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Issue Paper KAZAKHSTAN POLITICAL DEVELOPMENTS AND THE SITUATION OF MINORITIES February 1997

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Source: *CIS and Eastern Europe on File 1993*, 7.02.

1. INTRODUCTION

This paper provides information on the political and legislative landscape in Kazakhstan since 1995, with particular emphasis on how these conditions relate to and affect minority rights in the republic. For additional background information on Kazakhstan and for details of related developments which occurred prior to 1995, please consult the US Immigration and Naturalization Service (INS) paper of September 1994 entitled *Kazakhstan: Political Conditions in the Post-Soviet Era*, which is available at Regional Documentation Centres.

2. BACKGROUND

2.1 Demographics

Kazakhstan, the second largest former Soviet republic, became an independent state on 16 December 1991 (Khazanov 1995, 157; Olcott 1993, 326; *Political Handbook of the World 1995-1996* 1995, 492). Independence in Kazakhstan, according to Natasha Franklin, author of "The Russian Diaspora in Kazakhstan," "brought the thorny issue of ethnicity to the fore and the leadership of the young nation state was faced with the responsibility of determining whether Kazakhstan is a 'multinational society, an ethnic hybrid of Kazakhs and Russians, or a Kazakh homeland'" (Franklin Aug. 1995, 22).

At the time of independence Kazakhs were a minority in their own country; only 39.67 per cent of the nation's populace was ethnic Kazakh (Olcott 1993, 326; Khazanov 1995, 157; Ponomarev Jan. 1995, 17). Russians were the second largest ethnic group, representing 37.8 per cent of the population (ibid.). The remainder of the population comprises over 100 ethnic groups, including Germans, Ukrainians, Belorussians, Poles, Chechens, Tatars, Koreans, Uzbeks, Uygurs and Azeris (ibid., 17-18; Franklin Aug. 1995, 22). There are approximately 18-20,000 Jews living in Kazakhstan who, according to the National Conference on Soviet Jewry's 1995 report, socially consider themselves to be part of Russian society (1995, np).

By 1994 the percentage of Kazakhs in the republic had grown to 44.3 per cent, due primarily to the emigration of ethnic Europeans, especially Russians, to Russia, Israel and Germany (Ponomarev Jan. 1995, 21-22; *Eastern Europe* 1994, 363). V. Ponomarev in his January 1995 report entitled "The Demographic Situation in Kazakhstan," estimated that if current migration trends continue, Kazakhs will represent a majority of the population in Kazakhstan by the year 2000 (21-22).

2.2 Political Landscape

The political landscape in Kazakhstan has been dominated since 1989 by Nursultan Nazarbaev (*Eastern Europe* 1994, 365; *INS* Sept. 1994, 8; *Freedom in the World 1995-1996* 1996; *Country Reports 1995* 1996, 907). Nazarbaev, an ethnic Kazakh, was appointed as first secretary of the Communist Party of Kazakhstan in June 1989; "his appointment was met with approval by the Kazakhs, and he quickly earned the confidence of the Russian population as well" (Olcott 1993, 320; *Freedom in the World 1995-1996* 1996; see also *Political Handbook of the World 1995-1996* 1995, 492). Nazarbaev was elected Chairman of the Kazakh Supreme Soviet in February 1990 and, as the sole candidate, was popularly elected president of Kazakhstan in December 1991 (*ibid.*; *People in Power* Sept. 1996).

In early March 1995 the constitutional court invalidated the March 1994 elections to the Kazakh legislature, the Supreme Kenges, on grounds of voting irregularity (*Transition* 30 June 1995, 64; *People in Power* Sept. 1996). The March 1994 elections were Kazakhstan's first since independence (*INS* Sept. 1994, 8). On 11 March 1995 the Kenges was dissolved by President Nazarbaev (*People in Power* Sept. 1996; *Political Handbook of the World 1995-1996* 1995, 493; *Transition* 30 June 1995, 64). Nazarbaev ruled by decree until new elections were held in December 1995 (see section 2.2.1) (*ibid.*; *Transition* 30 June 1995, 65). One month after the dissolution of parliament, in April 1995, President Nazarbaev received a 95 per cent mandate in a nation-wide referendum permitting him to extend his term as president until December 2000 without holding presidential elections (*ibid.*; *The Economist* 12 May 1995, 38; Reuters 30 Apr. 1995).

Further strengthening the president's hand—in August 1995 a new constitution—Kazakhstan's third in less than four years, was approved by a nation-wide referendum (ITAR-TASS 5 Oct. 1995; *Libération* 1 Sept. 1995, 16; *Transition* 22 Mar. 1996, 34). Sources indicate that the new constitution effectively transformed Kazakhstan from a parliamentary democracy into a presidential republic (*Izvestia* 3 Aug. 1995; AFP 31 Aug. 1995; *Libération* 1 Sept. 1995, 16). See section 3.1 for further details on the August 1995 constitution.

2.2.1 December 1995 Elections

Kazakhstan's August 1995 constitution transformed the Supreme Kenges into a bicameral body (*People in Power* Sept. 1996; Reuters 29 Aug. 1995; *Izvestia* 3 Aug. 1995; Flanz Feb. 1996, 31-32). Elections to the Supreme Kenges were held in December 1995: senate, or upper house, elections were held on 5 December 1995, while Majlis, or lower house, elections were held on 9 December 1995; run-off elections for the Majlis were held on 23 December 1995 (ITAR-TASS 23 Dec. 1995; OSCE nd). By-elections to fill the remaining two senate and one Majlis seats were held in late January and early February 1996 (Xinhua 24 Jan. 1996; *Keesing's* Dec. 1995, 40866). Senate elections are indirect; an allocation of senate seats are elected by local or regional assemblies while the remainder are appointed by the president (*Transition* 22 Mar. 1996, 36; ITAR-TASS 5 Dec. 1995; *Country Reports 1996* 1997).

The Party of People's Unity of Kazakhstan (PNEK), the largest and best known pro-presidential party, won 24 seats in the Majlis in the December elections (*ibid.*, 37; Xinhua 24 Jan. 1996). The PNEK, led by President Nazarbaev (*Freedom in the World 1995-1996* 1996; *Political Handbook of the World 1995-1996* 1995, 495), was formed in 1993 as a "presidential party" and reportedly "seeks to serve as a bridge between the country's ethnic groups, while opposing dual citizenship and language rights for ethnic Russians" (*ibid.*, 494-95). The Democratic Party, which registered as a political party in August 1995, secured 12 seats; *Freedom in the World 1995-1996* describes the Democratic Party as being "created by incumbent deputies and members of Nazarbayev's government" (1996; *Transition* 22 Mar. 1996, 37; Xinhua 24 Jan. 1996). The Agrarian Party and the Federation of Trade Unions each won five seats (*Transition* 22 Mar. 1996, 37). "Other pro-presidential formations have a couple of seats each. Fourteen seats are held by independent deputies supported by nongovernmental political groups, including two supported by the Communist Party" (*ibid.*; see also AFP 30 Jan. 1996; *Country Reports 1996* 1997).

According to *Transition*, "a vast majority of the candidates who contested the elections were officials of the regional executive organs nominated by the various pro-presidential parties" (22 Mar. 1996, 35; see also *Country Reports 1996* 1997). "One political observer characterized these various parties as 'proto-party formations'" (*Transition* 22 Mar. 1996, 35). Because opposition groups and movements were either unwilling or unable to

register, *Transition* reports that the elections lacked a viable opposition, or even an effective party system (ibid., 34; *Country Reports 1996 1997*). The majority of candidates who ran in the elections were nominated by, or closely linked to, pro-presidential groups (*Transition* 22 Mar. 1996, 35; *Country Reports 1996 1997*). Therefore, according to some sources, the new legislature is dominated by the president's supporters and President Nazarbaev is well placed to ensure that legislation he proposes gains quick approval in parliament (BISNIS June 1996; *Transition* 22 Mar. 1996, 33-37).

The Senate has a clear biethnic composition—26 Kazakhs and 12 Russians—which is unrepresentative of the multi-ethnic diversity of the country. ... The Majlis has a more multi-ethnic profile, with 42 Kazakhs, 19 Russians, two Ukrainians, one Uigur, one Korean, and one German (ibid., 37; see also Xinhua 24 Jan. 1996; OMRI 22 Dec. 1995).

Freedom in the World 1995-1996 reports that all senate seats were taken by Nazarbaev supporters (1996).

International monitors observed several voting irregularities in the first round of Majlis elections, including a practice of multiple voting which allegedly inflated voter turnout estimates (*Keesing's* Dec. 1995, 40866; Interfax 10 Dec. 1995; OMRI 11 Dec. 1995; HRW Dec. 1996, 226; OSCE nd). *Transition* claimed that while pro-presidential parties did not have any difficulties registering, "would-be" opposition parties encountered "innumerable bureaucratic obstacles" which prevented them from participating in the elections (22 Mar. 1996, 34; see also *Country Reports 1996 1997*). For example, all parties and individuals wishing to participate in the elections must first have registered with the Ministry of Justice (ibid.; *Transition* 22 Mar. 1996, 34). Observers also expressed concern that candidates were forced to pay a non-refundable US\$500 registration fee to the Central Electoral Commission in order to participate in the elections to either house (ibid., 35; BISNIS June 1996; *Country Reports 1996 1997*; OMRI 11 Dec. 1995; ibid. 3 Oct. 1995). This fee is reportedly equivalent to one year's average salary in Kazakhstan (*Transition* 22 Mar. 1996, 35). Furthermore, all parties wishing to register must present a list of 3,000 members from at least 11 oblasts (regions) (*Country Reports 1996 1997*). Personal information, including age, address and place of work, must accompany the names on the list (ibid.). Senate candidates must obtain the signatures of ten per cent of local council members in their respective oblasts in order to participate in elections (ibid.).

2.3 Azamat and Other Opposition Groups

For information on opposition groupings and parties operating prior to 1995, please consult the Immigration and Naturalization Service (INS) Profile Series report of September 1994 entitled *Kazakhstan: Political Conditions in the Post-Soviet Era*.

In April 1996 Azamat (Citizen), a new opposition civilian movement, was founded (*Delovaya Nedelya* 5 July 1996; ITAR-TASS 20 Apr. 1996; *Karavan* 25 June 1996; *The Economist* 30 Nov. 1996, 36). *The Economist* reports that until the arrival of Azamat, political opposition had been "conspicuously absent" in the republic (ibid.). The movement was established on the initiative of a number of scientists, artists, writers and "democratically minded intellectuals" (ibid.; *Country Reports 1996 1997*). The movement "favours dialogue among all progressive forces of the republic" and seeks to establish "a permanent round table that would bring together representatives of public associations, political parties, trade unions, organizations of entrepreneurs, parliament, government and the president" (*Delovaya Nedelya* 5 July 1996; *Karavan* 25 June 1996). According to a 21 August 1996 article in *Nezavisimaya Gazeta*, Azamat has become the only effective opposition force in the republic.

Several Azamat leaders were detained for 24 hours in August 1996 while touring around Kazakhstan on a "working trip" (*Nezavisimaya Gazeta* 21 Aug. 1996; *Ekspress-K* 5 Sept. 1996). Authorities informed the detained Azamat representatives that the car they were driving had been listed as stolen; the leaders were released after 24 hours without an explanation (*Nezavisimaya Gazeta* 21 Aug. 1996). Azamat representatives called this and other similar intimidation incidents "psychological pressure" (*Ekspress-K* 5 Sept. 1996; see also *Country Reports 1996 1997*).

On 17 November 1996 approximately 500 people attended an Azamat-organized rally aimed at bringing attention to falling living standards (*The Economist* 30 Nov. 1996; Interfax 17 Nov. 1996). Kazakh authorities had refused to sanction the rally, "claiming it jeopardised public order" and several days later trade union and Azamat leaders were charged and fined for "violating public order" (*The Economist* 20 Nov. 1996, 36; *Country Reports 1996 1997*; see also ITAR-TASS 21 Nov. 1996). Those charged were warned that they may face a jail sentence with their next offence (*The Economist* 20 Nov. 1996). According to *The Economist*, "until now, President Nursultan Nazarbaev has managed to keep opposition in check, sometimes by offering his foes jobs in the government. This tactic has not worked with Azamat so far, and the government is now trying intimidation" (ibid.). Murat Auezov, Azamat co-chairperson, reportedly told Interfax that he had refused a government job offered to him by the president (Interfax 17 Nov. 1996).

A second major Azamat-organized demonstration was held in Almaty on 8 December 1996 (AFP 8 Dec. 1996a; ibid. 8 Dec. 1996b; ITAR-TASS 8 Dec. 1996; Kazakh Television First Program 8 Dec. 1996). The rally, which was attended by some 3,500 individuals, protested the poor living conditions in the republic (AFP 8 Dec. 1996b; ITAR-TASS 8 Dec. 1996). According to AFP, for the first time since independence the primary target of the crowd's discontent and disapproval was President Nazarbaev (8 Dec. 1996b; ibid., 8 Dec. 1996a). Following the December demonstration, one of the organizers, Peter Svoik, was "summoned by the State Committee for Investigations to discuss possible charges in connection with alleged wrongdoing during his tenure as the head of the State Antimonopoly Committee" (*Country Reports 1996 1997*).

The Republic Coordinating Council of Political Movements was replaced with the Republic People's Patriotic Movement, an opposition grouping, in July 1996 (*Panorama* 26 July 1996; see also *Country Reports 1996 1997*). The original Republic Coordinating Council of Political Movements was formed in May 1994 on the initiative of the Socialist Party; the council was meant to be a "'constructive opposition bloc' of diverse parties" (*Political Parties of the World 1995-1996* 1995, 495). According to Serikbolsyn Abdildin, chairman of the Coordinating Council and first secretary of the Kazakhstan Communist Party Central Committee, the Coordinating Council "has lost its clout ... it should be replaced by a new association that is broader in its membership and more effective" (*Panorama* 26 July 1996). The new organization's main goals include "creating the political prerequisites for the recovery and growth of Kazakhstan's economy, and organizing work for the social rescue of the population" (ibid.). Founding members of Republic People's Patriotic Movement included the Socialist Party, Azat, Generation, the Worker's Party and "other opposition forces" (ibid.; see also *Country Reports 1996 1997*).

3. LEGISLATIVE FRAMEWORK

3.1 1995 Constitution

As mentioned in section 2.2, the August 1995 Kazakh constitution transformed Kazakhstan into a "unitary State with a presidential form of government" (Flanz Feb. 1996, 11). The constitution provides for a "strong executive president," who is elected for a five-year term and is vested with the authority to appoint key ministers and dissolve parliament (*Political Handbook of the World 1995-1996* 1995, 493). Furthermore, the president "is the head of state and holds supreme executive power, in conjunction with the Council of Ministers" (*People in Power* Sept. 1996; Reuters 29 Aug. 1995). *Country Reports 1995* states that power is concentrated in the hands of the presidency, noting that this allows the presidency to exercise substantial control over the legislature and judiciary (1996, 907).

According to the new constitution "in State and local administrative bodies, the Russian language is officially used on equal grounds along with the Kazakh language" (Flanz Feb. 1996, 14; *Izvestia* 3 Aug. 1995; Interfax 30 Aug. 96). President Nazarbaev maintains that the new constitution has "solved the language problem by giving the Russian language the status of an official tongue alongside the state status of the Kazakh language" (ibid.). In the previous constitution Russian had been designated the language of "international intercourse" (Flanz Feb. 1996, ix). Russian-speaking critics were disappointed that Russian was not accorded state language status; one article noted that the provision accorded to the Russian language in this constitution "is humiliating for the Russian language" and warned that it would lead to a further exodus of Russians from Kazakhstan (*Moskovskaya Pravda* 9

Aug. 1995; see also Interfax 27 July 1995). For further information on the status of the Russian language in Kazakhstan please see section 3.2.

The constitution provides for the private ownership of land (Reuters 29 Aug. 1995; Flanz Feb. 1996, 20; *Izvestia* 3 Aug. 1995; Interfax 30 Aug. 1996) and forbids dual citizenship (please refer to section 3.4 for further information on the status of ethnic Russians residing in Kazakhstan) (ibid.; ibid. 27 July 1995; *Moskovskaya Pravda* 9 Aug. 1995; Flanz Feb. 1996, 15). The Constitutional Court is replaced with a Constitutional Council which is to be the highest legal body in the country (*Political Handbook of the World 1995-1996* 1995, 493; *Izvestia* 3 Aug. 1995; Flanz Feb. 1996, viii, 48). Members of the Constitutional Council are appointed jointly by the legislature and the president; the council's decisions are final only if the president does not exercise his or her option to veto them (ibid., viii, x; *Political Handbook of the World 1995-1996* 1995, 493). The council is vested with the power to rule on election and referendum challenges, interpret the constitution and determine the constitutionality of laws adopted by parliament (*Country Reports 1996* 1997). *Country Reports 1996* maintains that, according to the new constitution, "citizens no longer have the right to appeal directly to a court that a government action is unconstitutional; this action is now the sole prerogative of the courts themselves" (ibid.).

According to Article 14 of the constitution,

everyone is equal before the law and the court ... no one shall be subject to any discrimination for reasons of origin, social [status], property status, occupation, sex, race, nationality, language, creed, political and religious convictions ... (Flanz Feb. 1996, 16).

Furthermore, according to Article 12, "human rights and freedoms belong to everyone by virtue of birth, are recognized as absolute and inalienable" (ibid., 15). Despite these provisions, a number of critics attacked the new constitution on grounds that it's provisions do not adequately safeguard the human rights and freedoms of its citizens (*Country Reports 1995* 1996, 908; ITAR-TASS 12 July 1995; Kazakh Television 10 July 1995; ITAR-TASS 18 July 1995; Interfax 27 July 1995; AFP 31 Aug. 1995). Six of Kazakhstan's ten constitutional judges argued that the new constitution was undemocratic and that it "curtailed human rights and freedoms and distorted the principle of division of powers" (ITAR-TASS 12 July 1995; Flanz Feb. 1996, viii). Organization for Security and Cooperation in Europe (OSCE) representatives, minority groups, opposition groupings and trade unions also condemned the constitution on similar grounds (AFP 31 Aug. 1995; Kazakh Television 10 July 1995; ITAR-TASS 18 July 1995; Interfax 27 July 1995). Although the constitution was released to the public for a 30-day discussion period prior to the August referendum, the final version did not incorporate changes suggested by democracy and human rights advocates (*Country Reports 1995* 1996, 912).

3.2 1996 Language Law

On 22 November 1996 the Majlis passed a new draft language law which maintains the Kazakh language as the only official state and judicial language in the republic (OMRI 26 Nov. 1996; ibid. 27 Jan. 1997; *Monitor* 27 Nov. 1996; *Country Reports 1996* 1997). Kazakhstan's upper house, or senate, continued to debate and review the draft law throughout December 1996 and January 1997^[11] (*Rossiyskaya Gazeta* 7 Dec. 1996; Reuters 16 Dec. 1996; OMRI 27 Jan. 1997). The law under debate requires that ethnic Kazakh government employees know the state language (Kazakh) by the year 2001, while Russian-speaking employees must learn Kazakh by 2006 (OMRI 26 Nov. 1996; ibid. 27 Jan. 1997; *Monitor* 27 Nov. 1996; see also *Karavan* 4 Dec. 1996; Reuters 16 Dec. 1996). Furthermore, at least 50 per cent of radio and television programmes must be in Kazakh and Kazakh is to be used in all "military formations" along with Russian (OMRI 26 Nov. 1996; *Monitor* 26 Nov. 1996). On 20 November 1996 a Russian official reiterated warnings that the passing of a law which does not give Russian equal status to Kazakh could lead to a renewed exodus of Russian-speakers from Kazakhstan (OMRI 26 Nov. 1996; Interfax 20 Nov. 1996; *Monitor* 26 Nov. 1996). The draft law states that it ensures "respectful treatment of all languages used in the Republic of Kazakhstan, without exception" and "establishes the legal basis for the functioning of languages in the republic of Kazakhstan" (*Kazakhstanskaya Pravda* 14 Sept. 1996).

3.3 Citizenship Law

The original 1991 Kazakh citizenship law, which came into force on 1 March 1992, was inclusive in who was eligible to receive citizenship; according to Article 3 of the 1991 law "citizens of the Republic of Kazakhstan shall be persons who: permanently reside in the Republic of Kazakhstan on the day of enactment of the present Law" (IOM 1996, 142; *Kazakhstanskaya Pravda* 2 Mar. 1995). Dual citizenship was permitted only for ethnic Kazakhs living abroad (Kolstoe 1995, 249; IOM 1996, 142-43). This provision is seen by some Russians as discriminatory since ethnic Russians living in Kazakhstan are denied dual citizenship (INS Sept. 1994, 19).

On 3 October 1995 President Nazarbaev issued a decree amending the 1991 citizenship law in order to bring it into conformity with the new constitution (ITAR-TASS 3 Oct. 1995; *Kazakhstanskaya Pravda* 4 Oct. 1995). Article 3 of the amendment declared that "citizenship of another state shall not be recognized for a citizen of the Republic of Kazakhstan" (ibid.; ITAR-TASS 3 Oct. 1995). The amendment deletes Article 1 (3) of the 1991 Law which stated that "all Kazakhs who were forced to leave the territory of the Republic and who resided in other states have the right to have the citizenship of the Republic of Kazakhstan together with the Citizenship of other states, unless it contradicts legislation of the states of which they are citizens" (IOM 1996, 142-43; *Kazakhstanskaya Pravda* 4 Oct. 1995).

The amendment also relaxed eligibility restrictions for people applying for Kazakh citizenship (ibid.). The following individuals have the right to become citizens of Kazakhstan:

persons who have been permanently resident on the territory of the Republic of Kazakhstan for no fewer than five years or who are married to citizens of the Republic of Kazakhstan. ... Citizens of the former Union republics who have a citizen of the Republic of Kazakhstan as a close relative: a child (adopted included), husband (or wife), parent (foster parents), sister, brother, and grandfather or grandmother, regardless of the length of their residence in the Republic of Kazakhstan (*Kazakhstanskaya Pravda* 4 Oct. 1995).

3.4 Agreements on the Rights of Minorities

In an effort to address the issue of the status of ethnic Russians residing in Kazakhstan and of ethnic Kazakhs residing in Russia, a Russian-Kazakh treaty on the legal status of these individuals was ratified by the Russian State Duma on 24 May 1996; the Kazakh parliament had ratified the treaty in early 1995 (ITAR-TASS 24 May 1996a; Interfax 28 Feb. 1995; *Monitor* 7 June 1996; *Kazakhstanskaya Pravda* 2 Mar. 1995). The Russian upper chamber, or Federation Council, ratified the agreement on 5 June 1996^[21] (ITAR-TASS 5 June 1996; *Monitor* 7 June 1996). According to the treaty, citizens of Russia or Kazakhstan

who permanently reside on the territory of the other contracting side, enjoy the same rights and freedoms, and fulfil the same duties, as the citizens of the country where they live. The citizens of one of the sides, who permanently reside on the territory of the other, cannot be elected to top official posts and to representative bodies of the country where they live. However, they have the right to hold leading jobs in the subdivision of regional and local administration, and also in the sectors of different departments and other organisations of the local executive system.

The citizens, covered by the treaty, enjoy the guaranteed right to own, use, and dispose of their property, and also the right to take part in the privatisation of property belonging to the State where they live (ITAR-TASS 24 May 1996b).

President Nazarbaev stated that this treaty removes the "quite understandable tension which ethnic Russians and Kazakhs living outside their homeland experience" (Interfax 28 Feb. 1995). In a letter dated 19 February 1997, the director of the Kazakhstan International Bureau on Human Rights and Rule of Law (KIB) stated that the June 1996 treaty is in effect. In a related development, Russian president Boris Yeltsin suggested in a November 1996 meeting with President Nazarbaev, that an agreement guaranteeing the rights of Russian-speakers in Kazakhstan be drawn up (AP 23 Nov. 1996; *Monitor* 26 Nov. 1996; ibid. 27 Nov. 1996; see also Radio Rossii

Network 23 Nov. 1996). According to Yeltsin "such documents would help end 'the various speculations and discrimination around the issue'" (AP 23 Nov. 1996).

On 31 May 1996 German foreign minister Klaus Kinkel and his Kazakh counterpart, Kasymzhomart Tokayev, "signed an agreement on the protection of the ethnic German minority in Kazakhstan" (Deutschlandfunk Radio 31 May 1996; *Monitor* 4 June 1996; Kazakh Television First Program 31 May 1996). According to Deutschlandfunk Radio, the agreement should improve the lot of Kazakhstan's 500,000-strong ethnic German population^[3] (31 May 1996; see also *Monitor* 4 June 1996). A 19 August 1996 OMRI report maintains that approximately 65 per cent of the ethnic German population of Kazakhstan has left the republic since 1990. OMRI "The chairman of the Council of Germans of Kazakhstan ... said the Kazakhstani government should attempt to lure some of the departed Germans back by offering advantageous loans to those who return, and urged the German government to help Kazakhstan's Germans start up businesses..." (ibid.).

NOTES

[1] According to a 15 February 1997 article in *The Economist*, Kazakhstan's senate rejected the draft bill and sent it back to the Majlis in late January 1997. [\[back\]](#)

[2] According to *Kazakhstanskaya Pravda*, "following ratification of the treaty ... by Russia's Federal Assembly, the documents will enter into force effective 30 days from the date of exchange by the parties of instruments of ratification" (2 Mar. 1995). [\[back\]](#)

[3] According to the Kazakh Committee for Statistics, in 1996 there were about 370,000 ethnic Germans still residing in Kazakhstan (OMRI 19 Aug. 1996; *Monitor* 21 Aug. 1996). [\[back\]](#)

4. MINORITY ISSUES

4.1 *Discrimination and Emigration*

One of the most common complaints voiced by minorities in Kazakhstan contends that since 1991 the government has been actively pursuing a policy of "Kazakhization" (UPI 2 Nov. 1995; ITAR-TASS 17 Nov. 1995). Russian-speaking activists claim that leading administrative jobs at local and federal government levels are being disproportionately filled by ethnic Kazakhs and that Russian-speakers are disadvantaged in university entry exams and in receiving legal services and housing (*Transition* 15 Feb. 1995, 54; ITAR-TASS 17 Nov. 1995; UPI 2 Nov. 1995; *Country Reports 1995 1996*, 914; *Country Reports 1996 1997*). Furthermore, according to one source, Russians allegedly pay more for select goods and services, including education (AP 15 June 1996). Kazakhstan's policy on state language and the fact that Russians are denied dual citizenship with Russia are often cited as proof of anti-Russian practices and active policies of discrimination (*Moskovskaya Pravda* 9 Aug. 1995; see also INS Sept. 1994, 19; *Transition* 15 Feb. 1995, 54).

In one particular case in east Kazakhstan, an overwhelmingly Slavic region, the 1996 appointment of an "outsider" as administrative head of the oblast created further ethnic tension in the region; the appointment did little to inspire the confidence of the Russian-speaking population of east Kazakhstan and further reinforced fears that the central government was continuing its policy of "*Kazakhizatsiya*, or [the] replacement of local Russian officials with Kazakhs, often from outside the region" (OMRI 19 Apr. 1996; see also *Argumenty i Fakty* Dec. 1995). A 1995 report maintained that ethnic Kazakhs were over-represented in local administrations even in northern Kazakhstan, which is dominated by Russians (Franklin Aug. 1995, 27). Kazakh officials claim that they are merely implementing a policy of affirmative action in order to restore the Kazakh language and traditions that were repressed under Soviet rule (ibid.).

Several sources support contentions that discrimination against non-ethnic Kazakhs does exist in the political and employment spheres (Franklin Aug. 1995; Khazanov 1995, 163-65; *Transition* 15 Feb. 1995, 54; *Freedom in the World 1995-1996* 1996; *Country Reports 1995 1996*, 914; *Country Reports 1996 1997*; *Moskovskaya Pravda* 9 Aug. 1995). According to one source,

the issue of discrimination in the work sphere ... is extremely sensitive in Kazakhstan, and, alongside discrimination in the upper echelons of the political administration, has perhaps irked members of the ethnic Russian community more than the issue of language on its own. It is in this realm that Russians, and Russian speakers on the whole, have legitimate grievances, and discrimination at work has apparently provided motivation in some cases for emigration (Franklin Aug. 1995, 26).

After conducting a number of interviews with ethnic Russians and Kazakhs in 1995, Franklin concluded that discrimination in the public-sector work-place was "rampant" but noted that Russians do not face serious impediments to work in the "entrepreneurial sphere" (ibid.). In the state sector, including hospitals, state-run media organizations and educational organizations, Russians have been replaced with ethnic Kazakhs often with no regard to qualifications (ibid.; *Freedom in the World 1995-1996* 1996; *Country Reports 1996* 1997).

At least two articles report that ethnic-Kazakh immigrants from Mongolia and Turkey have been settled in northern and eastern Kazakhstan, regions overwhelmingly populated by ethnic Russians (OMRI 19 Apr. 1996; Khazanov 1995, 170). This policy "of increasing the share of the titular ethnic group by transferring Kazakhs from other regions and settling Kazakh immigrants from Mongolia and Turkey [has] intensified tensions in the region" (OMRI 19 Apr. 1996). According to Khazanov, the Russian population in these regions considers this policy a deliberate attempt to manipulate the demographic make-up of the region (Khazanov 1995, 170). According to the director of the KIB, however, the number of ethnic Kazakh immigrants arriving in Kazakhstan from Mongolia has been steadily decreasing, while the number from Turkey is "so small" it is barely worth mentioning (19 Feb. 1997). The immigrants are reportedly settled in rural areas in northern and central Kazakhstan "where as [many] Kazaks as non Kazaks live" (ibid.). The director maintains that there have been reports of difficulties between the new immigrants and local Kazaks due to the harshness of current socio-economic conditions in the region (ibid.).

Worsening economic conditions and the accompanying unemployment in Kazakhstan have, according to one source, increased ethnic Kazakh animosity toward non-Kazakhs in the country (ibid., 168). "Significant numbers of Kazakhs do not hide their desire for Russians, Ukrainians, Germans and other non-Kazakhs to leave Kazakhstan" (ibid., 169). This attitude and the belief that non-Kazakhs face, or will face, discrimination in the republic has prompted the emigration of tens of thousands of Russians, Germans, Chechens and Jews since 1991 (AP 20 June 1996; Franklin Aug. 1995, 36; *Financial Times* 5 July 1996). According to a July 1996 *Financial Times* article, however, the flow of ethnic Russians from Kazakhstan slowed in the first half of 1996; "only 25,000 people emigrated from Kazakhstan in the first quarter of this year, compared with half a million in 1994" (11 July 1996; AP 20 June 1996). A Kazakh government official, cited by the Associated Press, credits the decrease in emigration figures to "political and economic stability" (ibid.).

According to an article by Natasha Franklin, and based on the 1995 interviews mentioned above, "people feel that if in the first post-independence years there was intolerance of Russians among Kazakhs, which did impel some Russians to emigrate, then this has now faded in most sectors of ethnically Kazakh society" (Aug. 1995, 25). According to Franklin, "any sense of vulnerability is essentially due to fear of [linguistic] discrimination rather than actual experience of it..." (ibid.).

4.2 Allegations of Abuse and III-Treatment

A number of Russian community representatives and leaders, particularly Cossacks^[4], were arrested in 1995 and 1996, fuelling accusations from ethnic-Russians and Russian officials in Moscow that Kazakh authorities are undertaking "preventative arrests and intimidation of dissidents, primarily Cossack leaders" (Interfax 18 Sept. 1996; HRW Dec. 1996, 225; *Moskovsky Komsomolets* 19 Sept. 1996; TASS 26 May 1995; Interfax 2 Nov. 1995). Nicolay Gunkin, leader of Kazakhstan's Semirechye Cossacks, was arrested on 28 October 1995 and charged with holding illegal rallies in January 1995 (Russia TV 28 Oct. 1995; UPI 2 Nov. 1995; Interfax 1 Nov. 1995). Gunkin was arrested in Almaty at the headquarters of an election precinct where he was attempting to register as a candidate for a seat in the Majlis in the upcoming December 1995 elections (ibid. 3 Nov. 1995; *Rossiyskaya Gazeta* 4 Nov. 1995). Reports indicate that Gunkin's arrest was viewed as an attempt on the part of authorities to

prevent his registration for participation in the elections (Interfax 1 Nov. 1995; *ibid.* 14 Nov. 1995; AI 1996, 195). Kazakh police authorities denied that Gunkin's arrest was discriminatory in nature and maintain that it was merely a coincidence that Gunkin was arrested while attempting to register for the elections (*Transition* 15 Dec. 1995, 4; Interfax 14 Nov. 1995; UPI 2 Nov. 1995).

Several articles report that Gunkin was "severely beaten" in custody although Kazakh officials deny these statements (Interfax 13 Nov. 1995; AI 1996, 195; *ibid.* July 1996, 6-7; *Nezavisimaya Gazeta* 3 Nov. 1995; *ibid.* 14 Nov. 1995). Gunkin's defence lawyer, Ivan Kravtsov, dropped Gunkin's case after four "Kazakh nationalists broke into his flat and assaulted his wife the day before the trial was due to take place" (Interfax 8 Nov. 1995; AI 1996, 195; OMRI 10 Nov. 1995). The procurator of Almaty reportedly warned Kravtsov that his legal license was at stake should he opt to continue representing Gunkin (*ibid.*). The Russian Duma issued a protest in November 1995 in reaction to the arrest of Nicolay Gunkin condemning what it termed "the policy of 'open pressure on Russian Cossack organizations'" and expressed concern that "the Russian language continues to be discriminated against in Kazakhstan, Russian-language schools are being closed, chauvinists attack Orthodox churches [and] representatives of the non-Kazakh population are intensively expelled from senior posts, particularly from state establishments" (Interfax 17 Nov. 1995; ITAR-TASS 17 Nov. 1995). Gunkin was released from prison on 27 January 1996 after serving a three-month sentence (OMRI 28 Feb. 1996).

At least three other Cossacks from Kokchetav were arrested in late October 1995 (*Nezavisimaya Gazeta* 3 Nov. 1995; Interfax 1 Nov. 1995). In a separate incident, an elderly Cossack was beaten and arrested by a "posse" on charges of "participating in a Cossack gathering" on 31 October 1995 in the city of Taldy-Kurgan (*Nezavisimaya Gazeta* 3 Nov. 1995).

Kazakh officials maintain that Cossacks enjoy the same rights as other minority groups in Kazakhstan, but state that "'unfortunately, the demands put forward by the Cossacks contradict Kazakh laws' ... Cossack paramilitary groups 'are demanding the right to freely bear arms and there are threats to annex territory inhabited by ethnic Russians'" (UPI 2 Nov. 1995; *Segodnya* 3 Nov. 1995). According to *Transition*,

most Cossack organizations are illegal under Kazakhstani law on the grounds that they are military formations operating outside the law. The only one that has managed to obtain the legal right to exist, the Society for Support of Semirechie Cossacks, has been hounded since its founding last year.

In response, the Cossacks have accused the government in Almaty of waging a campaign of genocide against their culture. For their part, the Kazakhstani authorities suspect the largely Russian or Ukrainian Cossacks of using talk of a peaceful linguistic and spiritual revival to cloak separatist aspirations (15 Dec. 1995, 4; OMRI 10 Nov. 1995).

On 20 August 1996 Nina Sidorova, head of the Russian Centre in Kazakhstan, was arrested and charged with insulting judges and guards during the November 1995 trial of Nicolay Gunkin (*Pravda Pyat* 1 Oct. 1996; ITAR-TASS 14 Sept. 1996; *Moskovsky Komsomolets* 19 Sept. 1996). Reports allege that Sidorova was beaten while being arrested and again later in custody (*ibid.*; AI 3 Sept. 1996; HRW Dec. 1996, 225; *Country Reports 1996 1997*; *Nezavisimaya Gazeta* 14 Sept. 1996). According to *Country Reports 1996*, the prosecutor general's office later admitted that Sidorova had been "mistreated" and an internal investigation was ordered (1997). One report maintains that Sidorova's lawyer was also beaten outside of her home by an unknown assailant (*Nezavisimaya Gazeta* 14 Sept. 1996). According to an Amnesty International *Urgent Action* report, Sidorova's "detention on criminal charges may be spurious, and may represent an attempt to punish her for political activism" (3 Sept. 1996).

The Committee for CIS Affairs and Links with Compatriots, a Russian parliamentary committee in Moscow, issued a statement on 14 September 1996 protesting the detention of Nina Sidorova (ITAR-TASS 14 Sept. 1996; Interfax 18 Sept. 1996). The committee voiced concern at "the continuing persecution" of Russians in Kazakhstan and described Sidorova's arrest as "'a continuation of preventative arrests and intimidation of dissidents, primarily Cossack leaders'" (*ibid.*). The committee's statement also "repeated calls on the Russian government to link loans

and debt-repayment privileges for Kazakhstan to Alma-Ata's [Almaty] treatment of ethnic Russians and urged the Kazakh and Russian authorities to do all in their power to improve Kazakhstan's human rights record" (ITAR-TASS 14 Sept. 1996). Sidorova was released on 22 September 1996, reportedly as a result of international protests and public pressure (AI 24 Sept. 1996; *Pravda Pyat* 1 Oct. 1996). She was eventually found guilty of "insulting and physically harming law enforcement officers" and was given a two-year suspended sentence (OMRI 31 Dec. 1996; *Country Reports 1996 1997*).

Three Cossacks were arrested in early September 1996 for attending a public prayer meeting while dressed in traditional Cossack uniforms (AP 18 Sept. 1996; ITAR-TASS 18 Sept. 1996; *Nezavisimaya Gazeta* 14 Sept. 1996). These Cossacks were each sentenced to 15 days in jail for disturbing the peace (ibid.). Cossack representatives, quoted by *Nezavisimaya Gazeta*, allege that the only explanation for the arrest of the three Cossacks is that it was a retaliative move on the part of Kazakh authorities in response to a protest demonstration that Cossacks mounted in front of the Kazakh embassy in Moscow some days earlier (ibid.).

In a move which also angered Russian activists, several Russian organizations and parties were banned for six months in March 1996 for holding unsanctioned rallies and calling for the restoration of the USSR (Kazakh Television First Program 27 Mar. 1996; Russian Television 5 Sept. 1996; ITAR-TASS 4 Apr. 1996). According to Kazakh law all public meetings and demonstrations must obtain approval from the Ministry of Justice (*Transition* 22 Mar. 1996, 34; see also Kazakh Television First Program 14 Nov. 1996; Interfax 12 Nov. 1996). In eastern Kazakhstan the Russian Altay National Group, the Russian Community, the Ust-Kamenogorsk Slavonic Culture Association and the Lad^[5] movement's regional branch all faced fines and their activities were suspended for six months (Kazakh Television First Program 27 Mar. 1996; Russian Television 5 Sept. 1996; ITAR-TASS 4 Apr. 1996; *Country Reports 1996 1997*). According to ITAR-TASS, in Pavlodar, "the question of disbanding the regional committee of the Communist Party of Kazakhstan was raised [by the regional prosecutor] ... for the reason that its regulations and programme proclaim the restoration of the USSR as its purpose" (ibid.; see also *Country Reports 1996 1997*). A number of organizers of the above-mentioned March 1996 rallies also faced fines and one activist in Almaty was jailed for five days (Kazakh Television First Program 27 Mar. 1996; ITAR-TASS 4 Apr. 1996). According to the KIB, Lad and other Russian organizations banned in March 1996 "are working, [although they are] having some problems with re-registration."

NOTES

[4] Traditionally Cossacks were a military society loyal to the Czar who were charged with annexing and guarding the border areas of the Russian Empire, including modern-day Kazakhstan (AI July 1996; UPI 2 Nov. 1995) Cossacks were considered enemies of the Bolshevik Revolution and were repressed and outlawed during the Soviet period (ibid.; AI July 1996). Cossacks have experienced a revival since the collapse of the Soviet Union and have "re-established their former hierarchy and uniforms and have organized armed military detachments" (UPI 2 Nov. 1995; *Transition* 15 Dec. 1995, 3). [\[back\]](#)

[5] The Lad movement is a political organization with a mandate to defend the interests of Russian-speakers in Kazakhstan (INS Sept. 1994, 16). Please see the Immigration and Naturalization Service (INS) Profile Series report of September 1994 entitled *Kazakhstan: Political Conditions in the Post-Soviet Era* for further information on the Lad movement. [\[back\]](#)

5. SITUATION OF THE MEDIA

A sharp division between Kazakh and Russian-language press and media exists in Kazakhstan (*Transition* 6 Oct. 1995, 73). According to *Transition*, "most Kazakh newspapers enjoy large government subsidies The financial dependency on the government is one of the biggest shortcomings of the Kazakh-language media" (ibid.). Russian-language newspapers enjoy a higher readership level than their Kazakh counterparts in part because

50 per cent of city-dwelling Kazakhs lack proficiency in Kazakh and prefer to read Russian language publications (ibid., 74).

On the whole, the Kazakh-language press is mired in specifically ethnic-linguistic concerns and has taken a conservative, pro-government, and pro-titular-nation stance on issues such as land reform,

property ownership, and constitutional reform. By contrast, the Russian language press is more favourably inclined toward privatization and market forces, and it is more critical of the government (ibid.).

Despite claims that Kazakhstan's media is largely independent and among the most progressive in Central Asia, there were a number of events in 1995 and 1996 that led critics to contend that independent media and freedom of the press were becoming increasingly jeopardized in the republic (ibid.; *Kazakhstanskaya Pravda* 8 June 1996; HRW Dec. 1996, 225; CPJ 1995, 160; OMRI 3 Dec. 1996; *Transition* 18 Oct. 1996, 70; ibid. 6 Sept. 1996, 62; Kazakh Television First Program 18 Nov. 1996). A 23 April 1996 article by Alexander Solzhenitsyn, published in the Russian newspaper *Komsomolskaya Pravda*, endorsed the reintegration of northern Kazakhstan into Russia, arguing that the territory is merely an extension of Siberia (*Transition* 6 Sept. 1996, 62; ibid. 18 Oct. 1996, 70; OMRI 25 July 1996). Kazakh government officials condemned the paper for its "'rude interference in the internal affairs of an independent government' and President Nursultan Nazarbayev said media that 'violate the constitution and try to destabilize our home' would be prohibited" (*Transition* 6 Sept. 1996, 62). In early May 1996 the prosecutor-general requested that *Komsomolskaya Pravda* be banned from Kazakhstan (ibid.). In July the editors of the paper published an apology, maintaining that they had published "'factual errors'" about Kazakhstan's sovereignty; the charges were immediately dropped (ibid.; OMRI 25 July 1996). The US-based Committee to Protect Journalists (CPJ) viewed the proposed ban of *Komsomolskaya Pravda* as an "excuse to undermine freedom of the press" in Kazakhstan (*Transition* 6 Sept. 1996, 62).

In March 1995 the warehouse of the popular Russian-language newspaper *Karavan* was set ablaze, destroying "several thousand tons of newsprint" (*Transition* 6 Oct. 1995, 75; CPJ 1995, 161). According to the Committee to Protect Journalists the fire was believed to have been set by government-sponsored arsonists (CPJ 1995, 161; see also *Freedom in the World 1995-1996* 1996). *Karavan* has used its popularity to call attention to the situation of Russian-speakers in Kazakhstan and the paper has been critical of the president (CPJ 1995, 161).

According to *Transition*, "correspondents from the Moscow media ... are regularly charged with attacks on the independent course of a young state and 'interference in the internal affairs of a sovereign republic.' Two correspondents for Russian Television even felt compelled to hire bodyguards following repeated harassment" (6 Sept. 1996, 62). One Russian journalist charged with "inciting inter-ethnic discord" spent nine months in a Kazakh prison in 1995 (OMRI 15 Mar. 1996). The journalist maintained that he was tortured while in prison (ibid.). Finally, according to the "independent" (HRW Dec. 1996, 225) Kazakhstan-American Bureau on Human Rights^[6], in 1996 "independent journalists were increasingly persecuted by the state, such as being charged with slander for expression of critical political opinions" (ibid.).

In early November 1996 the frequencies of several independent radio and television stations were suspended by the Kazakh government (OMRI 3 Dec. 1996; ibid. 15 Nov. 1996; Kazakh Television First Program 18 Nov. 1996; *Country Reports 1996* 1997). The broadcasts allegedly interfered with air traffic control, although critics maintained that the shutdown of the stations was "an attempt to put non-government stations out of business for airing opposition views" (OMRI 3 Dec. 1996). The Kazakh Television First Program reported that representatives of independent media have "accused the government of suppressing free speech" (18 Nov. 1996; see also *Country Reports 1996* 1997). The government is reportedly holding a public bidding for frequencies in early 1997; OMRI reports that as almost 100 per cent of all radio and television broadcasts are currently aired in Russian, programmes broadcasting in Kazakh will likely be favoured in the January 1997 tender for frequencies (15 Nov. 1996; ibid. 3 Dec. 1996). A 20 December 1996 OMRI report, citing Internews, claims the annual fees and starting bids for frequencies OMRI are reportedly prohibitively high for independent broadcasters and will likely force most independent stations off the air (ibid.).

OMRI reported on 12 December 1996 that over 80 representatives of independent radio and television stations in Kazakhstan had signed a letter of protest to President Nazarbaev condemning the abuses faced by independent media in Kazakhstan. According to the same source "the pro-government Kazak TV on 9 December ... attributed the independent stations' displeasure to their unwillingness to broadcast in the state language, Kazak"

(ibid.).

NOTE

[6] Please see the Notes on Selected Sources entry for the Kazakhstan International Bureau on Human Rights and Rule of Law for information on the Kazakhstan-American Bureau on Human Rights. [\[back\]](#)

6. REDRESS

6.1 Judicial System

Country Reports 1995 and 1996 maintain that Kazakhstan's legal structure "does not fully safeguard human rights. The judiciary remains under the control of the president and the executive branch, and corruption is deeply rooted" (1996, 908; 1997; *Freedom in the World 1995-1996* 1996). Government interference reportedly undermined the independence of the Kazakh judiciary throughout 1995 and 1996 (ibid.; *Country Reports 1995* 1996, 909; *Country Reports 1996* 1997). Finally,

the problem of corruption is evident at every stage and level of the judicial process. Judges are poorly paid; the Government has not made a vigorous effort to root out corruption in the judiciary. Anecdotal evidence stemming from individual cases suggests that judges solicit bribes from participants in trials and rule accordingly" (ibid.).

According to a January 1996 Interfax report, President Nazarbaev signed a number of acts and decrees that initiated judicial and legal reform in Kazakhstan during the nine-month period in 1995 that he ruled by decree (4 Jan. 1996). The decrees reportedly covered "the courts, the prosecutor's office, the State Investigation Committee, the Interior Ministry and the National Security Committee" (ibid.). Nazarbaev's December 1995 decree on Courts and the Status of Judges in the Republic of Kazakhstan, which came into effect on 1 January 1996, stipulates that the republic's judges are to "'exercise their powers in the name of the republic, independently, and in absolute accordance with the constitution and the law'" (ITAR-TASS 22 Dec. 1995; Kazakh Television First Program 19 Dec. 1996; *Country Reports 1995* 1996, 909). One source reports that "legal proceedings in the republic's courts are to be conducted in the state language, Kazakh, 'with Russian being officially used on an equal footing', although in areas where the language of the majority of the population is different, that can be used, too" (ITAR-TASS 22 Dec. 1995).

Country Reports 1996 reports that Kazakhstan was in the process of revising its judicial system throughout 1996; in the meantime the old Soviet legal system remained in force (1997; see also *Country Reports 1995* 1996, 909). In a December 1996 speech President Nazarbaev noted that legal reforms in Kazakhstan are continuing (Kazakh Television First Program 19 Dec. 1996; see also *Country Reports 1996* 1997). Kazakhstan has three levels of courts: local, oblast and the supreme court (*Country Reports 1995* 1996, 909). The local courts handle minor crimes such as petty theft and vandalism, oblast courts contend with more serious crimes such as murder, grand theft, and organized criminal activity and they may handle appeals from the local courts (ibid.). The supreme court can hear appeals from the oblast courts (ibid.). Kazakhstan also has an arbitration court, which handles disputes among state enterprises and a military court (ibid.).

An article in *Rossiyskaya Gazeta* in July 1996 maintained that Kazakhstan's legal reform had entered a "decisive and, possibly, its most critical phase" (10 July 1996). According to the article a qualifications committee vested with "broad powers" has been established by the republic's Ministry of Justice (ibid.). The committee is composed of parliamentary, legal, judicial and government representatives (ibid.; *Country Reports 1995* 1996, 909). *Rossiyskaya Gazeta* states that the committee will be responsible for recommending judges to their positions (the president then ratifies the recommendation) and for examining the possibility of removing judges from their positions (10 July 1996; *Country Reports 1995* 1996, 909). Candidate judges will be tested in their knowledge of the latest legislation by the commission (*Rossiyskaya Gazeta* 10 July 1996). In 1995 and 1996 judges were appointed for ten-year terms; however, a draft law under debate in late 1996 would permit the president to appoint judges for life (*Country Reports 1996* 1997; *Country Reports 1995* 1996, 909).

According to the *Rossiyskaya Gazeta* article, the committee is also developing revised codes of criminal and civil procedure, and the draft laws of these revisions were to be presented to parliament by the end of 1996 (10 July 1996). According to President Nazarbaev the adoption of these laws will signify that legal reform in Kazakhstan "has taken place" (ibid.). Further or updated information on the implementation on these revisions is currently unavailable among the sources consulted by the DIRB.

President Nazarbaev reportedly enlarged the mandate and powers of Kazakhstan's human rights commission in July 1996 (*Monitor* 11 July 1996). The commission, which is "attached" to the presidential office (ibid.; KIB 19 Feb. 1997; *Panorama* 15 Nov. 1996; *Country Reports 1996 1997*), is to: "advise the president in his constitutional capacity as guarantor of human rights; ... vet legislation to determine its compatibility with international human rights pacts signed by Kazakhstan; and ... prepare annual reports on the human rights situation in the country" (*Monitor* 11 July 1996). The commission's staff is to be assisted by an advisory council composed of human rights groups' representatives (ibid.).

The director of the KIB questions the effectiveness of the human rights commission (19 Feb. 1997). Individuals can lodge complaints of discrimination or harassment with the commission, but the director notes that people generally lack confidence in the commission (ibid.). The same source maintains that individuals are hesitant to voice complaints to police or to the courts for similar reasons: "people are not complaining because they do not trust these state institutions and ... [have no] hope that their complaints will be considered properly" (ibid.).

6.2 Police and Law Enforcement^[7]

The police in Kazakhstan, who are supervised by the Ministry of the Interior, are reportedly poorly paid and are "widely believed to be corrupt" (*Country Reports 1995 1996*, 907; *Country Reports 1996 1997*). According to *Country Reports 1996*, in 1996 there were several reports of human rights abuses perpetrated by members of the Kazakh security forces (ibid.). Reports maintain that police beat detainees in order to obtain confessions; "training standards for police are very low, and individual law enforcement officials are often poorly supervised" (ibid.; AI July 1996 5-6). According to Amnesty International,

although beating appears to be the most commonly reported form of torture in police custody and in pre-trial detention, ... unofficial sources have claimed that there are cases where confessions have been forced from people using torture methods such as asphyxiation with plastic bags or with gas masks which have had their air supply shut off (July 1996, 5-6; see also *Country Reports 1996 1997*).

According to the Kazakh constitution, police may detain a suspect for 72 hours before laying charges; after 72 hours the suspect can be held for an additional ten days with the approval of a prosecutor (*Country Reports 1996 1997*; *Country Reports 1995 1996*, 908-09). However, "in practice, police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges" (ibid.). There is no bail in Kazakhstan, defendants must await trial in detention and the maximum pretrial detention length is one year (ibid.). Individuals accused of "less serious crimes" may, however, be eligible for a *podpiska* ("a system similar to bail") (*Country Reports 1996 1997*). A *podpiska* would allow the defendant to leave jail if two persons issue written statements swearing that the defendant will not leave the region (ibid.). The accused does have the right to an attorney from the moment of "detention, arrest or accusation" and according to *Country Reports 1995* this right is generally respected (1996, 908-09). *Country Reports 1996* notes, however, that "human rights activists allege that members of the security forces have pressured prisoners to refuse the assistance of an attorney" (1997). If the accused cannot afford a lawyer the state must provide him or her with one (ibid.).

NOTE

[7] Please note that information on this topic was limited among the sources consulted by the DIRB. [\[back\]](#)

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Business Information Service for the Newly Independent States (BISNIS)

BISNIS is operated by the US Department of Commerce with USAID funding and is the US government's clearing house on business information on the Newly Independent States of the Former Soviet Union. For further information, the BISNIS home page can be found at <<http://www.itaiep.doc.gov/>>

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Mrs. Franklin is with the Slavonic Studies section of the Department of Modern and Medieval Languages at Cambridge. Her article appeared in *Russia and the Successor States Briefing Service*, a publication produced by Cartermill International in London.

Kazakhstan International Bureau on Human Rights and Rule of Law (KIB).

Formerly known as the Kazakhstan-American Bureau on Human Rights, KIB is an Almaty-based organization affiliated with the Union of Councils for Soviet Jews.

Khazanov, Anatoly M.

Anatoly Khazanov is a professor of socio-cultural anthropology at the University of Wisconsin-Madison. He was formerly a professor of social anthropology at the Hebrew University in Jerusalem. Professor Khazanov specializes in ethnicity and nationalism, pastoral nomadism, the anthropology of religion and Jewish studies. Professor Khazanov's area of specialization includes the former Soviet Union, East-Central Europe and Central and Inner Asia.

Open Media Research Institute (OMRI).

Transition, a bi-weekly publication, and the *OMRI Daily Digest*, a daily electronic newsletter, are the flagship publications of the Open Media Research Institute, which is based in Prague, Czech Republic. OMRI is a nonprofit research and publishing organization dedicated to providing comprehensive, unbiased coverage and analysis of the former Soviet Union and East-Central and Southeastern Europe. OMRI's mission is to provide information worldwide about regional affairs through a broad publications programme, as well as to serve as the custodian of the extensive Radio Free Europe/Radio Liberty archives. OMRI's outreach programme also includes internship and training programmes for analysts from the region and sponsorship of conferences, seminars, and speaker series. For further information, the OMRI home page can be found at <<http://www.omri.cz>>

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