
Kazakhstan

Government antagonism toward the political opposition created a hostile environment in advance of December 2005 presidential elections. New legislation ostensibly designed to reform the elections process and bolster national security further weakened civil and political rights in the country.

Kazakh authorities continue to interfere with citizens' rights to free assembly and expression, use politically motivated lawsuits to silence independent media, and limit access to opposition and independent Internet sites. While laws that would have severely restricted nongovernmental organizations (NGOs) were struck down in 2005, the government intensified pressure on civil society groups, including foreign NGOs.

Elections

On August 19, 2005, the Constitutional Council of Kazakhstan announced that presidential elections would be held on December 4—a year earlier than some had argued was legally mandated. The decision came after heated debate about the exact length of the president's term of office, as different articles of the constitution appeared to contradict one another on this issue. Opposition politicians complained that holding elections on such short notice placed them at a significant disadvantage.

The current government dominates all political life in the country, limiting the options available to the electorate. At the time of the announcement, only one opposition movement capable of mounting a credible challenge, For a Fair Kazakhstan (ZSK), was registered. In September, international and domestic media overwhelmingly predicted a victory for the incumbent, Nursultan Nazarbaev, who has ruled Kazakhstan since 1989. Opposition activists warned of popular dissatisfaction if the elections were not free and fair.

An election law enacted on April 15, 2005 strictly regulates the actions of foreigners and international organizations. Among other provisions, it bans foreign support of any political movement and external financing of elections. The law also bans public demonstrations from the day before voting until after official election results are announced. A new law on national security, passed on July 8, stipulates heavy fines for international NGOs that become involved in the election process on behalf of any political movement.

Political Opposition

Kazakh authorities dealt harshly with opposition political groups in 2005. Reversing one of the most significant steps toward democratic reform it had taken in recent years, the government filed suit against

the leading opposition party. On January 6, 2005, the Special Economic Court in Almaty shut down the Democratic Choice of Kazakhstan (DVK), on the ground that a party statement calling for civil disobedience allegedly posed a threat to national security. Throughout the appeals process, which the DVK lost, the authorities harassed and intimidated party supporters. As of this writing, former DVK leader and co-founder Galimzhan Zhakianov remains in a minimum security facility where he is serving a seven-year sentence on charges of abuse of office. He was convicted in 2002 after a trial that was widely condemned as unfair.

In 2005, supporters of President Nazarbaev attacked the leading opposition candidate for president, ZSK Chairman Zharmahan Tuiakbai, on at least two occasions. On April 9, a brick narrowly missed Tuiakbai at a rally in eastern Kazakhstan and, on May 2, some fifty men stormed a ZSK meeting, declaring their intention to kill Tuiakbai “for Nazarbaev.” A police investigation into the incident yielded one arrest, which resulted in probation. On the night of September 25, an arsonist reportedly used Molotov cocktails to destroy the Kostanai office of the ZSK.

Civil Society

Although the Constitutional Council in 2005 struck down two laws that would have substantially circumscribed the activities of NGOs, serious administrative harassment of such groups continues to mar Kazakhstan’s rights record. Following political upheavals in other post-Soviet states, Kazakh tax authorities began audits of at least thirty-three international organizations operating in the country. NGO activists viewed these probes as government intimidation.

The rights to free assembly and expression continue to be circumscribed. In one particularly serious incident, police and Special Forces (OMON) officers detained about eighty people on May 1, 2005, in the capital, Astana, after they had participated in a public rally and pop concert in support of a presidential policy initiative. Law enforcement agents detained and beat young people wearing orange scarves and carrying orange balloons as they left the rally. Police told the detainees that wearing orange was a problem because of its symbolic role in the political unrest in Ukraine. Detainees were threatened with expulsion from university or destruction of their businesses. The organizers themselves were charged with holding an “unsanctioned procession” despite the fact that the concert had been approved by the local government.

Press Freedom

The government uses politically-motivated lawsuits extensively to silence independent media. Government agencies use laws making it a crime to insult the “honor and dignity” of the president, legislators, or other authorities (articles 318, 319, and 320 of the criminal code) to punish media outlets that publish information critical of the president or his government. The law does not require that the offending statements be false in order to trigger heavy penalties. In May 2005, the leading independent newspaper, *Respublika*, was ordered closed following a court decision dissolving the company that published it. The decision followed a government lawsuit over the paper’s reprint of an interview with a

Russian politician who allegedly made disparaging remarks about the Kazakh state and people. Authorities also interfered with the printing of *Set'kez* (Network KZ), the successor to *Respublika*, under the pretext of problems with the paper's license.

In March, the newspaper *Soz* (Voice) lost its appeal against a five-million-tenge (U.S.\$40,000) fine levied in an "honor and dignity" lawsuit filed by the National Security Committee (KNB, successor to the KGB). Although *Soz* paid the judgment in full, the KNB pressed the courts to stop publication of the paper, and printing was halted briefly in early June.

The Kazakh government continues to limit access to opposition and independent Internet sites through the government-run provider, Kaztelecom, and another major network, Nursat.

Human Rights Defenders

On March 3, 2005, Kazakhstan's ombudsman, Bolot Baikadamov, accused the country's leading human rights organization, the Kazakh International Bureau of Human Rights and Rule of Law (KIBHR), of publishing biased information and distorting the situation in Kazakhstan in its reports on human rights developments. Baikadamov's comments were made directly to the president, but were later publicized. In mid-August the offices of the KIBHR were burglarized; the organization's staff believed the incident was politically motivated.

Key International Actors

United States

The U.S. government budgeted an estimated \$74.2 million in assistance to Kazakhstan in 2004, more than half of which was allocated to security and law enforcement programs. U.S. aid also went to bolstering health care, civil society programs, and market reform. An annual report on human rights released by the State Department's Bureau of Democracy, Human Rights and Labor in February said the Kazakh government "severely limited citizens' right to change their government." In September, members of the Commission for Security and Cooperation in Europe voiced doubts about Kazakhstan's bid for chairmanship of the Organization for Security and Cooperation in Europe (OSCE). The senators pointed to the upcoming presidential election as a test of Kazakhstan's commitment to democracy. In October 2005, U.S. Secretary of State Condoleezza Rice visited Kazakhstan on a tour of Central Asian states and praised the republic as an "island of stability." She held meetings with President Nazarbaev and leading opposition presidential candidate Zharmahan Tuiakbai. Another opposition figure, Tolen Tokhtasynov, was arrested en route to his meeting with Secretary Rice.

European Union

The European Union is currently the single largest source of foreign direct investment in Kazakhstan. It has had a Partnership and Cooperation Agreement (PCA) with Kazakhstan since 1999. During its annual Cooperation Council with Kazakhstan, held in July, and in other public statements, the E.U. "emphasized the need for increased efforts" on the part of the Kazakh authorities to "comply fully with

international norms and standards...in particular as regards elections, freedom of media, the ability of political parties to operate freely and the registration of NGOs with the public authorities.” The conclusions further expressed the “expectation” that the forthcoming presidential elections would be free and fair, and noted that “any country applying for the chairmanship of the OSCE must exemplify the principles of the Organization.” The E.U., however, again stopped short of using the PCA to articulate specific reform steps with a clear timeline for compliance.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE maintains a center in Almaty. During a February visit to Astana, OSCE Chairman-in-Office Dimitrij Rupel urged the government of Kazakhstan to implement substantial political reform and lamented the fact that the parliament was “largely devoid of any opposition party representation.” After changes to the election law brought about restrictions on free assembly, the OSCE publicly urged the president to refer the new regulations to the Constitutional Council. The OSCE also voiced concerns about new national security legislation and hosted forums on human rights, the environment, and journalism.

Shanghai Cooperation Organization

Kazakhstan hosted the 2005 summit of the Shanghai Cooperation Organization (SCO) in Astana. The organization’s members are Russia, China, Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. High on the agenda was cooperation in the fight against “terrorism, extremism, and separatism,” which was considered especially pressing given the brewing international tension over the government of Uzbekistan’s insistence that its neighbors forcibly return Uzbek citizens wanted by Uzbekistan for terrorism. The Uzbek government has claimed that terrorists were responsible for the massacre in Andijan on May 13, 2005. (See Uzbekistan.)

Kazakhstan became involved in an international standoff over the fate of Lutfullo Shamsuddinov, an Uzbek human rights activist who gathered information about government abuses on May 13 and who subsequently fled to Kazakhstan with his family. Shamsuddinov was declared a refugee by the office of the United Nations High Commissioner for Refugees. Nonetheless, the Uzbek government demanded that Kazakh authorities extradite Shamsuddinov on bogus charges of terrorism. The international community strenuously objected to his forcible return. After detaining him for six days, the Kazakh government agreed to release Shamsuddinov and he was flown to safety in another country.