also said that he had not been an eyewitness of the mass disorders at all. After his statement, the counsels filed a motion to exclude his testimony from the case file and to ensure security measures against him. The judge decided there was a necessity to consider this matter, but we never managed to learn the outcome of his considerations.

Question about damage caused by the mass disorders

According to the case file, the mass disorders from 16th of December 2011 caused damage to city property, as well as property of individual entrepreneurs (for example, a fire set to tents placed on the Yntymak square). However, there is no data on the exact extent of damage. Upon a request to the mayor

of Zhanaozen to provide information on total property damage, the Mission members received the following response: *"During the mass disorders of 16th of December, 2011 in Zhanaozen 10 public buildings, the building of the production branch of the 'OzenmunayGaz', Arua hotel and 57 commercial buildings were smashed and burned"* (see Annexes). However, since the response was given in writing, but not on an official form, with no seal or signature, this information cannot be considered as official by the Mission members.

The only data on the exact extent of damage was provided by the BTA Bank – a company, which incurred damage of 1624500.00 tenge (about 8447 Euros). The direct losses of the bank consisted of a burned ATM machine and cash that was in it. However, a video captured by the ATM camera did not help to identify the arsonists'. Individual entrepreneurs, whose tents were burned, refused to come forward with material claims against the defendants, as they did not recognise the arsonists among them.

In general, despite the openness of the trial and the desire of the authorities to ensure maximum access for all the interested persons, including international observers, the trial cannot be considered as complying with the basic principles of justice. This is primarily due to the adversarial principle: considering the efforts to provide evidence in favour of the defendants, as well as the failure to address the defendants' allegations of torture and ill-treatments, the defence is clearly in an unequal situation.

3. Judicial review in the case on mass disorders in Zhanaozen (trial of the police officers)

The judicial review in the criminal case against the police officers takes place in the first instance regional court of the Mangystau Province.

Participants of the trial:

Judge – one.

Defendants – five police officers, including two senior police officials. All of them are under house arrest.

Interpreters – 2 persons.

Prosecutors – 3 persons.

Victims – approximately 70 people.

Witnesses – over 100 people.

The criminal case against the five police officers was brought and a pre-trial investigation was conducted under Article 308 of the Criminal Code of the Republic of Kazakhstan, "exceeding power or official authority, that is commissioning by a person authorised to perform state functions, or a person equated to such person, of acts which clearly go beyond his powers and authority, and which resulted in a substantial violation of rights and legitimate interests of citizens or entities, or the interests of the society or the state which are protected by law".

Section 4 of this Article provides: "Acts specified in the first, second or third section of this Article that entailed grave consequences or were committed:

a) with actual or threatened use of violence;

b) with use of weapons or special means;

c) in order to reap benefits or advantages for themselves or other persons or entities, or for the purpose of causing harm to other persons or entities,

shall be punished by deprivation of freedom for a period up to ten years with deprivation of the right to hold certain posts or engage in certain types of activities for a period up to seven years, along with confiscation of property".

According to the case file, these officers had opened fire against the oil workers protesting on the

Yntymak square, in front of the mayor's office in Zhanaozen. Among all interesting facts, the following can be pointed out:

- a significant number of victims (17 people) had been shot in the back;
- shots had been fired, among others, with the use of automatic weapons (AKM - 47);
- no other weapons or special means had been used against the protesters (water cannons, tear gas, non-lethal firearms, etc);
- there had been no attempts to detain the protesters;
- police officers had shot and wounded people who had not been present on the square during the disorders and who were not protesting oil workers;
- in order to protect the public order of a peaceful assembly (the protesting oil workers had been unarmed) special police units from other regions of Kazakhstan, armed with automatic weapons, had been involved;
- the number of police officers who opened fire clearly exceeds five.

It is surprising that the officers' actions were qualified only under Section 4 of Article 308 of the Criminal Code of the Republic of Kazakhstan, "exceeding power or official authority", without further qualification to Article 100, "murder committed in excess of measures necessary to apprehend the offender", which seems logical taking into account the actions committed by the officers.

The trial of the police officers has just begun; therefore it is too early to draw any conclusions on this matter.

FREEDOM OF PEACEFUL ASSEMBLY

on the example of 'The rally of dissidents', held on the 28th of April, 2012, Almaty

Prepared by: Nazariy Boyarskiy

1. Legislative framework

According to Art. 32 of the Constitution of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan have the right to organise and to participate in peaceful and unarmed assemblies, hold meetings, rallies, demonstrations, marches and pickets. Exercising this right is limited by law in the interests of national security, public order, health protection as well as the protection of rights and freedoms of others.

In accordance with Articles 2, 3 and 4 of the Law of the Republic of Kazakhstan "On the procedure for organisation and holding of peaceful meetings, rallies, marches, pickets and demonstrations in the Republic of Kazakhstan", holding of public actions in the form of rallies, pickets, demonstrations and marches shall be allowed after obtaining permission of the local executive body.

Permission of the local executive body shall be issued upon written application, which shall be submitted no later than within 10 days before the scheduled date of the peaceful meetings, rallies, marches, pickets and demonstrations.

Violations of the law on the organisation or holding meetings, rallies, marches, pickets or demonstrations can subject their organisers and participants to administrative responsibility under Article 373 of the Code of the Republic of Kazakhstan on administrative offences or to criminal responsibility under Article 334 of the Criminal Code of the Republic of Kazakhstan.

Article 373 of the Code of the Republic of Kazakhstan on Administrative Offences "Violation of the law on organisation and holding of peaceful assemblies, meetings, marches, pickets and demonstrations" provides as follows:

Violation of the laws of the Republic of Kazakhstan on the organisation or holding of meetings, rallies, marches, pickets, demonstrations or other public events, or obstruction of the organisation or conduct, as well as participating in illegal gatherings, rallies, marches, demonstrations or other public events, if these actions contain no signs of criminal offense - shall entail a warning or a fine of up to twenty monthly calculation indices for normal citizens or a fine of up to fifty MCI for public servants.

Provision of premises or other property (communication tools, duplicating machines, equipment, transportation) by managers or other official servants of organisations to participants of an unauthorised gathering, rally, picket, demonstration or other public event, or creating other conditions for organisation or carrying out of such events shall be subject to a fine in the amount of up to twenty MCI.

The same acts committed repeatedly during the year after application of administrative penalties, either by the organiser of a meeting, rally, march, or demonstration should be subjected to a fine of up to fifty MCI or administrative arrest for up to fifteen days.

Article 334 of the Code of the Republic of Kazakhstan on Administrative Offences "Violation of the law on the organisation and holding of peaceful assemblies, rallies, pickets, street marches and demonstrations" states the following:

Violation of the order of the organisation or holding of meetings, rallies, pickets, street marches or demonstrations, committed by the organiser of a meeting, a rally, a picket, a street march or a demonstration, if this deed resulted in the disruption of work of transport, caused substantial harm to the rights and lawful interests of citizens and organisations, it shall be punished with a fine in the amount of one

hundred to eight hundred monthly calculation indices, or involvement in community service for a period of one hundred and twenty to one hundred and eighty hours, or a personal restraint for up to one year.

The Organisation or holding of illegal meetings, rallies, pickets, street marches and demonstrations, committed by the organiser of the meeting, the rally, the picket, the street march or the demonstration, as well as active participation in illegal gatherings, rallies, pickets, marches or demonstrations, if these deeds have caused consequences provided in the first part of this paragraph, they shall be subject to a fine of two hundred to one thousand monthly calculation indices, or involvement in community service for a period of one hundred and eighty to two hundred and forty hours, or a personal restraint for up to one year, or imprisonment for the same term..

2. Preparation for a meeting

According to the information received from social activists and the media, several people from various social organisations have repeatedly filed a petition to the akimat of the city of Almaty for permission to conduct 'The rally of dissenters' on the 28th of April, 2012, offering various options for the venue of the rally in the city center. In response to these petition it was indicated the city has a special place designated for similar events: a park behind the 'Sary-Arka' theatre'. On this basis, holding a meeting in the places proposed by the public was prohibited.

It should be noted that the park, in which it is officially allowed to hold peaceful gatherings in Almaty, is located on the outskirts of the city, namely, at the intersection of Abay Prospect and Altynsarin Prospect. Therefore, due to the desire of the organisers to attract public attention to the issues lifted by the rally, they decided to carry out an unauthorised meeting in the centre of Almaty, near the monument of Abay in the square before the Palace of the Republic.

In turn, Magyar Basshybaev, the prosecutor of the Medeuski region of Almaty sent to the organisers and potential participants in the meeting "A warning against breaking law". In particular, such a letter dated 26th of April, 2012, № 717712 addressed to the Deputy Chairman of the Coordinating Committee of the unregistered party "Alga!" Mikhail Sizov read: "According to available information, you are going to take part in an unsanctioned rally on the 28th of April, 2012 at the square before the Palace of the Republic. Given that in this case, ignorance or misunderstanding of the law may result in their unlawful execution ...I HEREBY WARN ...", then in the letter-warning, a list of applicable laws governing freedom of peaceful assembly, and providing administrative and criminal liability in the event of non-compliance is given (see appendices).

3. The events of the 28th of April, 2012 during the rally

The beginning of the meeting was announced at 12:00 a.m. at the monument of Abay in the square before the Palace of the Republic.

When members of the Mission approached the underpass at the intersection of Abay Prospect and Dostyk Prospect at approx. 11:00 a.m., they noticed police officers (two at each entrance), who inspected the belongings of all passersby. The square in front of the Palace of Respublic was surrounded by metal railings and on their perimeter police officers were standing. To the question of the Mission members asking what was going on there, they were told that Children's Festival is being held in the Palace, and therefore precautions were taken. People were not allowed to go in. Parked along the street was a row of coaches and buses with representatives of security forces.

Due to the inability to hold a rally near the monument of Abay in the square before the Palace of the Republic, the participants of 'The rally of dissenters' were gathering in the area between the Palace of the Republic and the 'Kazakhstan' hotel.

At 11.50 a.m., riot police officers of the Special Rapid Reaction Detachment detained opposition activist Ermek Narymbaev, recently released from prison. He was quickly taken away in the police bus. During his detention, the police struck in the face Mukhtar Kabdulgaziev, a 77-year-old participant of the rally.

Approx. five minutes after the incident, the deputy prosecutor of Almaty spoke to the audience. With the help of a speaking trumpet, he stated that the gathering was unauthorised, and the participants may be subject to legal liability, and subsequently he urged the protesters to disperse.

However, the rally began. The total number of participants was approx. 250-300 people. First ordinary citizens spoke, and then - representatives of NGOs and opposition forces made their speeches. It should be noted that the speakers voiced words of discontent with the country's economic situation and the demands of justice in general. For example, the Mission noted the following expressions:

"We can not tolerate such violations of our rights";

"Many of us have received a warning from the prosecutor's office, and I got one, too, but they are not going to frighten us!";

"Children who received education have no jobs. They are offered to sell seeds";

"In Zhanaozen torture is inflicted upon people. And we remain silent while all this is happening. We remained silent during the October events. We now accept a paid education, pension increases ... Today only those who steal have a good level of life... I am ready to die for the people! Today, we will not allow fascism. Freedom to oilmen! We'll fight for the motherland! We'll fight for the people! I cannot die today, leaving my country to my grandchildren in such miserable state!";

"We have always been told that the economy comes first, then politics. The events in Zhanaozen showed the consequences of this approach";

"Today the authorities carry out an unfair judgment over the people. But the judgement of history is also going to take place. The heavenly judgement!" [a statement about the judicial process of the oil industry workers in Aktau].

It should be noted that none of the speakers urged violence, overthrowing of the constitutional order or other crimes. At the same time the protesters chanted several times, *"Nazarbayev, Kel!"* ["Nazarbayev, come here!"].

At 1.00 p.m., the text of the resolution of the protesters was read out. According to organisers, before the beginning of the meeting, representatives of public authorities stopped a car in which they found printed text of the resolution and information materials for the meeting. Therefore, the text of the resolution was read from the screen of a mobile phone. In the adopted resolution, the participant of the "Rally of dissenters" demanded an objective investigation into the events that took place in December, 2011 in Zhanaozen and into the assassination attempt on independent journalist Lukpan Ahmedyarov; they also demanded that arrested oil workers, opposition politicians and activists be released; in the resolution they were called political prisoners. The text also stated that a decision was made to hold the next meeting at the same place on the 2nd of June, 2012.

The rally ended at 1.15 p.m. and the participants began to disperse.

It should be mentioned separately that unidentified people in plain clothes, who presumably represented the National Security Committee of Kazakhstan, and/or law enforcement agencies, were present in that place. These persons in civilian clothes were "located" among the protesters at an interval of 2-2.5 meters. At least three or four men in civilian clothes made a video recording of the rally.

4. The attitude of the Almaty residents towards peaceful assemblies

From private conversations with the residents of the city of Almaty, it became clear that the level of participation of the city inhabitants in peaceful assemblies is quite low. This is due to number of factors, among which the most common are the following:

- lack of tradition of public expression of their one's opinion through peaceful assembly (many interviewed residents showed a lack of understanding of the importance of this freedom, and said that *"participation in rallies is not appropriate"*);

- complicated procedure for obtaining permission to hold a peaceful assembly;

- legal responsibility for the organisation of and participation in peaceful assemblies, stipulated in the law;

- a low level of interest in the proposed themes and reasons for peaceful assembly.

FREEDOM OF SPEECH

Obstruction of the activities of journalists and the media. Interference with freedom of expression.

Prepared by: Konstantin Reutskiy

1. Restrictions on freedom of speech in the media (censorship)

From an interview with journalists and social activists it can be concluded that the majority of mass - media operating in the Republic of Kazakhstan are controlled by the government - either directly or through affiliated business entities. By direct interference in the editorial policy or economic pressure on owners, authorities are able to form a convenient information field in the country.

And so, for example, in Zhanaozen two newspapers are issued, and one municipal television station operates. The socio-political newspaper "Zhanaozen" is the body of the district state administration and the newspaper's offices are located in the building of the Akimat. "Zhanaozen zharsy" is an advertising and information newspaper with a staff of two people who do not have their own office. Information on the oil workers' strike and the events in December, 2011 was not released in any of these media. Judicial processes against activists of the strike and police officers accused of abuse of power were not covered in the local press. In an interview with the monitoring group, the editor of the municipal newspaper "Zhanaozen" explained that the newspaper publishes only those materials which are recommended by the local public administration.

According to Kazakhstan's civil society activists, the control over independent print media in the Mangistau Province is executed also by means of control by the authorities and businesses close to the authorities over printing houses in which the issues are printed.

Journalists of the central state media reported on the existence of an outright ban on spreading any negative information about the president's family and business structures close to the family.

2. Restrictions on freedom of speech on the Internet and in telecommunication networks

Legislation of the Republic of Kazakhstan contains provisions that invested the authorities with the power to interfere in the work of the media and Internet resources, as well as to block telecommunication networks. With the use this power, the authorities in the Mangistau Province completely blocked access to the Internet from the 16th to the 19th of December, 2011, and in the towns of Zhanaozen and Shetpe wired and mobile phone connection was blocked..

Article 10 of the Law of the Republic of Kazakhstan 'On mass media' allows the Ministry of Culture and Information to cancel the certificate of registration of mass-media without obtaining a court order. Thus, on the basis of this provision, in November, 2009, the Ministry of Culture and Information issued a decision to cancel registration certificate of the republican newspaper 'Alma-Ata Info.

In 2009, the Republic of Kazakhstan issued a law "On Amendments to Certain Legislative Acts of the Republic of Kazakhstan on information and communication networks," equating Internet resources with the media and, as a consequence, allowing the prosecution of their authors and commentators in administrative and criminal proceedings. The law simplifies the procedure of interference in the content of national and international Internet resources, and significantly limits the ability of website owners to provide their defense in court. On the basis of this law, since January 2011, 160 websites have been blocked or access to them has been limited. The suspension of the popular opposition video portal "Stan.kz" and the blockage of the blogging platform "LiveJournal" caused the greatest resonance. In addition, according to some social activists and media activists, the government of the republic, acting through controlled providers, have blocked access to a number of independent Internet journals, which is

contrary to the law.

In December 2011, the Government of the Republic of Kazakhstan introduced new rules for access to the Internet, which provide additional possibilities of executing control over users. The rules, in particular, require that owners of Internet cafés install security cameras in their premises and demand every user to present his/her ID card.

3. Criminal prosecutions and private lawsuits against the media

3.1. Criminal Code of the Republic of Kazakhstan provides for criminal liability of the journalists for insult and defamation. This provision has been widely used by representatives of public authorities of the republic to prosecute the media spreading information containing criticism of the government. Here are some of the most significant examples of exerting such pressure:

- On the 23rd of January, Igor Vinyavskiy, the editor-in-chief of the republican monthly newspaper "Vzglyad", was arrested.. The arrest was accompanied by a search conducted in the newspaper office and with the seizure of all computer equipment and documentation. The journalist was threatened with a prison term of up to seven years on charges of calling to violent overthrow of the constitutional system of the country. The official reason for the arrest and criminal proceedings were flyers with a picture of the president and the slogan 'Take him to the dump!', found in Igor Vinyavskiy's car 2 years ago. 2 months later, immediately before voting of the European Parliament on the resolution regarding the situation in Kazakhstan, on the 15th of March, 2012 he was released from the detention facility of the National Security Committee (hereinafter – NSC).

- in October 2011, Kunabek Botabetov, the editor-in-chief of the "Adilet" newspaper was sentenced to one and a half years' imprisonment and a fine of 300,000 tenge (approx. 1630 euros). For the series of publications on corrupt acts committed by representatives of public authorities in the region, he was found guilty of libel (Article 129, part 3 of the Criminal Code of the Republic of Kazakhstan).

- In 2009, Ramazan Yesergepov, a journalist and editor-in-chief of the "Alma-Ata Info" was sentenced to three years' imprisonment after the publication of the article entitled 'Who controls our country: the president or the NSC?'. Besides Yesergepov, the persons who passed to him the information subsequently used in the article, were subjected to criminal prosecution - three defendants received sentences ranging from two-year suspended sentence to 8 years' imprisonment. On the 6th of January, 2012, Ramazan Yesergepov was released, however, according to the decision issued by the court, he will not be able to engage in journalistic activity within the next two years.

- in August, 2011, by the decision of the Saryarkinsky court of the city of Astana, a popular blogging platform "LiveJournal" and more than 20 other Internet resources were blocked; the reason for blocking was 'promotion of terrorism and extremism', which was allegedly conducted in these resources .

3.2. The national legislation of the Republic of Kazakhstan does not provide for reasonable limitations in size of private claims on charges of defamation, which allows government officials, politicians and individuals to claim compensation, the amount of which puts the media on the brink of closure. So, for example:

- In December 2011, the Almaty District Court satisfied the claim of a member of the Parliament Romin Madinov against the newspaper "Public Position", which released a series of revelatory articles about the activity of the politician. In accordance with the decision of the court, the author and the editor are required to pay to the complainant compensation of \$ 5 million tenge (about 26,820 euros). However, the politician, unsatisfied with the amount of compensation, filed an appeal and requested an increase in the amount of compensation to 500 million tenge (about 2.6 million euros));

- On the 27th of April, 2012 a hearing on the claim of Tilekkabyl Imashev, the head of the domestic

policy of the West Kazakhstan Province against Lukpan Akhmedyarov, the correspondent of the "Uralskaya Nedelya" newspaper. The basis for the claim was an article about the corrupt actions of official 'Brothers, relatives, influential pals'. The size of the claim was 5 million tenge (about 26,000 euros);

- in 2011, the Almaty Court ruled in favour of the wife of the head of the Financial Police of the Republic of Kazakhstan Saltanat Akhanova, regarding a defamation claim against Gulzhan Yergaliyeva and the news site "Guljan". For moral damages allegedly caused by the publishing on the website she demanded compensation of 2 billion 640 million 296 thousand 400 tenge (approx. 14 million euros). The court granted the plaintiff's claims in part and ordered the newspaper to pay the equivalent of 26,336 euros;

- in 2008, the Court satisfied the claim of a member of the Majilis Romin Madinov, obliging the "Taszhagan" newspaper to pay the complainant a compensation of 30 million tenge (approx. 160,000 euros);

- in 2009, the Medeuskiy District Court of Almaty satisfied the BTA Bank's claims against the "Respublika" newspaper and ordered the newspaper to pay a compensation amounting to 60 million tenge (approx. 312,000 euros).

4. Attacks on journalists

The Criminal Code of the Republic of Kazakhstan contains an article, providing for penalties for obstructing journalist's professional activity, however, the practice of effective use of the standards for the protection of journalists does not exist. Despite the large number of attacks on journalists and editors of the media, since 1997 no criminal case has been instituted under this article. However, only for the years 2010- 2012, the Republic of Kazakhstan recorded 13 attacks on journalists. Here is a description of the most resonant of them:

- On the 20th of April, 2012 a victim of the attack was Lukpan Akhmediarov, a journalist of the "Uralskaya nedelya" newspaper. The journalist suffered wounds caused by a non-lethal weapon and eight stab wounds inflicted in the area of his heart.

- On the 25th of January, 2012 in Shymkent, a journalist of the republican newspaper "Adilet" Zharkynbek Seytinbet was attacked. Unidentified perpetrators struck several blows to his head with an iron rod. They attacked him outside his own house.

- On the 26th of October, 2011, unknown men shot Orken Bisenov, a journalist of the online portal „Stan.kz”, and Asan Amilov, a cameraman, from a non-lethal weapon and stroke them with baseball bats. The Ministry of the Interior denies the motive of preventing journalistic activity, and calls the incident "a robbery attempt".

- On the 17th of June, 2011, an unknown man attacked Aleksandr Baranov, a journalist of the 'Pavlodarskaya Nedelya' newspaper, near the entrance to his house.

- On the 30th of March, 2011, in Almaty, Daniyar Moldashev, the editor of the 'Golos Respubliki' newspaper, was battered. After the attack he left the country and resigned from the post of the head of the president of the enterprise which issues the main opposition newspaper of Kazakhstan. Moldashev's colleagues explain that his behaviour was caused by the pressure exerted on him by the authorities.

- On the 16th of December, 2009, a journalist and the general director of the online newspaper „Belyi Parakhod" Genadiy Pavlyuk was abducted and thrown out of a window of a high-rise building in Almaty. The journalist died without regaining consciousness. In October, 2011, three suspects in the crime were sentenced to the periods of 10 to 17 years' imprisonment. The court found that the murder was related to Genadiy Pavlyuk's professional activity.

5. "Self-censorship"

- From interviews with journalists, print media and television stations in the towns of Zhanaozen, Aktau and Almaty, we observe a low degree of willingness to cover important topics and to criticise the government. Most of the correspondents of independent (but affiliated with the government) national media, with which we were able to communicate, stress their loyalty to the present authorities and consider it unreasonable to spread comprehensive information about events in Zhanaozen and Shetpe because, in their opinion, it could lead to the growth of social tension. As mentioned above, the local media (in Zhanaozen and Shetpe) do not cover any news about the conflicts, and many regional journalists who were interviewed, when describing the actions of striking oil workers on the 16th of December, 2011, use emotionally charged term 'rebellion' as opposed to the values of 'stability and unity' proclaimed by the Government.

- It can be assumed that the public debate on many important matters is significantly cooled by the threat of facing criminal liability under Article 164 of the Criminal Code of the Republic of Kazakhstan („inciting social hatred”), which allows treat as such almost any message that contains criticism of the authorities.

FREEDOM OF ASSOCIATION

Prepared by: Vladimir Nestorak

1. Obstruction of the activities of political parties and associations

After interviewing public and political figures, one can conclude that there is a progressive obstruction of the activity of opposition parties and public associations by exertion of psychological, physical, economic and legal pressure.

In 2001 a NGO "Democratic Choice of Kazakhstan" (hereinafter - the DCK) was founded, which gathered members of various political parties, as well as non-partisan citizens. Later, an attempt was made to register the DCK as a Republican Public Association. It is important to know that, in accordance with Kazakhstan's law for the registration of the Republican Public Association it is required to establish branches in more than half of the regions of the Republic (the total number of which is 15), and the charter of the party should be in two languages. The public authorities have not allowed the registration of branch offices of the Party in any of the regions, referring to the discrepancy in translation between the Russian and Kazakh version of the charter. It is worth mentioning that attempts to register the party were undertaken about 50 times. In 2004, there was a success in registering the DCK Party. The party's official activity lasted six months and was dissolved by a court decision for calling to overthrow the constitutional order. Subsequently, changes were made to the current Act "On political parties" in Article 7, as follows: "The full and abbreviated name of a political party and its symbols should not in whole or in substantial part duplicate the name and symbols of state bodies, political parties registered in the Republic of Kazakhstan, as well as political parties, liquidated in connection with violation of the law of the Republic of Kazakhstan". For this reason, the activists have created a new party called "Alga" (which in Kazakh means, "Ahead!").

In November 2006, for registration of the party "Alga!" the Ministry of Justice was given the party list, which consisted of 53 thousand applications. The official reply of the Ministry regarding consideration of the appeal is still pending. Under current law, namely Article 9 of the Act "On State Registration of Legal Entities and Record Registration of Branches and Representative Offices" the authorities should register or refuse to register a party, giving its grounded rationale. Since 2006 the "Alga!" party has made three attempts to register and has subsequently received a response informing of the suspension of the registration process in connection with checking the list of representatives of the party. Thus, de jure, the party has been in the process of registering for almost 6 years.

In parallel, civil society activists tried to register the "Halyk Maidana, the Popular Front" Party. They were denied registration, with reference to Art. 7 of the Act "On political parties" in connection with the fact that three days earlier the public association "Halyk" had been registered. The activists filed for registration of several parties with different names. The result was the same.

The members of the Mission received information that the leader of the unregistered party "Alga!", Vladimir Kozlov, was arrested under Article 164 of the Criminal Code of the Republic of Kazakhstan (23 January 2012). His property was confiscated. And since the party was not registered, all of its property was confiscated, registered under the name of V. Kozlov as a natural person, even though such actions are not stipulated by the legislation. In addition, the Prosecution Office of the Republic of Kazakhstan sent to the activists of the party "Alga!" and the social coalition "Halyk Maidana-Popular Front" a warning about violation of the law, thereby putting psychological pressure on the activists.

October 5, 2011 a message was disseminated stating that the Inter-District Administrative Court in Almaty suspended the activity of the Communist Party of Kazakhstan for six months for the participation

of its leader, Gaziz Aldamzharov, in the opposition movement "Halyk Maidana-Popular Front" (it should be noted that in the Republic of Kazakhstan it is prohibited to participate in unregistered public associations, which entails administrative responsibility). Thus, the party was deprived of the possibility to participate in early elections of deputies of the Majilis of the Parliament of Kazakhstan which were held January 15, 2012. In April 2012 the Court extended the ban on the party's activity for another six months.

Thus, it is reasonable to assume the existence of well-structured systems aimed at blocking the activities of those "undesirable" political parties and public associations.

2. Criminal prosecution and administrative actions against public and political figures

Numerous detentions of members of opposition organisations and meetings show that the social and political activity of citizens of the Republic of Kazakhstan is subject to a permanent threat of arrest and fines.

As tools for applying arrest towards oppositionists, in most cases, the following articles of regulations are used:

Article 164 (inciting social, national, tribal, racial or religious hatred). This was the accusation presented against the striking oil workers union lawyer, Natalia Sokolova; on this article the following persons were also accused: Vladimir Kozlov, Ayzhangul Amirova, Serik Sapargali, Bolat Atabayev, Zhanbolat Mamay.

Article 170 (calls for violent overthrow or change of the constitutional order or the forcible violation of the unity of the territory of the Republic of Kazakhstan).

Article 233 (Terrorism). In late March, the General Prosecutor's Office of the Republic of Kazakhstan issued a press release about the elimination of the threat of terrorist attacks which were to be organised by, as they sustained, Alexander Pavlov, the chief bodyguard of Mukhtar Ablyazov (the political opponent of Nazarbayev), whose name is associated with the "Alga!" Party.

Article 176 (embezzlement of entrusted property of others). Under this article, the ex-chairman of "BTA Bank", businessman Mukhtar Ablyazov, was charged.

Article 235 of the Criminal Code of the Republic of Kazakhstan (the creation and management of an organised criminal group or criminal community, participation in a criminal association) - March 21, 2009 charges for this article were brought in addition to previous charges in the case against Mukhtar Ablyazov.

Article 334 (Violation of the order of organising and conducting meetings, rallies, pickets, marches and demonstrations) and Article 373 (Violation of the law on organisation and holding of peaceful assemblies, meetings, marches, pickets and demonstrations) of the Code of the Republic of Kazakhstan on Administrative Offences. January 6 2012, at the Aktau Airport, the Task Force of the National Security Committee arrested **Ayzhangul Amirov**. After a search conducted in the office of "Halyk Maidana-Popular Front" in Aktau, the National Security Committee staff took the activist to Zhanaozen. The Investigative Team of the CNS commenced a criminal case on the fact of instigation of social hostility provided by part 3 of Article 164 of the Criminal Code of the Republic of Kazakhstan.

02/25/12 in the morning, shortly before the beginning of an unauthorised opposition rally, the police officers seized leaders of the oppositional National Social Democratic Party of Kazakhstan, **Bolat Abilov, Amirzhan Kosanov and Zharmakhan Tuyakbai** from the office of the party and took them to the Medeu District Administration of Internal Affairs. For organising a meeting, party leaders, Amirzhan Kosanov and Amirbek Togusov were detained for 15 days, and Bolat Abilov - for 18 days. Penalties were served at special city police premises for administrative detainees.

23/01/2011 **Bolat Atabayev**, a member of the movement "Halyk Maidana-Popular Front," artistic director of the "Aksaray" Theater, who was part of the Public Commission for Inquiry on the Zhanaozen events, was charged under Article 164 part 3 of the Criminal Code of the Republic of Kazakhstan - the incitement of social hostility, resulting in serious consequences. 03/06/2012. Bolat Atabayev received a ruling from the investigator of the NSC, Oskan Zhasuzakov, stating that he is also accused of being involved in an organised criminal group aimed at overthrowing the constitutional order. He remains under house arrest in Almaty.

January 23, 2012, The National Security Committee officers raided the offices of the unregistered party "Alga!" in the apartments of its leader, **Vladimir Kozlov**, the Party's accountant, **Gulzhan Lepesova**, head of the security, **Askar Tokmurzin** and a party member **Mikhail Sizov**. According to eyewitnesses, they were looking for documents or other evidence of the involvement of the opposition activists in the events in Zhanaozen. After the searches, Vladimir Kozlov was taken for questioning to the NSC, where he was charged with inciting social hatred under Article 164 of the Criminal Code of the Republic of Kazakhstan. Currently, Vladimir Kozlov is in custody. The wife of the accused, Alia Turusbekova, wrote 23 requests to see her husband and for four months she only saw him twice, although according to Article 17 of the Act "On procedure and conditions of detention of persons in institutions that provide temporary isolation from society" it is stipulated that there cannot be more than two visits per month.

23 January 23, 2012 the house of **Serik Sapargali** was searched, and later he was taken to the Investigation Department of the NSC Department in Almaty. Sapargali Serik, an activist of the "Halyk Maidana," in 2011 put forward his candidacy for President of Kazakhstan, but was not registered. Serik Sapargali was charged with incitement of social hatred under Article 164 of the Criminal Code of the Republic of Kazakhstan. Currently he remains in custody.

The Editor-in-Chief of the Kazakh weekly newspaper "Vzglyad", **Igor Vinyavskiy**, was retained on January 23, 2012. January 26, 2012 the Court changed the measure of restraint to his arrest. Igor was accused of inciting the violent overthrow or alteration of the constitutional system of Kazakhstan, which, according to Part 2 of Article 170 is punishable with imprisonment for a term of three to seven years. The basis for this charge were leaflets, discovered by security forces two years earlier in a car that did not belong to and never actually belonged to Igor Vinyavskiy. March 15, 2012 the case against Igor Vinyavskiy terminated in accordance with the Act "On amnesty in the Republic of Kazakhstan" dated December 28, 2011 after the re-qualification of the second Article 170 of the Criminal Code of the Republic of Kazakhstan for the 1st part.

23 January, 2012, the apartment of the youth leader of the opposition movement "Halyk Maidana-Popular Front", **Zhanbolat Mamaia**, was searched. On the same day Zhanbolat Mamaia was summoned to the Department of National Security Committee in Almaty, where he was charged and taken under house arrest.

In total, currently in Kazakhstan there are about 35 political prisoners who were convicted under the above accusations. But in the aforementioned number of 35 political prisoners does not include prisoners arrested under the accusation of terrorist activity, who, according to some information, make a significantly greater number. Most of these people actively informed the public about the past events in Zhanaozen and watched over the observance of human rights in Kazakhstan and in particular the rights of striking oil workers and victims. It is worth noting that the police and the NSC performed searches and confiscation of property from public officials and public associations, thus breaching Article 232 of the Criminal Procedure Code of the Republic of Kazakhstan and the International Covenant on Civil and Political Rights.

INTERNATIONAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS, EXTENDING TO THE REPUBLIC OF KAZAKHSTAN

Prepared by: Elena Aschenko

General information

Kazakhstan is a member of international organisations such as the United Nations Organisation (UNO), Organisation for Security and Cooperation in Europe (OSCE), International Labour Organisation (ILO), the Commonwealth of Independent States (CIS).

Accordingly, in case of violation of human rights by the state, the victims of such violations are entitled to apply for the protection of international bodies on the basis of international treaties ratified by Kazakhstan.

Below we shall describe in more detail the major international bodies responsible for protecting human rights in various areas.

1. The UN Human Rights Committee

The UN Committee on Human Rights (hereinafter - Committee) established by the UN General Assembly in 1966, began its work in 1976. The main task of the Committee is to ensure that the rights enshrined in the International Covenant on Civil and Political Rights (hereinafter - the ICCPR) are respected.

First Additional Protocol to the ICCPR established the right to direct individual complaints-messages (communications) to the Committee in case of violation by State parties of their obligations under the ICCPR. As a result of such complaints, the Committee makes observations (views), required for consideration by the state to which they have been taken.

Kazakhstan ratified the ICCPR, on January 24, 2006, the first additional protocol – on June 30, 2009. Thus, Kazakh citizens have the right to file individual petition messages to the UN Committee on Human Rights.

Article 5 of the First Additional Protocol establishes two basic criteria for eligibility for consideration of complaints filed: 1) it should not be considered in other procedures of international investigation or settlement, and 2) the applicant must have exhausted all available domestic remedies. At the same time, there is no special deadline specified for referring to the Committee after issuing the final national decision. However, despite the absence of such mandatory rules, according to the practice of the Committee, priority is given to reports filed within the shortest period of time from when the person became aware of the violation of his or her rights.

The Committee has no special form for filing complaints - messages, so the applicant can determine the form of their own complaint, adhering to the basic criteria for complaints established by international bodies. The complaint should contain the following data: information about the applicant and his or her representative (if any), the respondent State, statement regarding violation of articles of the ICCPR and the supporting arguments, the date of filing the complaint, the signature of the applicant or his or her representative.

Returning to the issue of human rights abuse in Kazakhstan, one should pay attention to the articles of the ICCPR, which will be of key importance in possible complaints of citizens of this state.

Given the nature of the violations identified in recent years, we can assume that the largest number of complaints deal with violations of Article 6 (right to life), Article 7 (freedom from torture and ill-treatment), Article 9 (freedom from arbitrary detention and security of person) Article 10 (right to humane treatment of persons under arrest or in detention) and Article 14 (right to a fair trial).

Also it is worth noting the other articles, based on which the complaints of individual citizens will possibly be received: Article 17 (freedom of privacy and family life, correspondence and communications), Article 19 (freedom of thought and expression), Article 21 (freedom of peaceful assembly) and Article 25 (the right to participate in public affairs.).

After analysing the reports of the Committee on Human Rights for the period from 2006 to 2010, the Mission noted that since the ratification of the ICCPR, Kazakhstan has not yet provided periodic reports on the implementation of its obligations under this document. Also, there are no reports on the opinion of the Committee on the results of individual complaints about violation of rights provided under the ICCPR by Kazakhstan.

The above information makes it possible to assume that despite Kazakhstan's ratification of the ICCPR and the First Additional Protocol, in this country today there is no practice of effective use of these documents as an international means of protection of human rights.

In order to file a complaint against violation of the rights enshrined in the ICCPR in the Human Rights Committee, it is necessary to meet the eligibility principles regarding the complaints mentioned above.

It should be borne in mind that each individual breach has its own scope of exhausting domestic remedies.

For example, violation of the right to a fair trial, which includes a range of specific legal rights, enshrined in Article 14 of the ICCPR may be appealed against to international bodies only after the final decision of the highest court (in Kazakhstan - the Supreme Court).

The exception in this case is a complaint to the length of the proceedings, which may be filed if the trial is delayed intentionally and the decision is not issued within two or more years from the date of initiating the trial.

With regard to violations of the Fundamental Human Rights, such as: the right to life, freedom from torture and ill-treatment, freedom from arbitrary detention, the right to humane treatment, the exhaustion of domestic remedies can take place before the decision of the national supreme court.

It should be noted that paragraph b of Article 5 of the First Additional Protocol to the ICCPR stipulates that the rule of exhaustion of domestic remedies is not used if the application of the remedies is unreasonably prolonged. Therefore, if public authorities which are empowered to review complaints against the above violations, do not issue any decision for a long time from the moment of receiving the complaint, or refuse to examine such complaints, even when there is sufficient evidence of violations, the applicant has the right to appeal to the Human Rights Committee.

2. Committee Against Torture

The Committee consists of ten members and its task is to monitor compliance by member states with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on December 10, 1984 (hereinafter - the Convention against Torture).

According to Article 22 of the Convention against Torture, a person under the jurisdiction of the Member State which recognises the competence of the Committee against Torture, has the right to file

an individual petition in the case of torture, cruel or inhuman treatment or punishment by the authorities of that State.

Similarly to the UN Committee on Human Rights, the Committee against Torture examines received reports of torture in light of all information provided by the applicant or on his or her behalf, as well as by the Member State in respect of which a complaint is filed.

For the recognition of such a complaint, the following basic conditions must be met: the given issue has not previously been considered within some other procedures of international investigation or settlement, the claimant must have exhausted all available domestic remedies. On the issue of exhaustion of domestic remedies, it should be noted that these remedies should be not only accessible, but effective. In the event that the alleged use of torture in national procedures is not being investigated or the investigation has lasted for too long a period of time, one can talk about the ineffectiveness of these remedies. Consequently, in such cases it would make sense to file a complaint to the Committee against Torture before the final decision at the national level.

It should also be mentioned that the Committee against Torture has developed a model complaint form, which is used when individual citizens file their complaints.

3. Subcommittee on Prevention of Torture

The Subcommittee on Prevention of Torture (hereinafter - Subcommittee), established under the First Additional Protocol to the Convention against Torture within its main task carries out activities aimed at preventing the occurrence of cases of torture, cruel or inhuman treatment or punishment. For this purpose, the Subcommittee appoints a special mission to individual Member States, in which the Subcommittee's delegations visit prisons, monitor conditions, legislative and institutional frameworks, as well as other areas related to the prevention of torture.

As a result of such visits, the Subcommittee directs its report to the Member State, in which it gives recommendations for further actions to be taken by the State in order to prevent torture and ill-treatment in prison establishments. The report is confidential and may be published only in the case of filing such a request by the Member State.

In addition, the States that have signed and ratified the First Additional Protocol to the Convention Against Torture, are committed to establishing a national mechanism to prevent torture, cruel or inhuman treatment or punishment. The national preventive mechanism shall include, at a minimum, the following elements:

- 1) A regular review of the issue of treatment of persons deprived of their liberty in places of detention with a view to strengthening, if necessary, their protection against torture, abuse and other inhuman and degrading treatment or punishment;

- 2) Presentation of recommendations to the relevant authorities in order to improve the treatment of persons deprived of their liberty and their conditions of detention, taking into account the rules established by the United Nations Organisation;

- 3) Provision of suggestions and comments on legislation and drafts of new acts.

Kazakhstan acceded to the Convention against Torture on March 26, 1998 and ratified the First Additional Protocol on October 22, 2008, thus recognising the jurisdiction of a Committee against Torture and Subcommittee the Prevention of Torture.

Up until this day, Kazakhstan has provided two periodic reports to the Committee against Torture. Upon review of these reports, the Committee made its recommendations in its reports A/56/44-2001 and A/64/44-2009.

Among the main observations made by the Committee against Torture on the implementation of Kazakhstan's obligations under the Convention Against Torture, one can highlight the comments related to the lack of the definition of "torture" and "abuse" in the criminal law, the lack of proper investigation of complaints of torture, an insufficient independence of authorities investigating allegations of torture and ill-treatment, bias of the judiciary in such cases.

It is also necessary to pay attention to the lack of decisions of the Committee against Torture on individual complaints of the applicants. Thus, it can be concluded that the practice of consulting the Committee against Torture in Kazakhstan today is underdeveloped.

4. Recommendations on possible appealing to the international institutions with complaints against torture or ill-treatment

Since the prohibition of torture and ill-treatment is enshrined in the ICCPR and the Convention against Torture, potential applicants are free to choose which of these bodies to apply.

An important consideration when applying to any international body is that the same subject can not be complained about to different bodies simultaneously.

One should also pay attention to the criterion of exhaustion of domestic remedies. One of the key elements of this criterion is efficiency, which is meant by a quick review of complaints against torture by the competent authorities and issuance of decisions based on the results of the investigation.

In the case of violation of by the government bodies of Kazakhstan, in order to exhaust the domestic remedies, one must first file a complaint about the committal of crime by government officials under Article 308 of the Criminal Code (abuse of power or authority). Such a complaint may be filed to the prosecuting authorities who oversee the activities of the inquiry and pretrial investigation (in accordance with Articles 37, 38 of the Law "On Prosecutor's Office"). Therefore, if prosecutors refuse to investigate complaints of torture, the investigation is carried out over too long a period of time, the case is closed, and again resumed by the superior bodies. Therefore, we can talk about the ineffectiveness of domestic remedies.

This inefficiency makes it possible to appeal to international bodies with complaints against violation of the procedural aspect of the obligation not to use torture and ill-treatment.

5. Working Group on Arbitrary Detention

The Working Group on arbitrary detention (hereinafter - the Working Group) was established pursuant to resolution 1991/42 of the former Commission on Human Rights. The mandate of the Working Group includes the following elements:

- 1) Investigating cases of detention that have been made arbitrarily or otherwise violated the norms of international human rights instruments;
- 2) Obtaining information from governments, government agencies and non-governmental organisations, individuals, their families or representatives;
- 3) Responding to the received information of illegal detention by sending urgent appeals to governments of states and messages concerning the adoption of necessary measures to restore the violated rights;
- 4) Carrying out special missions to individual countries in order to better understand the situation with the emergence of cases of arbitrary detention;
- 5) Preparing recommendations for states aimed at improving the situation of human rights and

reducing the number of cases of arbitrary detention;

6) Preparing annual reports on the results of its activities.

Persons who have been victims of arbitrary detention, as well as their relatives or representatives, have the right to send an individual complaint to the Working Group. Such a complaint is filed on a special form developed by the Working Group.

As a result of examining such individual complaints, the Working Group renders opinions which it then addresses to the State Government, together with appropriate recommendations. Opinions also appear in the annual report of the Working Group.

After receiving the opinion of the Working Group, the State shall take the necessary corrective measures in order to eliminate the identified breaches. The results of the consideration of the views of the Working Group are reported by the State in its periodic report to the Committee on Human Rights.

According to the annual reports of the Working Group for the period from 2007 to 2011, in 2007, the Working Group received one urgent complaint from a citizen of Kazakhstan, but the response from the State with respect to the elimination of the alleged violations was never received by the Working Group.

This data suggests that Kazakhstan has failed to fulfill its obligations under international treaties, which gives grounds for human rights organisations of Kazakhstan to send its messages to the Human Rights Committee, which will provide the facts of systematic human rights violations by public authorities.

RECOMMENDATIONS

1. The authorities of the Republic of Kazakhstan, in order to ensure compliance with the obligations assumed by the state related to human rights, should:

- bring the domestic legislation of the Republic of Kazakhstan in to line with international standards on human rights;

- investigate allegations of the accused oil workers and witnesses in the case of applying torture and ill-treatment towards them;

- do not create legal or factual obstacles to exercising the freedom of peaceful assembly by citizens;

- replace the permitting procedure to conduct peaceful assembly with a notification procedure;

- do not interfere with the organisers of peaceful assembly to choose their own time and place of meetings, including the city centre;

- stop the practice of sending alerts about violating the law by prosecutors, which can intimidate the organisers of peaceful assembly and inhibit the expression of the social position of citizens;

- stop the detention of activists before and after assembly, as well as the practice of seizure of the property necessary to conduct meetings and other gatherings;

- reduce the amount of security forces and "persons in civilian clothes" during the peaceful assembly, to the minimum necessary to ensure public order, and not for exerting psychological pressure on the participants;

- exclude the rule from the Act of the Republic of Kazakhstan "On mass media", which gives the authorities a possibility to cancel the registration certificates of mass-media without a court order; before introduction of the appropriate amendments in the Act, the authorities should refrain from the use of such sanctions;

- abandon excessive control over the Internet resources, make appropriate changes in national legislation governing information and communication networks, taking into account the position of the Kazakh and international media, public and intergovernmental organisations ;

- amend the current legislation in order so that it decriminalises defamation;

- eliminate the practice of application of Article 164 of the Criminal Code of the Republic of Kazakhstan with respect to reporters, and, ultimately, exclude this article from the Criminal Code of the Republic;

- legislate greater safeguards for the protection of journalists and the media, as well as increase penalties for obstruction of journalism and promote their implementation;

- ensure prompt and effective investigation of cases of attacks on journalists and pressure on the media by providing a special legislative procedure for dealing with complaints coming from members of the media and implement departmental and extra-departmental mechanisms for monitoring the investigation of complaints related to such violations according to the facts;

- remove from Article 7 of the Act "On Political Parties" the provision, which states that a full and abbreviated name of the political party and its symbols do not have to duplicate the essential part of the name and symbols of political parties previously registered in the Republic of Kazakhstan, as well as political parties, liquidated in connection with violation of the law of the Republic of Kazakhstan;

stop the practice of applying Article 164 of the Criminal Code of the Republic of Kazakhstan,, Article 374-1 of the Code of the Republic of Kazakhstan about administrative offenses in relation to social activists, and, ultimately, exclude these items from the legislation of the Republic.

2. The international structures, acting with the aim to ensure the observance of the international obligations by the Republic of Kazakhstan in the area of human rights must:

ensure a permanent presence of international observers in the Republic of Kazakhstan for the collection and consolidation of information about the level of compliance with fundamental rights and freedoms;

unequivocally require strict compliance with the commitments undertaken by the Republic of Kazakhstan in the framework of international agreements on human rights (including imposing economic and political sanctions).

3. Civil society organisations of the Republic of Kazakhstan should:

promote the establishment of strong independent trade unions and professional associations;

create a non-governmental system of legal assistance to journalists and social activists;

promote initiation and extensive coverage of strategic litigation for the most resonant violations of human rights, based on the standards of the UN Human Rights Committee;

promote civic education programs for citizens, which include modules on human rights standards and actions to protect the public interest;

apply to interstate structures to ensure effective observance of international commitments on human rights, in accordance with international agreements ratified by the Republic of Kazakhstan.

4. The international civil society should:

promote compliance with the obligations undertaken by the Republic of Kazakhstan in the framework of international treaties on human rights;

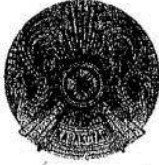
render assistance to the civil society in the Republic of Kazakhstan in monitoring, documenting and preventing human rights violations

undertake the activity in the area of the exchange of experiences and transfer of best practices.

ANNEXES

DOCUMENTS

Document 1. Warning about the inadmissibility of violation of the law handed to social activists

<p>ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ ПРОКУРАТУРАСЫ</p> <p>АЛМАТЫ ҚАЛАСЫ МЕДЕУ АУДАНЫНЫҢ ПРОКУРАТУРАСЫ</p>		<p>ПРОКУРАТУРА РЕСПУБЛИКИ КАЗАХСТАН</p> <p>ПРОКУРАТУРА МЕДЕУСКОГО РАЙОНА ГОРОДА АЛМАТЫ</p>
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<p>050022, Алматы қаласы, Шевченко көшесі, 106а үй Тел./факс: (727) 292-54-63, E-mail: ar-medeu-kanc@prokuror.kz</p>		<p>050022, г. Алматы, ул. Шевченко, д. 106а Тел./факс: (727) 292-54-63, E-mail: ar-medeu-kanc@prokuror.kz</p>
<p>26.04.2012 № 717712</p> <p>На № _____ от _____</p>		
<p style="text-align: right;">Г Сизову М.В. г. Алматы, ул. Жибек жолы, 180, кв. 53</p>		

ПРЕДОСТЕРЕЖЕНИЕ

о недопустимости нарушения закона

в порядке ст. 25-1 Закона Республики Казахстан «О Прокуратуре»

По имеющейся информации, Вами планируется принятие участия в несанкционированном митинге 28 апреля 2012 года на площади перед дворцом Республики.

Учитывая, что в данном случае незнание или неправильное понимание законов может повлечь их ненадлежащее применение, руководствуясь ст. 25-1 Закона Республики Казахстан «О Прокуратуре»,

ПРЕДОСТЕРЕГАЮ:

Согласно ст.32 Конституции Республики Казахстан граждане Республики Казахстан вправе мирно и без оружия собираться, проводить собрания, митинги и демонстрации, шествия и пикетирование. Пользование этим правом может ограничиваться законом в интересах государственной безопасности, общественного порядка, охраны здоровья, защиты прав и свобод других лиц.

В соответствии со ст.ст.2, 3 и 4 Закона Республики Казахстан «О порядке организации и проведения мирных собраний, митингов, шествий, пикетов и демонстраций в Республике Казахстан» (далее Закон) проведение публичных акций в форме митингов, пикетов, демонстраций и шествий допускается после получения разрешения местного исполнительного органа.

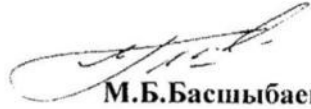
Разрешение местного исполнительного органа выдается на основании письменного заявления, которое подается не позднее, чем за 10 дней до намеченной даты проведения мирных собраний, митингов, шествий, пикетов и демонстраций.

Нарушение законодательства о порядке организации или проведения собрания, митинга, шествия, пикетов, демонстраций может повлечь для её организаторов и участников административную ответственность по статье 373 Кодекса Республики Казахстан об административных правонарушениях

или уголовную ответственность по статье 334 Уголовного кодекса Республики Казахстан.

Настоящее предостережение о недопустимости нарушения Закона объявляется в целях недопущения нарушений законодательства Республики Казахстан о порядке проведения мирных собраний, митингов, шествий, пикетов и демонстраций в Республике Казахстан и во избежание правовых последствий.

**Прокурор Медеуского района
города Алматы**



М.Б.Басшыбаев

Предостережение закона получил(а): _____
(подпись)

«ҮЗІНДІ»

БАСТЫ СОТ ТАЛҚЫЛАУЫНЫҢ ХАТТАМАСЫ

27 наурыз 2012 жыл

Ақтау қаласы

Маңғыстау облысы Ақтау қалалық соты құрамында төрағалық етуші судья А.И.Нағашыбаев болып, сот мәжілісінің хатшылары А.Елеусинова, І.Әлібаева, Н.Тұрсынбаевалардың, мемлекеттік айыптаушылар: С.К.Ақбаевтың, О.Дузулбаевтың, Д.Алиевтің, К.Сыдықовтың, А.Адилакимнің, Т.Абубакировтың, қорғаушылар: А.Батиеваның, Г.Жуасбаеваның, Е.Тлеукуловтың, М.Қозыбағаровтың, А.Досболовтың, М.Алибиевтің, Т.Бисекешовтың, А.Жаменовтың, С.Сансызбайұлының, Б.Кушкеновтың, В.Сарсенбинаның, Қ.Тасқымбаевтың, жәбірленушілердің, сотталушылардың қатысуымен, «Арман» жастар орталығындағы басты ашық сот мәжілісінде, 2011 жылдың 16-17 желтоқсан күндері Жаңаөзен қаласында орын алған оқиғаға байланысты 37 сотталушыға қатысты қылмыстық істі қарады.

Сот мәжілісінде бұқаралық ақпарат құралдары өкілдерінен, сот процесін аудио-бейнежазбаға түсіруге рұқсат беру туралы өтініш түсті.

Төрағалық етуші бұл өтінішке байланысты сотқа қатысушылардың пікірлерін тыңдады:

Сотталушылар: өтінішті қанағаттандыруды сұраймыз.

Жәбірленушілер: соттың қарауына.

Мемлекеттік айыптаушылар: бұқаралық ақпарат құралдары өкілдерінің сот процесін аудио-бейнежазбаға түсіру туралы өтініштерін ішінара қанағаттандырып, аудио-бейнежазба жүргізуге ақпарат құралдары өкілдеріне, сот процесінің басында 10-15 минут түсіруге рұқсат беруді, одан кейін олардың сот процесіне кедергі келтірмеуі үшін және сотқа қатысушылардың қауіпсіздігін қамтамасыз ету мақсатында, оларды сот мәжілісін монитормен жабдықталған арнайы бөлмеге жайғастыруды сұраймыз. Себебі, сот процесі онсызда толық көлемде аудио-бейнежазбаға түсірілуде.

Төрағалық етуші бұқаралық ақпарат құралдары өкілдерінің өтініштері бойынша сотқа қатысушылардың пікірлерін тыңдап, орнында қ а у л ы е т т і: бұқаралық ақпарат құралдары өкілдерінің өтініштерін ішінара қанағаттандыруға. ҚР ҚІЖК-нің 326 бабының 1, 6 тармақтарына сай, ақпарат құралдары өкілдеріне сот процесін суретке, аудио-бейнежазбаға түсіруге 10 минутқа рұқсат етілсін. Одан кейін олар сот приставтарымен, сот процесін арнайы монитормен жабдықталған бөлмеде қарауға жайғастырылсын. Сонымен қатар, арнайы жабдықталған бөлмеде ақпарат құралдары өкілдеріне суретке түсіруге, аудио-бейнежазбаға түсіруге де тыйым салынсын.

Төрағалық етуші:

А.И.Нағашыбаев

Сот мәжілісінің хатшылары:



А.Елеусинова
Н.Тұрсынбаева
І.Әлібаева

Сот мәжілісінің хаттамасы 28.03.2012 жылы дайындалды.

**БАҚ үшін ақпарат
25.04.12**

Жаңаөзен қаласында орын алған жаппай тәртіпсіздіктерге байланысты қылмыстық іс бойынша сот отырысында төрағалық етуші сотталушы Е.Әбдірахмановтың бұлтартпау шарасын ауыстыру туралы өтінішін қанағаттандырусыз қалдырды. Шақыртылған тергеу изоляторының медициналық бөлімінің өкілі сотталушының денсаулығы туралы сотқа баяндап, оның қазіргі күні аталмыш мекемеде емделіп жатқандығын айтты.

Сот отырысы куәлардан және қорғаушы тараптың өтінішімен қосымша куәлардан жауап алумен одан әрі жалғасты. Қылмыстық іс жүргізу заңнамасына сәйкес процеске қатысушылар куәларға өз сұрақтарын қойды.

Бүгінгі сот отырысында 26 куә сұралды.

Келесі сот отырысы ертең сағат 10.00-ге тағайындалды.

**Информация для СМИ
25.04.12**

В ходе судебного заседания по уголовному делу возбужденному по факту массовых беспорядков в городе Жанаозен председательствующий принял решение об отказе в удовлетворении ходатайства подсудимого Абдрахманова Е. о замене в отношении него меры пресечения. Так, приглашенный представитель с медицинской части СИЗО, показал суду что подсудимый на данный момент принимает лечение в СИЗО.

После этого судебное заседание продолжилось допросом свидетелей и дополнительных свидетелей, заявленных стороной защиты. Согласно нормам процессуального законодательства участники процесса задавали свидетелям свои вопросы.

В ходе судебного разбирательства допрошено 26 свидетелей.

Следующее судебное заседание назначено на завтра в 10.00 часов.

**БАҚ үшін ақпарат
25.04.12**

Бүгін Ақтау қалалық сотында Қазақстан Республикасы Қылмыстық Кодексінің 308-бабы 2, 4 бөлімдерімен айыпталған Ж. Теміровке қатысты қылмыстық іс бойынша басты сот талқылауы басталды.

Іс материалдарына сай, сотталушы Ж. Теміров Жаңаөзен қалалық Ішкі істер басқармасының уақытша ұстау абақтысының бастығы лауазымын атқара отырып, өзінің тікелей қызметтік міндеттерін асыра пайдаланған. Сонымен, Ж.Теміров, тергеумен анықталмаған полиция қыметкерлерімен алып келген Жаңаөзен қаласының төрт тұрғынын бірнеше тәулік бойы «уақытша ұстау абақтысында (изоляторында) ұсталған сезіктілер мен айыпталушыларды есепке алу туралы» журналына тіркеместен, заңсыз ұстаған.

Сонымен қатар, іс материалдарына сай, Ж.Теміров, заңсыз ұсталғандардың бірі -Б.Кенжебаевқа медициналық көмек қажеттілігін біле тұра, тиісті шара қабылдамаған. Соның салдарынан соңғысы қайтыс болған.

2012 жылдың сәуірінде Маңғыстау облыстық соты Жаңаөзен қалалық соты төрағасының Ж. Теміровке қатысты қылмыстық істі басқа соттың қарауына беру туралы өтінішін қарады. Маңғыстау облыстық сотының апелляциялық сот алқасының қаулысымен процесске қатысушылардың қауіпсіздігін қамтамасыз ету, істі жан-жақты қарау үшін іс Ақтау қалалық сотының қарауына берілді.

Ақтау қалалық сотының 2012 жылғы 12 сәуірдегі қаулысымен іс өндіріске қабылданып, басты сот талқылауы 2012 жылғы 25 сәуірге сағат 10.00-ге тағайындалған. Сот отырысы ашық тәртіпте Ақтау қалалық соты ғимаратының сот мәжілісі залында өтіп жатыр.

Қылмыстық іс бойынша 4 жәбірленуші, 22 куәгер сұралады.

Келесі сот отырысы ертең сағат 10.00 тағайындалды.

**Информация для СМИ
25.04.12**

Сегодня в Актауском городском суде началось рассмотрение уголовного дела в отношении подсудимого Темирова Ж., обвиняемого в совершении преступлений предусмотренных частями 2 и 4 статьи 308 Уголовного кодекса Республики Казахстан.

Согласно материалам дела, подсудимый Темиров Ж., являясь начальником изолятора временного содержания Жанаозенского ГОВД, превысил свои должностные полномочия. Так, Темиров Ж., должным образом не оформив в журнале «регистрации лиц, содержащихся в данном учреждении»,

приведенных в ИВС неустановленными следствием полицейскими четырех жителей города Жанаозен, незаконно содержал их в ИВС в течении нескольких суток.

Вместе с этим, Темиров Ж., зная, что одному из незаконно содержащихся - Кенжебаеву Б., необходима медицинская помощь, не предпринял соответствующие меры, что привело к смерти последнего.

Напомним, 6 апреля 2012 года Мангистауский областной суд рассмотрел ходатайство председателя Жанаозенского городского суда о передаче на рассмотрение в другой суд уголовного дела в отношении Темирова Ж.

Постановлением апелляционной судебной коллегии Мангистауского областного суда, с целью всестороннего и объективного рассмотрения дела, уголовное дело направлено на рассмотрение по существу в Актауский городской суд. Постановлением Актауского городского суда от 12 апреля 2012 года уголовное дело принято к производству и главное судебное разбирательство назначено на 25 апреля 2012 года в 10.00 часов.

Процесс проводится в открытом режиме в зале судебных заседаний Актауского городского суда. По уголовному делу в качестве потерпевших проходят 4 лица, а в качестве свидетелей 22 лица.

Сегодня на первом заседании судебного процесса государственный обвинитель изложил сущность предъявленного подсудимому обвинения. Далее судебное разбирательство продолжились допросом потерпевших.

Сегодня было допрошено все четверо потерпевших.

Следующее судебное заседание назначено на завтра в 10.00 часов.

1) Какой общий материальный ущерб? Какие объекты?

Во время массовых беспорядков 16 декабря 2011 года в городе Жанаозен были разгромлены и сожжены 10 коммунальных объектов, здание ПФ "УМГ", гостиница "Аруана" и 57 коммерческих объектов.

2) Количество пострадавших, убитых, раненых?

Во время беспорядков в Жанаозене были убиты-16 человек, ранены- 64 человека.

3) За какие средства ведутся восстановительные работы?

Восстановительные работы объектов коммунальной собственности ведутся за счет бюджетных средств.

Восстановительные работы коммерческих объектов ведутся за счет спонсорских средств.

4) Какие требования бастующих были удовлетворены?

После декабрьских событий в Жанаозене было открыто подразделение АО РД "КазМунайГаз"-новая организация "УБР" (Управление Буровых Работ) с целью трудоустройства бастующих.

5) Оказывалась ли помощь пострадавшим, раненым, в том числе материальная?

За счет средств местного бюджета полностью произведены выплаты семьям погибших в размере 1 млн. тенге, а также раненым в размере 500 тыс. тенге. Кроме того, общественным фондом "Демеу" также оказана материальная помощь всем семьям погибших и 16 раненым в этих же размерах.

6) Сколько из бастующих продолжают работу на данном предприятии?

Ранее были уволены 991 человек, в настоящее время 1077 трудоустроены в новую организацию "УБР".

PHOTOS



Police officers are checking the bags of passers-by heading towards the venue of the "Rally of Dissent", 28/04/12, Almaty



Fencing placed around the Palace of the Republic, in front of which the "Rally of Dissent" was to be held, 04/28/12, Almaty



*Trip and service buses grouped along the road near which the "Rally of Dissent" was to be held,
28/04/12, Almaty*



*The bus taking away the opposition activist, Ermek Narymbaev, detained by the SWAT Police Forces,
28/04/12, Almaty*



*77-year-old Mukhtar Kabdulgaziev, who was hit in the face by law enforcement officers,
4/28/12, Almaty*



*The bus taking away the opposition activist, Ermek Narymbaev, detained by the SWAT Police Forces,
28/04/12, Almaty*



Fencing installed at the entrance to the building in which the trial of the oil industry workers was held, 4/25/12, Aktau



A special media room in the building in which the trial of the oil industry workers was held, 4/25/12, Aktau



*The square in Zhanaozen on which the events of December 16, 2011 took place,
26.04.12, Zhanaozen*



An outdoor information banner, 04/24/12, Almaty

MEMBERS OF THE MONITORING GROUP OF THE MISSION

Boyarskyi Nazaryi,
Head of Mission, leading expert at the Center for Civil Liberties

Reutskyi Konstantin,
Chairman of the Board of the "Postup" Human Rights Center

Pechonchik Tatiana,
Head of the Project "Information Center for Human Rights"

Chernousov Andrey,
Leading expert of the Kharkov Institute for Social Research

Aschenko Elena,
Expert in the field of law of the Kharkiv Human Rights Group

Nestorak Vladimir,
Correspondent of the Ukrainian Information Service



*In the photo: Members of the Mission and a member of the "Zhanaozen-2011" International Committee, Erlan Kaliev, (from left to right):
Aschenko Elena, Nestorak Vladimir, Pechonchik Tatiana, Erlan Kaliev,
Reutskyi Konstantin, Boyarskyi Nazaryi, Chernousov Andrey*

INFORMATION ON THE ORGANISATIONS PARTICIPATING IN THE MISSION

Open Dialog Foundation - The Open Dialog Foundation was established by people who think that European values – personal freedom, human rights, democracy and self-government – are more than just a declaration, but the daily reality for the 21st century people. The main fields of activities of the Foundation are protection of human rights, a wide international policy, support and development civil society activities and educational programs. The goal is building understanding and trust between EU and other countries. The mission of the Foundation is sharing polish experience of transformation and democratic development with our partners from abroad, in particular with those from the East (mainly from Ukraine, Russia and Central Asia).

Website: www.odfoundation.eu

Address: 3 Maja Str. 18/4, 20-078 Lublin, Poland

Tel. / Fax:: + (48) 507 739 025

E-mail: odfoundation@odfoundation.eu

Centre for Civil Liberties (Центр Гражданских Свобод) – governmental organisation whose mission is to promote the values of human rights and democratic development in Ukraine and the former Soviet Union. The objective of the organisation is the following: education of human rights and democracy, protection of fundamental rights and freedoms, implementation of programs on international solidarity.

Website: www.ccl.cs-nis.org

Address: 01004,, Kyiv, Basseynaya Street, 9-G, office 25

Tel. / Fax:: +38 (044) 246-01-36

E-mail: admin-ccl@cs-nis.org

Information Centre on Human Rights (Центр информации о правах человека) – a project aimed at informing the public about the human rights situation in Ukraine and abroad, as well as about the development of cooperation between human rights activists and the media.

The Center prepares exclusive journalistic content of human rights for mass-media, provides qualitative information support of socially important community initiatives, provides expert support to human rights defenders and media, conducts training, press conferences, round tables, advocacy campaigns, street rallies, etc.

Website: <http://humanrights.com.ua>

Address: 01034, Kyiv, Reytarskaya Street, 21/13, office 4a

Tel. / Fax: [044-482-39-86](tel:044-482-39-86)

E-mail: info@humanrights.com.ua

Human Rights Center "Progress" (Правозащитный центр «Поступ») –Luhansk regional public organisation registered in November 2000. Its mission is a comprehensive human rights protection and promotion of culture of human rights in Ukraine.

The main priority of the organization since 2000, has been to protect the rights and interests of children from vulnerable groups. Another important area of work is to develop a culture of human rights by means of educational activities addressed to a number of target groups.

Website: <http://postup.lg.ua/>

Address: 91050, Lugansk, 30-Letya Pobedy Street, 2, ap. 50

Tel: +38 0642 72 04 82

E-mail: postup.hrc@gmail.com

Kharkiv Group for Human Rights (Харьковская правозащитная группа) was registered as a separate legal entity in November 1992, although it was known as the Kharkiv Human Rights Group of the "Memorial" since 1988, and some members of the group took part in the human rights movement of the 60s - 80s.

Kharkiv Human Rights Group is working simultaneously in three directions:

assistance to individuals whose rights have been violated

public investigation of the facts of human rights violations, legal education, promotion of human rights ideals through public events, and publishing activities;

analysis of the human rights situation in Ukraine (especially related to civil rights and liberties).

Address: 61002, Kharkov-2, PO box 10397

Tel.: (057) 700 62 81

Tel./fax: (057) 700 67 72

Kharkiv Institute for Social Research (Харьковский институт социальных исследований) is a Kharkiv City Public Organisation, established on March 10, 1999. Kharkiv Institute for Social Research is a non-governmental, non-profit organisation. The Institute is independent from the influence of any bodies and organisations, both public and social. The Institute employs highly qualified specialists in the field of sociology, law and psychology, including 2 doctors and 10 PhD students. A special role in the activities of the institute is devoted to human rights advocacy.

Website: <http://khisr.kharkov.ua/>

Tel.: +38 (057) 760-46-23

E-mail: khisr@mail.com

Ukrainian Information Service (Украинская информационная служба) is an analytical information agency that provides analytical support, organisation and assistance in information campaigns, policy advice and monitoring the development of civil society in the regions and outside of Ukraine.

Website: <http://uis-ua.com>

Address: Kyiv, Yaroslavov Val Street, 9, office 4

Tel.: +38 (044) 287-39-07

E-mail: contact@uis-ua.com