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Third UA: 31/22 Index: EUR 57/6707/2023 Kazakhstan of April 17, 2023

KAZAKHSTAN SUSPENDED SENTENCE FOR ACTIVIST, ZHANBOLAT MAMAY

On April 10, Zhanbolat Mamay, a journalist and leader of the unregistered opposition Democratic Party of Kazakhstan was given a six-year suspended sentence for a peaceful protest. The sentence was based on charges of insulting a government representative (Criminal Code, Article 378), spreading false information (Article 274), and organizing an illegal meeting.

Amnesty International believes that Zhanbolat Mamay has been convicted for the peaceful expression of his views and all restrictions imposed on him should be lifted immediately and unconditionally.

Write to the President of Kazakhstan urging him to:

- Take all necessary steps in his power to ensure that all restrictions against Zhanbolat Mamay are lifted immediately and all charges against him dropped.

Write to:

President of Kazakhstan
Kassym-Jomart Tokayev
Government House
Mangilik Yel St, 6
Astana
Republic of Kazakhstan
Fax: +8 7172 74-56-31
Email: udp@udp-rk.kz

Salutation: *Your Excellency:*

And copy:

His Excellency Akylbek KAMALDINOV
Ambassador
Embassy of the Republic of Kazakhstan
150 Metcalfe Street, Suite 701
Ottawa, ON K2P 1P1
Tel: (613) 695-8623 Fax: (613) 695-8755
Email: ottawa@mfa.kz

Social media guidance:

If you are on Twitter or Instagram, we encourage you to tag the President's accounts in your online messages about Zhanbolat Mamay. The account handles are:

Instagram: [tokayev_online](https://www.instagram.com/tokayev_online)

Twitter: [TokayevKZ](https://twitter.com/TokayevKZ)

ADDITIONAL INFORMATION

The April 10 suspended sentence imposes severe restrictions on Zhanbolat Mamay's rights: it prohibits any political or charitable activities, such as further attempts to register his political party, journalistic activities including blogging and the use of social media. In addition, it restricts his freedom of movement and imposes a 400,000 Tenge fine (885 US\$). Any breach of these conditions could lead to a custodial sentence.

Zhanbolat Mamay is a well-known political activist and journalist in Kazakhstan. He is the former editor in chief of Tribuna newspaper (now closed). In 2019, he founded and became the leader of the Democratic Party of Kazakhstan (DPK). To date, the opposition party has been arbitrarily denied registration. Mamay took part in peaceful protests in Almaty, Kazakhstan's largest city, on January 4 and 5. On January 20, he was summoned to a police station and was interrogated as "a witness with the right to defense", a legal status which usually leads to an indictment, in relation to those protests. This signaled the start of a criminal investigation against him on charges of organizing mass disturbances (Article 272.3, Criminal Code).

On February 13, Mamay organized a peaceful public vigil in Almaty to commemorate those killed in the January violence. He was arrested on February 25, 2022, and sentenced to 15 days of "administrative detention" for "organizing or participating in an unsanctioned public meeting" (Article 488.11, Code of Administrative Offences). Zhanbolat Mamay's detention was extended for two months on March 14. He was due to be released on March 12, but was instead re-arrested, this time as a criminal suspect under Articles 378.2 (insulting an official) and 274.2 of the Criminal Code (knowingly spreading false information), relating to events in 2021.

On May 6, his detention was extended again during an online court hearing. In October he was accused of organizing mass disturbances (Article 272, Criminal Code). In November 2022 he was transferred to house arrest. Zhanbolat Mamay has denied all the charges claiming that he never insulted any police officers directly but made general comments about those on duty during the protests in January, that he did not spread false information, and that he had the right to organize a spontaneous meeting to support the miners who were protesting in Zhanaozen in January 2022. Mamay has insisted his participation in the January protest was peaceful.

On January 4, 2022, in protest against a dramatic rise in fuel prices, thousands of people took to the streets of Kazakhstan. In Almaty and elsewhere, violence broke out. In an alarming development, as damage to property and the number of casualties grew, troops were sent to the streets, and were instructed by President Kassym-Jomart Tokayev, by his own admission, to open fire without warning.

Additionally, the authorities suppressed freedom of expression and the flow of independent information, including by detaining and harassing journalists and activists, shutting down the Internet, and disabling social media and other means of digital communication. The official figures provided by the government of those killed during the protest are 238 people including 19 of whom they said were identified as law enforcement or army personnel. Authorities responded with hostility to the protestors, by targeting and silencing journalists and activists, and by suppressing freedom of expression and the flow of independent information. The government of Kazakhstan has failed to act on calls from Amnesty International and others for an independent international investigation of the January 2022 events.