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HRW.org

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Open letter to the President and Foreign Councillor of the Swiss Confederation

Mrs. President Doris Leuthard, dear Mr. Federal Councillor Didier Burkhalter,

On behalf of the Norwegian Helsinki Committee and Human Rights Watch,
please accept our regards.

We are writing to you in advance of your upcoming trips to Kazakhstan.
According to a June 6 media release on the website of the Swiss Federal
Department of Foreign Affairs, President Doris Leuthard plans to attend
Kazakhstan's EXPO 2017 to mark the Nation Day of Switzerland on August 11,
while Federal Councillor Didier Burkhalter plans to visit Switzerland's pavilion on
June 19.

As you may know, Human Rights Watch is an international nongovernmental
organization that works on human rights issues in over 90 countries worldwide.
Human Rights Watch has been covering the human rights situation in Kazakhstan
for approximately 20 years. The Norwegian Helsinki Committee is a
nongovernmental organization established in 1977 that works to promote
respect for human rights. It has retained a presence in Central Asia since 2006.

As you and your staff prepare for your upcoming visit to Kazakhstan, we would
like to draw your attention to the poor human rights situation in the country,
and in particular to the cases of imprisoned activists Maks Bokaev and Talgat
Ayan and imprisoned labor leaders Nurbek Kushakbayev and Amin Yeleusinov.
We urge you to call for their release in your meetings with Kazakh officials, and
to link closer bilateral ties and economic cooperation to the need for concrete
steps to implement the human rights commitments made by the Kazakh
government.

There has been a serious deterioration of the human rights situation in
Kazakhstan in recent years, with the government cracking down on freedom of
expression, the right to peaceful association and assembly, and on media
freedom and labor rights. Kazakh authorities have targeted human rights
defenders, peaceful civil society activists, labor leaders, and independent
journalists, several of whom have been imprisoned on spurious charges in trials

that have not met international fair trial standards. Courts have shuttered trade unions and independent media outlets. In March 2017, then UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai characterized the authorities' approach to the right to freedom of assembly as "meaningless."¹

Imprisoned civil society activists Maks Bokaev and Talgat Ayan

In May 2016, authorities arrested activists Maks Bokaev and Talgat Ayan after the two played key roles in organizing and calling for peaceful protests against an unpopular proposed amendment to Kazakhstan's land law. On November 28, 2016, City Court № 2 in Atyrau in western Kazakhstan found Bokaev and Ayan guilty on charges of disseminating knowingly false information, inciting social discord, and violating the code regulating peaceful assembly. The court sentenced each activist to five years in prison, banned them from engaging in civic activities for three years after their release, and fined them approximately US\$1,500. During the court proceedings, which did not meet international fair trial standards, the prosecution did not present any hard evidence of any criminal wrongdoing.

Imprisoned labor leaders Amin Yeleusinov and Nurbek Kushakbayev

In January 2017, authorities in western Kazakhstan arrested union leaders Nurbek Kushakbaev and Amin Yeleusinov after oil workers had launched a hunger strike protesting the forced closure of the Confederation of Independent Trade Unions of Kazakhstan. Around 500 workers, including Yeleusinov and Kushakbaev, were involved in the hunger strike, which was found "illegal" by court ruling on January 19. Police arrested Yeleusinov and Kushakbaev the following day. On April 7, Kushakbaev was sentenced to two-and-a-half years in prison for the so-called "crime" of calling for the continuation of an illegal strike. He was banned from engaging in trade union activism for two years and fined US\$80,000 in material damages. On May 16, Yeleusinov was sentenced to two years in prison on politically motivated embezzlement charges. He was banned from trade union activities for five years and fined approximately US\$26,300 in damages.

The authorities' persecution of these and other activists, including rights defenders and labor leaders, has dealt a serious blow to the rights to peaceful assembly and association and to freedom of expression in Kazakhstan, and serves as a chilling warning that activists risk paying a hefty price for expressing dissenting views.

Switzerland has a long-standing and proven commitment to human rights in its foreign policy, especially in its efforts to protect human rights defenders, as outlined in the 2013 "Swiss Guidelines on the Protection of Human Rights Defenders." Switzerland has also demonstrated leadership at the UN Human Rights Council on the issue of the protection of human rights in the context of peaceful protests, a theme that is particularly relevant to the ongoing detention of Maks Bokaev, Talgat Ayan, Amin Yeleusinov, and Nurbek Kushakbaev.

We urge you speak up on behalf of these imprisoned activists during your upcoming visit to Kazakhstan, and both publicly and privately call on Astana to release Maks Bokaev, Talgat Ayan,

¹ Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association, "Kazakhstan: Authorities Heading in Wrong Direction on Labor Rights," *Eurasianet.org*, March 14, 2017, <http://www.eurasianet.org/node/82831>

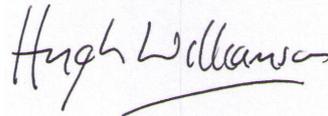
Nurbek Kushakbaev, and Amin Yeleusinov and to end undue restrictions on freedom of association, assembly, and expression in the country.

We thank you for your attention to this letter. Please do not hesitate to let us know if we can assist you or your staff with any additional background information, either on these individual cases or on the overall human rights situation in the country.

Sincerely,



Bjørn Engesland
Secretary General
Norwegian Helsinki Committee



Hugh Williamson
Director
Europe and Central Asia Division
Human Rights Watch