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**Repression, Civil Conflict, And Leadership Tenure:
A Case Study of Kazakhstan**

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REPRESSION, CIVIL CONFLICT, AND LEADERSHIP TENURE: A CASE STUDY OF KAZAKHSTAN

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Table of Contents

I.	Kazakhstan Case Study	4
A.	Overview	4
1.	Recent History of Repression	5
2.	Is Kazakhstan a Dictatorship?	6
II.	Who are the Repressors in Kazakhstan?	7
III.	The Role of Impunity in Kazakhstan	9
IV.	The Nature of Repression in Kazakhstan	10
A.	Political Repression.....	10
B.	Repression of Ethnic Groups	12
C.	Repression of Religious Minorities.....	13
D.	Economic Repression.....	14
1.	Workers' Rights	15
E.	Online Repression	16
F.	Violent Repression	17
1.	Torture in Prisons and Detainment Facilities	18
2.	Violent Breakup of Protests and Demonstrations	18
V.	Citizen Response to Repression	19
VI.	The Role of Corruption and Inadequate Governance in Kazakhstan	19
VII.	Kazakhstani Public Opinion Regarding Repression and Reconciliation	21
VIII.	The Economic and Political Consequences of Repression	21
A.	Economic Consequences.....	21
B.	Domestic Political Consequences.....	21
C.	International Political Consequences.....	21
IX.	Will Repression Continue in the Near Future? What Does that Mean for Civil Conflict? ...	22
X.	Repression, Civil Conflict, and Leadership Tenure: The Kazakhstan Case Reveals	22
	Bibliography.....	37

Executive Summary¹

Kazakhstan is a repressive regime, which Nursultan Nazarbayev has ruled since 1991 (CIA: 2017). Some analysts believe his approach to repression explains his longevity. Although the economy has liberalized, Nazarbayev keeps his country under tight authoritarian control. His government closely monitors activists and often arrests them for protesting. Some human-rights activists and observers have alleged that authorities allow the people “extremely limited space” for nongovernmental groups, rights activists, independent media, and a few opposition politicians to operate. The government is deeply concerned about Islamic extremism and civil conflict, especially after senior officials observed the devolution of the Arab Spring in other Muslim majority countries such as Syria and Egypt.²

Kazakhstan is named for the ethnic group, the Kazakhs, who initially settled the region. For much of its history, the country depended on Russia (and later the Soviet Union) for protection from other tribes and nations that sought its natural-resource wealth. Today, Kazakhstan remains close to Russia while also establishing strong relations with most of the world’s countries (Tynan: 2013).

Kazakhstan is a resource-rich state, which mainly exports commodities such as oil, natural gas, and uranium. As the country opened to capitalism, travel, foreign investment, and trade during the 1990s, more of its people joined the middle class, and some well-connected Kazakhstanis became fabulously wealthy. Unfortunately, the majority of the Kazakhstani people suffer from rising inflation and, in rural areas, poor services and inadequate infrastructure. (IRI et al.: 2011; Sakal: 2015).

In a region with significant upheaval, Kazakhstanis have received stability and modest economic growth in return for “enlightened,” autocratic leadership (LaRuelle: 2015; Interview with Sean Roberts: 2017). However, that bargain is under stress. First, the president is 77 years old, but he has not yet identified a successor. Second, growth has slowed as the prices of some of the country’s exports—primarily in the oil and services sector—have declined and corruption has gotten worse. Third, the government has not put in place trusted policies and institutions that can survive his death (Tynan: 2013). In this sense, Kazakhstan’s autocratic-led, developmental state model is heavily dependent upon its present leadership and therefore not sustainable in the long term (Interview with Sean Roberts: 2015; 4). Foreign investors, as well as the Kazakhstani people, are deeply worried about the secession process and its outcomes (McGlinchey: 2013; IRI et al.: 2011; Tynan: 2013).

The president has responded to outside pressure to some degree. In March 2017, the president agreed to grant further powers to his cabinet and legislature in the hopes of reassuring investors that the country will remain stable after he dies.³ Still, researchers assessing the country for the U.S. Agency for International Development (USAID) described three types of potential instability: ethno-nationalist violence between Kazakhs and Russians, economic violence by workers, and violent Islamist extremism (McGlinchey: 2013, iii). Likewise, Human Rights Watch argued that, because of its dependence on oil exports, the country risks economic instability (Human Rights Watch: 2016, 14b). Thus, the country may well experience further civil conflict and rising repression.

Q1. Do citizens respond differently when confronted with political repression, violent repression, or a mix of repressive tactics?

¹ We are grateful to Janelle Kranz, who helped considerably with the research for this case study.

² Samuel Ramani, “What Does Kazakhstan Have at Stake in Syria?,” *The Diplomat*, December 24, 2016, <http://thediplomat.com/2016/12/what-does-kazakhstan-have-at-stake-in-syria/>.

³ NA, “Kazakhstan parliament passes reforms reducing presidential powers,” *Reuters*, March 6, 2017, <http://www.reuters.com/article/us-kazakhstan-constitution-idUSKBN16D0CY>.

The Kazakhstani people have limited freedoms. They can travel (if they have money), express their opinions (about non-political issues), and freely trade. However, Kazakhstanis cannot demand labor rights, press for respect of human rights, or alter their governance. They experience repression daily. Citizens do organize to urge the government to change its behavior, and while the regime is at times responsive to citizens' concerns, it often reacts harshly to certain types of protests. Moreover, despite the Kazakhstani leadership's threat of violence, citizens are willing to take to the streets. As an example, on May 20, 2016, protestors used the land-reform demonstration to also vent their general discontent with the government (Pannier: 2017).

Q2. Do officials use different types of repression in response to different types of civil conflict?

In general, the government uses political repression. However, if workers, ethnic minorities, or religious minorities protest, the government will use violent means to repress citizens' voice. The regime has consistently used violence against both peaceful and violent protest. While the government uses both types of repression, it can be responsive to citizen complaints, as after the land protests, when it rescinded unpopular policies which allowed foreigners to own land.

Q3. Does the use and type of repression (whether political, violent, or some combination) increase the likelihood that rulers retain power?

Since becoming independent in 1991, the country has only had one president, and he has retained power through a combination of political and at times violent repression. But, he is 77 years old. Experts predict that instability could increase, if the president does not hold free and fair elections or name a successor as elites compete for control. Moreover, instability may also increase in the wake of ethnic, religious, or economic unrest.

I. Kazakhstan Case Study

The case study proceeds as follows. First, we give an overview and recent history of Kazakhstan. Second, we outline the civil conflict/repression relationship in Kazakhstan, focusing on the most recent incidents of civil conflict and repression, as well as the government's response since 1990. Third, we describe the repressors, and then we examine the underlying factors that may cause people to protest (or refrain from protest) in Kazakhstan. Fourth, we focus on the nature of repression in Kazakhstan (types and victims), as well as Kazakhstani public opinion regarding repression. Fifth, we discuss the economic and political consequences of Kazakhstani repression at home and abroad and the likelihood of continued repression in Kazakhstan. Finally, by focusing on our three questions, we note the key points revealed by the Kazakhstani case study.

A. Overview



Source: Central Intelligence Agency

Kazakhstan, formerly a Soviet republic, is the largest and wealthiest country in Central Asia with a population of approximately 18.360 million (2017) and a GDP of \$128.1 billion (2016) (CIA: 2017). It is also the world's largest landlocked country and shares borders with Russia, China, Kyrgyzstan, Uzbekistan, and Turkmenistan. Although its economy has grown significantly since the Cold War, Kazakhstan still faces challenges stemming from the Soviet era, including inefficient industries, deteriorating land and water quality, limited media activity, low civic participation in governance, and a costly and ineffective medical system (USAID: 2016). In addition, Kazakhstan is a multiethnic society comprised of about 63.1 percent Kazakhs and 23.7 percent Russians (CIA: 2017). However, Russian-speakers (94 percent of all Kazakhstanis) greatly outnumber Kazakh speakers (74 percent) (CIA: 2017). Other ethnic groups in Kazakhstan include Uzbeks, Ukrainians, Uighurs, Tatars, and Germans. Roughly 70 percent of the Kazakhstani populace is Muslim and 26.2 percent is Christian (mainly Russian Orthodox) (CIA: 2017).

The Kazakhstani economy is dependent primarily on exports of oil and other commodities such as natural gas, ferrous metals, chemicals, machinery, grain, wool, meat, and coal. The country's main economic partners are China and Russia, the latter of which facilitates trade between Kazakhstan and the European

Union (CIA: 2017). Since gaining independence in 1991, Kazakhstan used its resource exports to develop rapidly. According to The World Bank, in the early 2000s, GDP per capita increased exponentially and poverty fell (The World Bank: 2017). By 2006, the country joined the ranks of other upper-middle-income countries (The World Bank: 2017).

In an effort to modernize and diversify the economy, in 2012 President Nursultan Nazarbayev proposed the Kazakhstan 2050 Strategy. The strategy includes economic, political, and institutional reforms aimed at making Kazakhstan one of the top 30 most developed countries by 2050.⁴ With this plan, Nazarbayev attempted to signal flexibility, openness to foreign investment, and a willingness to take risks. The country has followed through with economic openness. For example, Kazakhstan became the second country in the world, after Japan, to legalize cryptocurrencies, and in so doing attract new sources of capital.⁵ The architects of the 2050 Strategy also included language on a transition to greater democracy, provisions highlighting the importance of fighting corruption, as well as language acknowledging that the key to social stability is enhancing human welfare.⁶ However, despite these promises, the country remains a repressive state.

1. Recent History of Repression

As the world's largest landlocked country, Kazakhstan is deeply dependent on its powerful neighbor—Russia. At the same time, Russians and Kazakhstanis have at times come into conflict. In the mid-eighteenth century, the nomadic tribes of the country asked Russia for protection from outside tribes. By the 19th century, Russia gradually took greater control of the region, and in 1920, the Soviet government unofficially annexed Kazakhstan as an autonomous part of the Soviet Union. The Soviets tried to resettle the country's nomadic population while simultaneously establishing Russian and Ukrainian settlements. During the 1920s, the Soviet government forced ethnic Kazakh peasants to give up their individual farms to create collective farms managed by Russians and Ukrainians. As a result, nearly one fifth of the native Kazakh ethnic group died from starvation, disease, and violence (Allworth and Sinor: 2017; Olcott: 2011).

In 1936, Kazakhstan formally became a republic of the Soviet Union and experienced further violent repression at the hands of Russian leaders. In the late 1930s, many native Kazakhs perished in the Soviet political purges that targeted nationalists and certain ethnicities (Olcott: 2011). In the 1950s and 1960s, the Soviet Virgin Lands Campaign incentivized Russian wheat farmers to settle on lands in northern Kazakhstan, displacing the natives who used the land as pasture (Olcott: 2011). Today, Kazakhstan annually observes the Day of Remembrance of the Victims of Political Repression, a day set aside by all

⁴ Nursultan A. Nazarbayev, "*Strategy Kazakhstan-2050: New political course of the established state*" (state of the nation address, Astana, Kazakhstan, December 14, 2012), Official Site of the President of the Republic of Kazakhstan, http://www.akorda.kz/en/addresses/addresses_of_president/address-by-the-president-of-the-republic-of-kazakhstan-leader-of-the-nation-nazarbayev-strategy-kazakhstan-2050-new-political-course-of-the-established-state.

⁵ Richard Kastelein, "Kazakhstan Becomes The Second Government To Embrace The Cryptocurrency Market System," *the-blockchain.com*, July 16, 2017, <http://www.the-blockchain.com/2017/07/16/kazakhstan-becomes-second-government-embrace-cryptocurrency-market-system/>.

⁶ "Kazakhstan Agriculture Food Manufacturing Guide for 2017," Embassy of Kazakhstan in the USA, 2017, https://www.slideshare.net/kzembassyusa?utm_campaign=profiletracking&utm_medium=sssite&utm_source=ssslideview; NA, "Kazakhstan-2050 Strategy: New political course of the established state," Embassy of the Republic of Kazakhstan, <http://www.kazakhembus.com/content/kazakhstan-2050-strategy>.

former Soviet republics to honor the victims of Soviet repression.⁷ Thus, Kazakhstani citizens and leaders are sensitive about the effects of violent repression. For instance, the office of the secret police contains an exhibit remembering the Soviet repression of Kazakhs.⁸

On the eve of—and immediately after—the dissolution of the Soviet Union, tensions between Kazakhs and Russians increased. In December 1986, some 10,000 protestors gathered to demand that an ethnic Kazakh citizen be appointed first secretary of the Kazakh Soviet Socialist Republic (Kazakh S.S.R.). Gorbachev suppressed the protestors, several of whom died (accounts differ as to the numbers) (McGlintchy: 2013, 3). Since then, the two nations have reduced tensions. Nonetheless, some ethnic Kazakh leaders still fear that ethnic Russians could try to incite an ethnic Russian uprising (McGlintchy: 2013, 4).

2. Is Kazakhstan a Dictatorship?

Nazarbayev has ruled Kazakhstan for more than 37 years. He is popular among his citizens, who re-elected him as president four times—in 1999, 2005, 2011, and 2015. In each case, he defeated token opponents, and his share of the vote rose, reaching more than 97 percent in 2015. But foreign observers criticized the conduct of all four elections (BBC News: 2015a). Furthermore, although the constitution only allows presidents to serve for two terms, Nazarbayev is now in either his fifth or sixth term, depending upon how one interprets the definition of presidential terms in Kazakhstan (Roberts: 2015, 4).

The president insists that he is moving the country gradually towards democracy. In a 2017 interview with journalists, he stated “there is no political culture in Kazakhstan for the development of full democracy yet” (Baidildayeva: 2017). However, he did not define full democracy and has done little to build democratic ideals and institutions (Baidildayeva: 2017). His regime censors, and at times even shuts down, some of the country's strongest opposition media outlets, including the anti-government newspaper, *Respublika*. In addition, while individuals have the right to protest, Kazakhstani laws require that citizens obtain permission from local authorities 10 days in advance—a request frequently denied. In May 2016, the regime rejected applications to hold protests across the nation to vent frustration at the government's proposals regarding land ownership. Rights activists, Max Bokayev and Talgat Ayan, who played a role in organizing these protests, were imprisoned by the regime and are currently serving five-year prison terms for “inciting social discord” (Baidildayeva: 2017, 2-18).

Moreover, Nazarbayev has yet to name a successor. Some observers thought he would promote one of his three daughters, but in 2016, he announced he would not (Gizitdinov and Clark: 2016). One of Kazakhstan's most powerful elites is the president's former son-in-law, Rakhat Aliyev, who had married Nazarbayev's eldest daughter, Dariga. But he lost favor when the marriage fell apart. Timur Kulibayev is another possible candidate from the ranks of the country's elite. Kulibayev is married to Nazarbayev's middle daughter, Dinara, with whom he shares control of the country's largest asset bank. One final presidential successor is the president's youngest daughter, Aliya, who heads Elitstroy, a major construction company. With an unclear succession plan, the country has experienced uncertainty. Consequently, Bloomberg reported in 2016 that the lack of a clear succession plan has made some international investors wary (Walker: 2015; Gizitdinov and Clark: 2016).

⁷ NA, “Victims of Soviet Repression Honored,” *Radio Free Europe/Radio Library*, October 30, 2012, <http://www.rferl.org/a/soviet-repression-victims-day/24754814.html>.

⁸ The museum notes the great bulk of people the Soviets accused were rehabilitated. See NA, “The history of the museum's creation,” National Security Committee of the Republic of Kazakhstan, <http://www.knb.kz/en/article/history-museums-creation>.

Kazakhstan's constitution prescribes an orderly procedure for presidential succession if Nazarbayev were to die in office. According to Article 48 of the Kazakhstani constitution, in the event of the premature discharge or death of the country's president, the senate chairperson should fulfill the remaining presidential term.⁹ After the senate chair, the line of presidential succession includes the Mazhili chairperson in the lower house followed by the prime minister. Once that term concludes, regular presidential elections should be held. Unfortunately, there is little reason to expect that these procedures will be followed given the country's history of circumventing the constitution and rule of law for political purposes (Putz: 2016b).

The Kazakhstani people suffer from inadequate governance. According to the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, "although authorities repeatedly make reference to the rule of law, the practice in Kazakhstan reflects strong adherence to rule by law. The government has created laws and institutions, but these laws and institutions do little to advance many human rights" (UNHCR: 2005). As an example, in 1994 President Nazarbayev created the Presidential Commission on Human Rights (UNHRC: 2005). This commission is a "consultative and advisory body" consisting of 15 members appointed by the president, of which some are public citizens (Department of State: 2005; Department of State: 2016a, 21). To ensure that the country complies with international standards on human rights, the commission reports annually on human rights in Kazakhstan, recommending government responses to any concerning human rights trends (Department of State: 2016a, 21). However, the commission does not have any legal authority to carry out these recommendations (Department of State: 2016a, 21).

In 2002, President Nazarbayev created the position of Human Rights Ombudsman, who he personally appoints (Department of State: 2016a, 21; OHCHR: 2010). The Ombudsman is supposed to consult with civil society groups (Department of State: 2014, 2; Department of State: 2016a, 2, 21). But in Kazakhstan, civil society can play only a limited role in advancing human rights. According to Yevgeny Zhovtis, a human rights activist once imprisoned by the state,

the function of this limited civil society is to prove to the international community that the regime is committed to democratic development. At the same time, all political processes are closely monitored to stamp out any signs of threat to the ruling elite. Activists are often forced to recant their criticisms (Human Rights Watch: 2017).¹⁰

II. Who are the Repressors in Kazakhstan?

The repressors in Kazakhstan include the president, the national police, the military, and senior political officials and economic elites who are closely tied to President Nazarbayev and Nur Otan, the country's dominant and largest political party (ODIHR: 2015). President Nazarbayev makes the majority of the decisions. He controls the executive, bicameral legislature, the judiciary, the media, and the economy. Many government agencies report directly to him. As an example, President Nazarbayev oversees the Ministry of Internal Affairs, which commands the national police force responsible for providing citizen security, and the Committee for National Security, which plays an outsized role in border security, national security, and anti-terrorism efforts (Department of State: 2016a, 5). Nazarbayev tightly manages the Agency for Civil Service Affairs and Anti-corruption, which regulates administrative and criminal investigation powers. In fact, the president frequently uses these offices to investigate and sanction who

⁹ Constitution of the Republic of Kazakhstan, 1995, Trans. Parliament of the Republic of Kazakhstan, last updated March 10, 2017, <http://www.parlam.kz/en/constitution>.

¹⁰ Aktan Rysaliev, "Kazakhstan: Activist Recantation Demoralizes Civil Society," *Eurasianet.org*, May 24, 2017, <http://www.eurasianet.org/node/83716>.

he and his supporters view as critics or challenging his regime, especially activists and anti-government protestors (Department of State: 2016a, 5).

As noted above, President Nazarbayev uses both political and violent repression. The Kazakhstani government silences its populace daily by placing them under strict authoritarian control. It represses citizens' voice and limits their freedoms, especially labor and human rights. It closely monitors activists and often arrests them for protesting. In addition, the Kazakhstani leadership—Nazarbayev and his cronies—favors ethnic Kazakhs when hiring senior government employees (Department of State: 2013, 21; Department of State: 2012, 22; Department of State: 2011, 25; Department of State: 2006, 24; Department of State: 2001). The regime pressures these handpicked employees to join the presidential political party, Nur Otan, artificially bolstering support for the regime (Department of State: 2015a and 2011, 16; Department of State: 2013, 14; Department of State: 2012, 15). Lastly, the patronage system has further consolidated the political power and lengthened the tenure of Nazarbayev's inner circle. His family members and close allies receive concessions that give them a greater share of the country's economic wealth and political control. They form a privileged class that occupies top posts in government and big business in Kazakhstan, as we previously discussed (Interview with Sean Roberts: 2017).

The president dictates the practices of the Kazakhstani national police and military. Like most countries, the police maintain public order and domestic security and investigate crime, while the military provide national defense. But in Kazakhstan at times the roles of the police and military overlap (Department of State: 2016a). According to the Department of State, a military official usually heads the Ministry of Internal Affairs, except from 2003 to 2011 when a civilian leader was in charge (Department of State: 2010 and 2004-). President Nazarbayev uses these security forces to repress opposition to his mandate and extend his tenure as supreme leader, consistently using violence against both peaceful and violent protest. In particular, when the government wants to harass critics, it relies on secret police officers tasked with "discouraging opposition organizations" (Library of Congress: 2006, 19). They have cracked down on workers, ethnic minorities, and religious organizations as well as other groups that threatened the Kazakhstani leadership and status quo (Corley: 2017).

Meanwhile, President Nazarbayev enjoys immunity from prosecution for the rest of his life. He also pushed for a new title, "Leader of the Nation," which was added to the constitution. In this role, he can influence government policy after retirement (Nichols: 2013). Furthermore, despite recently increasing the legislature's responsibilities, the president remains firmly in control. In March 2017, Nazarbayev approved new laws that the parliament created and on paper granted his cabinet members and legislators more powers. The cabinet now reports its main initiatives not only to the president but also to parliament. In theory, the president will no longer be able to make laws through executive decrees. The parliament also increases its participation in appointing and removing cabinet members, since the president will no longer be able to override legislative votes of no-confidence in cabinet members. However, these amendments simultaneously keep the president as the "supreme arbitrator" who acts as a power broker between the different branches of government. He maintains his powers to appoint ministers of foreign affairs, defense, and interior.¹¹ Taken in sum, these changes do little to empower Kazakhstani citizens or reduce the clout and impunity of the country's political and economic elites.

Economic elites are also indirectly complicit in repression in Kazakhstan, since they benefit from Nazarbayev's policies. The government tries to co-opt the elites rather than threaten them, unless these individuals directly challenge Nazarbayev's rule (Interview with Sean Roberts: 2017).

¹¹ Abdujalil Abdurasulov, "Kazakhstan constitution: Will changes bring democracy?," *BBC News*, March 6, 2017, <http://www.bbc.com/news/world-asia-39177708>.

Kazakhstan's elites are economically diverse and globalized (Interview with Sean Roberts: 2017). As such, some of the country's elites challenge the Nazarbayev regime from abroad, where they fund opposition groups. When Narzabayev feels threatened, his regime responds to these expat opponents with a mix of international legal tools, including anti-money laundering laws, asset freezes, extradition requests, and diplomatic pressure (Cooley and Heathershaw: 2017, 54-55, 77-79).

III. The Role of Impunity in Kazakhstan

Although Kazakhstan has modernized many of its laws to better hold both government officials to account, impunity is a major problem. After visiting Kazakhstan in January, Maina Kiai, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, noted "a general unwillingness to properly protect human rights in the country and a sense of impunity by some officials" (Bayam: 2015).¹² Members of the police and military are not held accountable for human rights violations, in particular that of torture. For instance, in 2011 after labor strikes ended in violent clashes between the workers and the authorities, the regime did not investigate or punish those who ordered state violence against the workers. The U.N. Human Rights Council (UNHRC) and individual U.N. member states have urged the Kazakhstani government to investigate the situation, but the government did not act (Human Rights Watch: 2017).

However, the government has adopted strategies to look like it is trying to address impunity. In 2012, Prosecutor General Askhat Daulbayev instructed prosecutors to "open a criminal investigation into every incident of torture" and deal with every complaint of torture directly. He also gave special prosecutors the direct authority to investigate incidents of torture, since prosecutors do not otherwise have investigative powers. Moreover, since 2004, the government set up Public Monitoring Commissions (PMCs) to enter prisons to monitor conditions, including registering complaints of torture. In 2013, Kazakhstan adopted the necessary legislation to set up a National Preventive Mechanism against torture (Amnesty International: 2016, 7).

According to Amnesty International, human rights organizations receive hundreds of reports of torture. Although the legislature revised and ultimately put forward a new Criminal Code and Criminal Procedure Code in 2015, legal remedies available to victims of gross human rights violations remain ineffective. Victims of torture and ill-treatment are not made aware of the fact that they have the right to report torture or other ill-treatment as a crime (unless they are in contact with a lawyer or NGO that informs them of this right), particularly those who are in pre-trial detention or have been convicted and are in prison. Instead, state custody officials ordinarily instruct them to lodge a complaint of procedural "wrongdoing" against the official(s) involved. A complaint of procedural wrongdoing leads to a three-day, prosecutorial verification (overseen by a prosecutor but often carried out by the Internal Investigation Department of the agency whose officers have been accused of the torture or ill-treatment). After this verification, the prosecutor decides whether or not to open a criminal investigation. As a result, the official complaints process and the appeal procedures against inaction and failure to investigate acts of torture and other ill-treatment are onerous and riddled with loopholes that allow perpetrators to evade justice. Not surprisingly, very few victims attempt to seek justice and reparations beyond the first official rejection of their complaint. Amnesty International concluded that the system is failing, because those in charge of these investigations have little will to act impartially (Amnesty International: 2016, 6- 7, 10).

¹² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15489&LangID=E>

U.N. human rights bodies have also expressed concerns about impunity related to sexual violence. In 2016 at a U.N. meeting in Kazakhstan, some citizens described the country as having rape impunity.¹³ In September 2016, a court convicted one prison official of rape and sentenced him to nine years in prison after a female inmate alleged he was one of four prison officials who raped her (Human Rights Watch: 2017).

The Committee on the Elimination of Discrimination against Women traveled to the country several times between 2010 and 2014 and expressed concern that there are no court cases involving sex- and gender-based discrimination in Kazakhstan. The committee said it was concerned that women rarely seek justice and legal accountability when they face sex- and gender-based violence and discrimination, and that, in the cases that reach legal proceedings, they are often hampered by a range of obstacles, such as social stigma and persisting pejorative stereotypes (OHCHR: 2014a).

IV. The Nature of Repression in Kazakhstan

To understand repression in Kazakhstan, we need a better understanding of the government's commitment to human rights as well as citizens' ability to exercise their rights. On the one hand, the government tightly monitors political debates. On the other hand, the regime encourages its citizens to obtain high-quality education and develop critical thinking skills (Roberts: 2015, 2-5). As noted in the executive summary, Kazakhstanis can travel freely, express themselves, and participate in a capitalist economy, but they cannot criticize their government or demand labor rights. Moreover, ethnic and religious minorities are not always treated with respect and the rule of law (Nichols: 2013). Thus, while the country is repressive, it is not repressive in all spheres.

A. Political Repression

The Kazakhstani government uses a wide array of strategies to repress its citizens' voice.

1. Restrictions on the media

The government makes it harder for independent media to report on political developments. In 2005, President Nazarbayev spoke on a call-in show and told citizens not to read opposition newspapers (Department of State: 2005, 8). In addition, he argued that the country must restrict the media, because the press corps is unprofessional (Department of State: 2005, 8).

Government officials have followed through on the president's threat. It harasses independent media and frequently revokes their licenses (Department of State: 2016a). In addition, the government routinely blocks independent online media. The government either directly runs or indirectly influences the local media by providing subsidies to radio stations, television stations, and newspapers. The government also favors media run by Nazarbayev's family or loyal followers.

Meanwhile, the regime also uses libel suits and court cases against journalists, who express criticism of the regime (CIA: 2017; Department of State: 2014 and 2011, 7-8; Department of State: 2010, 9-11; Human Rights Watch: 2008, 29). In such an environment, many journalists self-censor (Department of State: 2015, 10; Department of State: 2014-2010, 8; Human Rights Watch: 2008, 18). The Department of State reported that media outlets that publish criticism of or opposition to the government are essentially punished (Department of State: 2013, 8; Department of State: 2012, 9; Department of State: 2005, 9-10;

¹³ NA, "Stopping sexual violence impunity in Kazakhstan," U.N. Women: Europe and Central Asia, August 25, 2016, <http://eca.unwomen.org/en/news/stories/2016/08/stopping-sexual-violence-impunity-in-kazakhstan>.

Department of State: 2000, 11). Media outlets sometimes fire news figures and journalists, allegedly due to government pressure, and courts sometimes order newspapers to shut down (Department of State: 2013, 8; Department of State: 2012, 9; Department of State: 2005, 9-10; Department of State: 2000, 11).

In 2008, Human Rights Watch analyzed the situation for journalists in Kazakhstan and reported that before 2006 the government relied on arrests and violence toward journalists. Since 2006, the government used intimidation, threats, and surveillance to intimidate journalists (Human Rights Watch: 2008, 23). Finally, the regime uses national security to justify press restrictions. For instance, it uses the law on state secrets to prohibit publication of information about the “health and personal life of the President of the Republic of Kazakhstan and his (her) family” and macroeconomic conditions of the country, among other information related to national security and the protection of state interests (Department of State: 2010, 8-10; Nichols: 2013, 9).¹⁴ Violation of this law often results in legal consequences for the violator, including the closure of news outlets or the arrest of journalists.

The Department of State noted that media censorship seems to be more pronounced during presidential election years. The regime has seized opposition newspapers, harassed opposition media and made it harder for opposition parties to hold campaign rallies and meetings. As an example, in November 2012, the Kazakhstani General Prosecutor’s Office recommended the closure of most opposition media on the grounds that they contained calls for the overthrow of the government or undermined national security. Courts quickly ruled that these media were extremist and ordered their closure even though they did not seem to have made such calls (Nichols: 2013, 5).

2. Restrictions on political and civil rights

The government makes it hard for individuals to protest (freedom of assembly). According to a 1995 presidential ordinance, which was codified into law in 2004, protestors must register all demonstrations with the local mayor’s office at least 10 days before the intended demonstration date (Human Rights Watch: 2008, 42). Although the law states that the application process should take no longer than five days, authorities from the mayor’s office often take much longer to review an application. They also circumscribe when and where citizens can demonstrate. Sometimes these officials wait to respond after a proposed demonstration date has already passed. At other times, these officials limit where demonstrators can protest, typically only allowing demonstrations to be held outside of a city center (Department of State: 2016a, 12; Human Rights Watch: 2008, 42-43). Moreover, should protestors hold a demonstration without government permission, organizers and participants face the possibility of a fine, detainment up to 15 days, or prison time for up to one year (Human Rights Watch: 2008, 42-43). Usually, administration charges are brought against those individuals who organize or participate in unsanctioned rallies and demonstrations (Department of State: 2005, 11, 17; Department of State: 2010, 12; Department of State: 2011, 25; Cummings: 2002, 31). The Department of State asserts that arrests and detentions for minor infractions of the law, like participation in unapproved demonstrations, often seem to be used to control government opponents or critics (Department of State: 2016a, 4; Department of State: 2015, 5). The government defines national security threats to include unsanctioned public meetings, demonstrations, and strikes that can upset stability (Nichols: 2013, 9). In May 2016, applications to hold protests across the nation to vent frustration about the government’s proposed land code amendments were rejected, and hundreds of protesters were detained across the country. Rights activists, Max Bokayev and Talgat Ayan, who played a role in organizing the protests, are currently serving five-year prison terms for “inciting social discord” (Baidildayeva; 2017).

¹⁴ “On State Secrets,” The Law of the Republic of Kazakhstan, No. 349-1, 1999, Trans. Republican Center of Legal Information of the Ministry of Justice, last updated 2012, <http://adilet.zan.kz/eng/docs/Z990000349>.

The government has made it difficult for some civil society groups to get outside funding. Senior officials have linked foreign funding and unwanted intervention in the polity. After two unconnected events of terrorism in Kazakhstan in 2016, an online news site, Nur.kz, published a report that examined the role and amount of funds foreign foundations spend on civil society groups in the country. The report presumed foreign donors had suspect intentions. In the months that followed, the government stated that some NGOs that received foreign grants were subject to corporate income tax. These NGOs were active during the land protests and criticized the government for human rights violations (Lillis: 2017).

3. Restrictions on due process

Individuals who are arrested are not likely to get a fair trial. The judicial branch is not independent from the executive branch, and judges are easily bribed. As noted above, the president appoints local, regional, and Supreme Court judges (Department of State: 2006, 6; Department of State: 2001, 9). In 2010 and 2011, the Supreme Court organized seminars and trainings for judges centered on human rights standards and international human rights obligations (OHCHR: 2014b, 2). However, according to the Department of State and the U.N. High Commissioner on Human Rights, the judiciary remains tainted by corruption. These observers found few Kazakhstanis received due process, especially those who demonstrated against the government (Department of State: 2013, 7, 25; Department of State: 2015, 7; Department of State: 2006, 6; UNHRC: 2005, 17).

B. Repression of Ethnic Groups

The Kazakhstani government has a history of using political repression against non-Kazakh ethnic groups. As noted above, although ethnic Kazakhs are a majority in the country, the population is mixed and most people speak Russian (CIA: 2017). Yet ethnic Russians in particular experience discrimination.

In 1989, the parliament approved the Law on Language, which established Kazakh as the country's only official language. The regime took steps to impose the Kazakh language in all aspects of Kazakhstani society, including on the radio, in schools, to conduct governance, and on electoral ballots (Masanov et al.: 2002, 1). However, in 1993, the regime decided to integrate a sizeable Russian-only-speaking population residing in Kazakhstan. The parliament amended the 1993 constitution to add Russian as the language of inter-ethnic communication (Library of Congress: 2006, 5; Masanov et al.: 2002, 2). Furthermore, the 1995 constitution provided for further integration of ethnic Russians by assigning the Russian language the same status as Kazakh in all government offices (Masanov et al.: 2002, 2). However, officials were not able to effectively implement these amendments. This linguistic bias may have signaled further bias to ethnic Russians (Department of State: 2005, 27; Masanov et al.: 2002, 5).

According to the Department of State, Kazakhstani officials deny ethnic Russians access to equal education and employment opportunities, including favoring ethnic Kazakhs in public-sector positions (Department of State: 2012, 21; Department of State: 2011, 22; Department of State: 2000; Department of State: 2010, 25; Cummings: 2002, 29-30). In addition, current legislation mandates that all presidential candidates are fluent in Kazakh, and Radio Free Europe reported that some government officials required opposition candidates to show that they were fluent in Kazakh (Department of State: 2016a, 26; Department of State: 2015, 22; Department of State: 2014, 23; Department of State: 2012, 21-22).¹⁵

In the mid-1990s, Slavic groups in Kazakhstan began to protest peacefully against discrimination (Masanov et. al: 2002, 7). The government responded to these non-Kazakh ethnic movements by either placating group leaders or co-opting them into government positions (Cummings: 2002, 100-101).

¹⁵ Farangis Najibullah, "Kazakh Language Exams Test Grammar, Loyalty," *Radio Free Europe/Radio Liberty*, February 20, 2011, http://www.rferl.org/a/kazakh_language_feature/2315127.html.

Cummings asserts that the government could “steer the debate of issues often away from ethnicity to issues of loyalty and opposition” (Cummings: 2002, 101). However, some wanted to create a separate Russian enclave and were willing to use violence. Radio Free Europe reported that a small group called ‘Rus’ planned to take over the administration of Kazakhstan's northeastern city of Oskemen (formerly Ust-Kamenogorsk) near the Russian border, declare the region Russian territory, and appeal to Moscow to incorporate the area into Russia. The region once belonged to Russia, and the majority Russian population wanted to return the territory back to Russia. The Kazakh government responded by trying to move Kazakhs, repatriated from other countries into the region (Ovozi: 2014)

Because government officials are concerned about controlling these territories, they have tried to repatriate displaced natives (i.e. ethnic Kazakhs), or *oralmans*, back into Kazakhstan. The regime promised them citizenship in return (Department of State: 2000, 20; OHCHR: 2010; Library of Congress: 2006, 14). However, in 2000, the Department of State reported that of the 191,000 repatriated *oralman*, only 10 percent had received citizenship. Furthermore, those who had not yet been granted citizenship oftentimes had restricted access to housing, jobs, health care, and education (Department of State: 2011, 14; Department of State: 2010, 15; Department of State: 2000, 17). In 2012, the regime suspended the program, because many longstanding Kazakhstani citizens thought it gave too many benefits to these new citizens. The *oralman* program, in its original form, provided generous social and economic benefits to entice ethnic Kazakhs abroad to migrate to their titular homeland. In 2014, the government announced a new program to attract these Kazakhs expats. But to receive paid travel and subsidized housing, migrants are required to settle in government-selected areas. Although almost roughly a million *oralmans* have returned to Kazakhstan, they still face discrimination (Lillis: 2014).

Moreover, ethnic Russians are not the only Kazakhstanis experiencing discrimination. In 2011, the Department of State reported that minorities in general remained victims of harassment of discrimination in job retention and employment (Department of State: 2012, 22; Department of State: 2011, 25). In 2014, the U.N. Committee on the Elimination of Racial Discrimination also expressed concern that ethnic-minority groups continued to be underrepresented in government at all levels (OHCHR: 2014, 3).

C. Repression of Religious Minorities

Although the government generally respects freedom of religion, not all religious groups are treated equally in Kazakhstan. According to the Department of State, traditional religious groups are tolerated, while other groups experienced heightened scrutiny and prosecution (Department of State: 2016d). The government has banned groups such as Scientologists, the Unification Church, and Ahmadi Muslims (Nichols: 2013). As a result, the Church of Scientology is registered as a public association, rather than as a religious organization. The government recognizes as legitimate and legal only those mosques registered with the government-affiliated Sunni Hanafi organization (SAMK) led by the grand mufti, with has offices in Almaty and Astana. However, by joining this organization, Muslim communities relinquished the right to appoint their own imams. Moreover, they are only permitted to take actions on their property (such as sales, transfers, and improvements) with the approval of the SAMK and required to pay 30 percent of the mosque’s income to the SAMK (Department of State: 2016b).

In 2017, 20 people were criminally convicted for allegedly being members of a banned group. Of the 20 (all men), 18 received prison terms and two received restricted freedom sentences, where they live under house arrest. The regime used the Criminal Code Article 174 (discussed above) to punish these religious minorities (Corley: 2017). Kazakhstani and international human rights defenders, including the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association and the U.N. Human Rights Committee (UNHRC), have strongly criticized Criminal Code Article 174 and its wide application (Corley: 2017).

Corley also noted that prisoners of conscience imprisoned for exercising the right to freedom of religion or belief have complained of being unable to pray visibly in prison or have religious literature. The U.N. Standard Minimum Rules for the Treatment of Prisoners require governments to respect the freedom of religion or belief and other human rights of prisoners, including those in pre-trial detention (Corley: 2017). In July 2017, the Ahmadiyya Muslim Community was denied registration again after resubmitting an application in 2015. Government experts decided that their teaching was not Islamic and demanded that they should change the name of the group by removing the word “Muslim.”

The government has also become increasingly repressive against Muslims allegedly out of fear of Islamic terrorism. Beginning in 2011, the regime adopted a new military doctrine, which emphasized internal threats to security, including terrorism and political instability (Nichols: 2013, 20). The regime’s fears became reality in 2016. Terrorists attacked civilians in Almaty and Aktobe, the administrative center of one of Kazakhstan’s western regions. On June 14, 2016, Kazakhstani Interior Minister Kalmukhanbet Kassymov said that investigators believed instructions for the Aktobe attacks came from Syria. Moreover, Aktobe, located 100 kilometers from the Russian border, was also the site of Kazakhstan’s first suicide bombing in 2011, when a local man detonated an explosive device inside the building of the state security service.¹⁶ However, according to the Department of State, law-enforcement investigations found no evidence of direct association with foreign terrorist organizations (Department of State: 2016b). But they appear to be increasing. In 2013, Kazakhstan’s National Security Committee reported that law and security forces prevented 35 violent extremist actions and neutralized 42 extremist groups. However, it also admitted it failed to avert 18 extremist actions (Nichols: 2013, 87). The Kazakhstani government has responded to this violence by tightening security regulations. On December 22, 2016, President Nazarbayev signed into law amendments to five legal codes and 19 laws on counterterrorism and extremism. Some of the amendments provide additional powers to security and law enforcement bodies, including simplifying procedures for conducting special search operations, granting security agencies, increased control of visas and residency permits, and limiting the use of encrypted communications. The law also now requires government approval for production and dissemination of all religious literature and informational material and narrowed the personal use exemption for imported religious materials. In reviewing these policy changes, the Organization for Security and Cooperation in Europe’s Office of Democratic Institutions and Human Rights noted that this revised law could lead to the arrest and prosecution for offenses not considered criminal by international standards (Department of State: 2016d). In short, it warned that the government’s response to terrorism did not uphold basic human rights.

D. Economic Repression

The country’s dependence on resource exports and foreign investment increasingly affected Kazakhstani citizens. The public has not been able to protest these policies.

With the decline in oil prices, the regime tried to diversify the economy and attract foreign investment. In the past 10 years, many people in Kazakhstan took out large loans based on the dollar rate during the previous decade, when the country’s economy was thriving. Homeowners were increasingly unable to service their loans and feared others (in particular foreigners) could buy their property on the cheap, leading to domestic economic insecurity (Pannier: 2017). They became increasingly concerned that they could lose their property and their hold on economic security. Many Kazakhs feared that foreigners would buy up their property on the cheap.

Until 2011, foreigners were not allowed to directly own land. However, in January 2015, Kazakhstan and the Organization for Economic Co-operation and Development OECD signed a Memorandum of

¹⁶ Asia-Plus, “Kazak authorities see Syrian link in Aktobe attacks,” June 14, 2016, <http://news.tj/en/news/kazak-authorities-see-syrian-link-aktobe-attacks>.

Understanding for a two-year Country Program, to attract foreign investment and support reforms of Kazakhstan's policies and institutions (Department of State: 2015b; OECD: 2011). The new rules allowed land to be sold and rented via auctions and allowed foreigners to rent, rather than own land for 25 years—foreigners had been previously only allowed to rent for 10 years (Abdurasulov: 2016). According to Reid Standish, an expert on Central Asia, “A big part of the fear over this land issue [was the] idea that this land would be rented out to the Chinese government or to Chinese settlers, and that Kazakhs were the ones who would lose” (Abdurasulov: 2016).

The incident reveals an interesting aspect of Kazakhstan's approach to repression. On the one hand, the government suppressed the protests, implicitly stating that protest was unacceptable. On the other hand, it made it clear that it heard the protests—the government later suspended the land reform (Pannier: 2017). Hence, the government is responsive to some degree.

Workers' Rights

Kazakhstani officials harshly repressed workers who protested unsafe working conditions, nonpayment of wages, and generally low wages (Department of State: 2010, 27; Department of State: 2004, 25; Department of State: 2000, 17). Workers cannot truly associate freely—the only permitted unions are government approved. Kazakhstan has three major trade unions: the Federation of Trade Unions of Kazakhstan (FPRK), the Confederation of Independent Trade Unions of the Kazakh Republic (KNPKR), and the Kazakhstan Confederation of Labor (KKT) (Human Rights Watch: 2008). The FPRK is the largest union in the country, and nearly 90 percent of Kazakhstani union workers are affiliated with it (Department of State: 2015, 24; Department of State: 2014, 25). The Department of State reported that the government favored state-affiliated unions to influence organized labor, and in fact, any independent union not affiliated with the FPRK was denied re-registration (Department of State: 2015, 24; Department of State: 2014, 25). Without re-registration, workers cannot be represented by an independent union.

The Department of State reported that union registration is a lengthy, difficult, and subjective process (Department of State: 2015, 24; Department of State: 2000, 27). In 2014, the national government passed a new trade union law, which replaced the existing 1993 law (Human Rights Watch: 2008, 25; Department of State: 2015, 24; Human Rights Watch: 2016b). The law proposed a three-tiered union structure. The local level includes all local unions that represent workers of a singular company or multiple companies within the same industry (Human Rights Watch: 2008, 26-27). The industrial level consists of all unions in the same industry, and the national level encompasses all industrial trade unions (Human Rights Watch: 2008, 26-27). The law required all trade unions to affiliate with pro-government unions in higher tiers by July 2015 or the unions would be unregistered and considered illegal (Department of State: 2015, 14; Human Rights Watch: 2008, 25). In June 2015, 896 registered unions existed in Kazakhstan, but by the end of July 2015, the number of registered unions dropped to 163 (Department of State: 2014, 25). As of January 2016, about a third of Kazakhstani workers belonged to a union (Department of State: 2016a, 27). Numerous observers agree that the law violates international labor standards regarding freedom of association and creates an environment in which government-affiliated unions have more power than independent unions (Department of State: 2015, 24; Department of State: 2014, 25; UNHCR: 2015, 8).

Workers in Kazakhstan cannot easily strike for better wages or working conditions, a basic labor right. According to the Department of State, members of the military service and emergency response teams as well as workers who operate “dangerous” production facilities are not permitted to strike (Department of State: 2015, 24). Meanwhile, individuals who work in transportation, communication, health care, or public utilities are only allowed to strike if-and-when they can ensure that basic services will still be provided (Department of State: 2015, 24).

The labor law supposedly protects workers from anti-union discrimination, and it permits courts to reinstate any workers who has been fired for union activity (Department of State: 2015, 24). However, the Department of State reports that judges lack independence and therefore observers are worried that this provision of the law may be used to target labor strike organizers (Department of State: 2015, 24-25).

Observers find broad evidence that it is not easy to improve workplace conditions. The Department of State reports that police harass, threaten, intimidate, or detain union leaders. Landlords under pressure from police authorities may throw union leaders out of their apartments or cut off utilities for lengthy periods of time (Department of State: 2000, 13, 27; Human Rights Watch: 2016b). Management-level employees threaten dismissal to pressure lower-level workers into leaving trade unions (Human Rights Watch: 2008, 18-19). Companies sometimes fire or let go of independent labor union members after disagreements with employers or after activism or union activity (Human Rights Watch: 2008, 18-19; Department of State: 2011, 25; Department of State: 2010, 27; Department of State: 2000). Human Rights Watch also reported that union activists risk being prosecuted of defamation on criminal charges by workers under pressure from company management (Human Rights Watch: 2008, 24).

E. Online Repression

As Kazakhstanis have increasingly become internet savvy, so too have government officials. Over time, the regime has restricted the internet that Kazakhstanis can see. In 2000, less than 1 percent of the population used the internet. However, by 2016 more than 70 percent of the population had access to the internet (Department of State: 2016a, 11). According to the Department of State, the government has increasingly blocked or restricted access to certain opposition and blog websites since 2005, especially on government-controlled servers (Department of State: 2005, 10; Department of State: 2010, 11; Department of State: 2012, 10; Department of State: 2013, 9-10; Department of State: 2014, 9, 11; Department of State: 2015, 9; Human Rights Watch: 2008, 2). In 2015, the Committee for Religious Affairs under the Ministry of Culture and Sports recommended that nearly 350 websites be blocked for posting extremist content. These were the same websites that Freedom House reported as “nearly five times more than in 2014 (Freedom House: 2017). Moreover, the government occasionally blocks social media websites to quell protests and limit the opposition's attempts to organize (Webb: 2016).

The regime has also arrested individuals for expressing their opinions online. For example, a 46-year-old in Aktobe was found guilty and sentenced to three years in a penal colony for criticizing Russian President Vladimir Putin on Facebook (Putz: 2016a). Moreover, the chief editor of a Kazakhstani news website fled the country, fearing prosecution for criticizing the state. In November 2016, authorities detained the publisher and editor of Central Asia Monitor, Bigeldy Gabdullin on suspicion of committing fraud (Toleukhanova: 2016).

Kazakhstani law allows the government to suspend telecommunications during anti-terrorist operations or to suppress mass riots. It can also compel private actors—websites, ISPs or mobile operators—to block or disconnect service at the government’s request or even to shut down the web without a court order if it determines that networks are being used in ways that the state interprets as potentially damaging to national security (Freedom House: 2017).

These laws allow the national government to use a strategy of blocking online content during mass protests and demonstrations, like during the Zhanaozen strike in 2011 and the land reform protests in 2016 (Human Rights Watch: 2017; UNHCR: 2012). Human Rights Watch reported that many news sites were blocked on the day of the land reform protests of 2016, including Radio Azattyk, which is the Kyrgyzstani branch of Radio Free Europe/Radio Liberty (Human Rights Watch: 2016a). Additionally, authorities increasingly use social media to target and intimidate individuals who plan to attend

unsanctioned protests (Department of State: 2015, 10-11). This type of targeting began after the land reform protests of 2016 (Human Rights Watch: 2017).

At the end of 2015, the government passed a law, which it alleged would increase online security (Freedom House: 2017). The law stated that operators of international and/or domestic telephone communication will be obliged to transfer their traffic via a protocol that supports encryption using a certificate issued by the state (Telia Company: 2016).¹⁷ This obligation does not apply to traffic encrypted in the territory of Kazakhstan. Telia Company informed its customers that as a result, users may encounter limitations regarding the functionality of foreign websites and services that use other encryption than the required national and trusted certificate (Telia Company: 2016).

Kazakhtelecom, the largest telecommunications company in Kazakhstan owned by the government), issued a statement in response to the law change, declaring that all devices will need a state-issued national security certificate by January 2016. Kazakhtelecom also stated that it was now required by law to intercept any incoming encrypted online or cellular information from abroad.¹⁸ With this measure, the government has the power to see encrypted information.¹⁹

Some of the telecommunications companies operating in the country were concerned about the human rights implications of these laws.²⁰ Telia, a Swedish company, has foreign investments in several companies operating in the country (Interview with Patrick Hiselius: 2017; Telia Company: 2016). The company protested that the regulations could undermine trust, freedom of expression, and freedom of assembly in Kazakhstan. In a 2017 response to the new law, Amnesty International reported that the government was using the law to surveil its people. While criminal and administrative sanctions have so far only been imposed on a relatively small number of people, their use is having a far wider “chilling effect” on freedom of expression in Kazakhstan. Activists and human rights defenders interviewed by Amnesty International said they believed more and more people feel that they must “self-censor” what they write on social media for fear of coming to the attention of the authorities (Amnesty International: 2017).

The government has also used malware to target citizens and even individuals abroad who may work on their behalf. In 2016, Reuters reported that hackers believed to be working on behalf of Kazakhstan government officials tried to infect lawyers in the United States and other associates of exiled dissidents and publishers with spyware (Menn: 2016).

F. Violent Repression

¹⁷ The Order of the Regulator, “On approval the rules for the issuance of security certificates,” January 19, 2016, <http://adilet.zan.kz/rus/docs/V1500012766/info>; “On determining the certification center,” January 19, 2016, <http://adilet.zan.kz/rus/docs/V1500012791/info>; and “On approval of the rules for the use of security certificates,” January 26, 2016, <http://adilet.zan.kz/rus/origins/V1500012794/info>.

¹⁸ Nicole Perlroth, “Kazakhstan Moves to Tighten Control of Internet Traffic,” *The New York Times*, December 3, 2015, https://bits.blogs.nytimes.com/2015/12/03/kazakhstan-moves-to-tighten-control-of-internet-traffic/?_r=1.

¹⁹ Adil Nurmakov, “Experts Concerned Kazakhstan Plans to Monitor Users’ Encrypted Traffic,” *Digital.Report*, May 12, 2015, <https://digital.report/experts-concerned-kazakhstan-plans-to-monitor-users-encrypted-traffic/>.

²⁰ The Order of the Regulator, “On approval the rules for the issuance of security certificates,” January 19, 2016, <http://adilet.zan.kz/rus/docs/V1500012766/info>; “On determining the certification center,” January 19, 2016, <http://adilet.zan.kz/rus/docs/V1500012791/info>; and “On approval of the rules for the use of security certificates,” January 26, 2016, <http://adilet.zan.kz/rus/origins/V1500012794/info>.

1. Torture in Prisons and Detainment Facilities

Although torture is illegal, police and prison officials allegedly torture and abuse detainees. Detainees may be held for up to 72 hours without charges brought against them, during which time police officers frequently use torture to obtain or force confessions (Department of State: 2016a, 3; Department of State: 2013). Journalists, protestors, human rights activists, labor union leaders, and opposition political party leaders are detained for participation in an unsanctioned demonstration and subjected to violence at the detention center. Under revised criminal laws, police officers are required to inform detainees of their rights, including the right to an attorney and an effective defense (Department of State: 2015, 4). However, the Department of State reported that police officers often stayed in the room during client-attorney meetings, or that they left on recording equipment in the room during client-attorney meetings (Department of State: 2015, 4).

Individuals are often maltreated in prisons; the conditions are brutal. Prisons are overcrowded, and prisoners are often poorly fed and repeatedly abused by authorities (Department of State: 2005, 4; Human Rights Watch: 2010, 4; Department of State: 2011, 4; Department of State: 2010). In 2010, some 300 inmates in a northern Kazakhstan prison self-mutilated, causing a riot (Department of State: 2010, 5). Authorities dispatched troops to quell the riot, and two inmates were killed, 100 injured, and 70 hospitalized (Department of State: 2010, 5). Some prison officials were fired when the authorities found these cases of self-mutilation, but the Department of State reported that prison officials have not been held responsible for any prisoner deaths (Department of State: 2011, 4; Department of State: 2005, 2010).

The State Department noted that the government is trying to reduce prison violence and overcrowding. The regime is trying to train the police about human rights, and in particular prisoners' rights. Increasingly, courts use fines and public service for nonviolent criminals (Department of State: 2005 and 2010-2015, 4). Although the government has laws and institutions to prevent torture, they do not appear to be effective (Department of State: 2016a).

2. Violent Breakup of Protests and Demonstrations

The government has also used violence against demonstrators (Department of State: 2011, 10; Department of State: 2014, 12; Department of State: 2015, 11). Most demonstrations are peaceful (Department of State: 2011; Department of State: 2013, 10; Department of State: 2012, 11; Department of State: 2014, 12). However, police sometimes use force to break up a demonstration and detain participants. Additionally, leaders and participants of public demonstrations are frequently intimidated, threatened, and/or physically harmed by authorities (or suspected to be by authorities) before the demonstration occurs (Department of State: 2000; Department of State: 2010, 12; Department of State: 2015, 11).

For example:

- In May 2011, police disrupted an unsanctioned Socialist Movement rally in Almaty. A policeman struck an activist in the head. Several other activists were detained and fined (Department of State: 2011, 9).
- In February 2014, about 200 people held an unsanctioned rally in Almaty to protest the devaluation of the tenge, the national currency. After the protestors did not follow directions to stop the rally, policemen violently pushed protestors into vans. Police arrested 32 protestors, who were fined (save one protestor, who was sentenced to 10 days in prison) (Department of State: 2014, 11-12).
- In April and May 2016, protestors attended multiple unsanctioned peaceful protests in many cities through Kazakhstan to protest increasing the agricultural land leasing period for foreigners. Policemen proactively used social media to detain protesters leading up to the protest dates and

proceeded to chase, force onto busses, and detain hundreds of protestors on the protest dates (Department of State: 2016a, 13; Human Rights Watch: 2017).

However, the most violent demonstration occurred in December 2011. In May 2011, thousands of oil and gas sector workers went on strike to demand better pay in Aktau, a port city, and Zhanaozen, an oil town in the western part of the country (Human Rights Watch: 2016b). After seven months of protesting, protestors began to riot in central Zhanaozen (Human Rights Watch: 2016b). Policemen shot the workers, resulting in 17 fatalities and more than 100 people injured (Department of State: 2011, 2). Online videos reveal “law enforcement officials shooting into the crowds, chasing after fleeing protesters, and beating them with batons” (Department of State: 2012, 2). Directly after the incident, the government completely controlled information flow within the area by refusing to let journalists into the area and censoring online content (UNHRC: 2012). The opposition websites www.socialismkz.info, www.respublikas.info, and www.guljan.org were blocked after the incident as well as the website and Twitter feed of the “Novosti Kazakhstan” news agency and the YouTube feed of TV channel K+ (UNHRC: 2012). These restrictions remained constant throughout the month-and-a-half-long state of emergency period after the initial violence (UNHRC: 2012). Police also arrested 55 civilians for participation in the riots, some of who were then sentenced to prison for instigation of violence (Department of State: 2012, 2; Department of State: 2011). According to the Department of State, “A government-led investigation resulted in the arrests of four law enforcement officials, including three with supervisory responsibilities, for excessive use of force” (Department of State: 2011, 2). None were convicted for murder, despite these deaths (UNHRC: 2015, 17).

After this incident, executives of companies worked to settle workers’ grievances to avoid prolonged strikes like in the Zhanaozen case (Department of State: 2012, 24; Human Rights Watch: 2016b). The incident also prompted the new Trade Union Law in 2014 (Human Rights Watch: 2016b).

V. Citizens’ Response to Repression

Despite this threat of violence by the authorities, citizens are willing to take to the streets. The May 2016 protestors used the opportunity to protest land issues as a means of venting about many other issues that people have with the government (Pannier: 2017). As noted above, while the government quashed the protests, it also “heard” the protestors and rescinded the land reforms.

VI. The Role of Corruption and Inadequate Governance in Kazakhstan

Politics and governance in Kazakhstan revolves around patronage and corruption. Corruption is both a key component of daily life in Kazakhstan, and Kazakhstani elites are increasingly exporting corruption abroad.

According to the Global Anti-Corruption Network (GAN), individuals and firms encounter corruption on a daily basis, although facilitation payments and bribery are illegal in the public and the private sector. Furthermore, the agencies and individuals responsible for combating corruption are ineffective, unreliable, and fail to hold high-level officials to account. Kazakhstan has an extensive legal framework to counter corruption, but the judiciary is weak and politicized. In 2000, judges were poorly paid and highly corrupt, though the Ministry of Justice received funding to increase judges’ salaries (Department of State: 2001, 9). By 2005, judges were among the highest-paid government employees, but defendants apparently still bribed and were subject to demands for bribes (Department of State: 2006, 6; UNHRC: 2005, 12). Some judges have been terminated for receiving bribes (Department of State: 2012; Department of State: 2014, 6; Department of State: 2015, 6; Department of State: 2016a, 5). As a result,

the public and business do not trust the judicial system. Nor do Kazakhstanis believe that justice will be dispensed professionally. Almost two thirds of citizens perceive the judiciary to be corrupt (GAN: 2016).

Most Kazakhstanis perceive the police as the most corrupt institution in the country (GAN: 2016). Regular police officers are generally poorly paid and therefore often are ineffective and corrupt (United States Library of Congress: 2006, 19; Department of State: 2000, 1; Department of State: 2017a, 4). Police forces in smaller cities are generally less professional than in larger cities (OSAC: 2017a, 2017b). The government has taken some steps to improve the quality of the police force. For example, the Ministry of Internal Affairs partnered with NGOs and international organizations to invest in police seminars as well as police training programs about human rights and investigative skill development (Department of State: 2005, 4; Department of State: 2010, 4; Department of State: 2011, 2012, 2013). However, despite attempts to reform the police force, corrupt and violent practices still occur (OSAC: 2017a, 2017b).

As in other countries, corruption has resulted in uneven delivery of public services to the Kazakhstani people. Citizens in the cities receive decent services, including public education, but those outside do not (Interview with Sean Roberts: 2017). Meanwhile, the regime uses harassment and online monitoring to suppress citizen activism against corruption (GAN: 2016; Department of State: 2015a, 2016a). As a result, the country does not have a strong anticorruption movement.

As previously discussed, the elites use repression to reap benefits from state sponsored or associated economic activity. They funnel that money outside of the country and hire foreign elites to manage their money and represent their interests, including to senior U.S. and British officials (Cooley and Heathershaw: 2017).

As an example, in 2005, the President of Georgia Mikheil Saakashvili and President Nazarbayev announced that B.T.A. Bank—the largest bank in Kazakhstan—was giving several hundreds of million dollars in loans to help develop properties in Georgia. The deal involved current U.S. President Donald Trump, who was also seeking funds for hotels in Georgia. According to an investigation by Adam Davidson of *The New Yorker*,

The loans would pay for the construction of hotels in Batumi, the expansion of the Georgian telecommunications industry, and the growth of a Georgian bank. Curiously, all the loans went to subsidiaries of one company: the Silk Road Group, which specialized [...] in shipping crude- and refined-oil products, from Kazakhstan to other countries. Its senior executives had very little experience in telecommunications, banking, or hospitality. The Silk Road Group, which had annual revenues of roughly two hundred million dollars, was planning, in an instant, to venture into several new industries. Compounding the risk, this expansion involved taking on a debt one and a half times its annual revenue (Davidson: 2017).

Under Kazakhstani law, as in the United States, it is illegal for the deputy chairman of a Kazakhstani bank to have personal investments in a project that his bank was funding (at home or abroad). According to Davidson, all the Trump Organization needed to do regarding due diligence was to research who owned the Silk Road Group and its relationship with B.T.A. Bank, but his firm did not. Meanwhile, the Kazakhstani government was familiar with the deal. Kazakhstani intelligence is believed to collect dossiers on every significant business transaction involving the country. Nevertheless, Trump did not do this due diligence and embraced the deals (Davidson: 2017).

In another example, Nazarbayev and other Kazakhstani elites have bought significant amounts of property in London and other world financial centers. At the same time, Kazakhstan has spent substantial sums on global public relations, striving to shape an image as a modern, open and investment-friendly nation by

relying on a public relations firms and international advisors, including Tony Blair Associates, Portland Communications, and Berlin-based Media Consulta (Tynan: 2012). After examining these practices, two scholars concluded that the Nazarbayev regime used its “connectivity” with global financial and law enforcement mechanisms to stash national assets offshore and punish its opponents (Cooley and Heathershaw: 2017).

VII. Kazakhstani Public Opinion Regarding Repression and Reconciliation

We could not find many recent public opinion polls of Kazakhs. However, the International Republican Institute (IRI) published a series from 2004 to 2011. The IRI found that most Kazakhstani citizens were optimistic and saw their country as moving in the right direction. Some 39 percent of Kazakhstanis were concerned about inflation; the next highest were concerned about their low standard of living and low income. They did not view corruption as a major threat. Between 2008 and 2011, 89 to 91 percent of the public approved of Nazarbayev. The poll also found that some 34 percent of Kazakhstanis polled are afraid to express their political views. Some 63 of those polled in 2011 said that there could be a risk to the country’s stability if the president did not name a potential successor (IRI et al.: 2011).

While people supposedly accept the benign authoritarian rule of Nazarbayev, they are increasingly turning inward. A 2017 study of the Kazakh people found that “a religious revival is underway, with nearly 100 percent of Kazakhstani Muslims self-identify[ing] as such in 2012—up from 80 percent in Kazakhstan in 2007” (Junisbai, Junisbai, and Zhussupov: 2017).

VIII. The Economic and Political Consequences of Repression

A. Economic Consequences

Unlike many repressive regimes, the government has taken important steps to diversify from a resource-dependent economy to achieve growth and stability. At the same time, Kazakhstanis seem increasingly afraid of the country’s future.

B. Domestic Political Consequences

President Nazarbayev has consolidated political control and appears stable because many Kazakhstanis lives have improved under his regime. However, the country’s stability looks uncertain, because he has not established a clear secession plan or delineated how the future leaders will obtain and legitimize their power.

C. International Political Consequences

Kazakhstan has not been seen as the poster child for repression or corruption. The country has escaped criticism because its leader has friendly relations with its neighbors, Russia and China, as well as with the United States and the European Union. Moreover, the President does not respond to criticism with denial. After the E.U. Parliament approved a resolution decrying the decline of human rights in Kazakhstan, the president responded to the criticism. He noted the “glass of democracy in Kazakhstan is half or three-quarters full, but democracy and freedom practiced in the West [...] are for us in the final aim” (Nichols: 2013, 11). With this declaration, he has sent a message that he aims to democratize and reform, although democracy remains a goal, albeit far-off.

The country also benefits from its strategic location and its savvy diplomacy. For instance, U.S. Congress has barred assistance to the Kazakhstan unless the U.S. Secretary of State states that the government has significantly improved its human rights record. However, the United States has waived this requirement

in the interest of national security. Policymakers are grateful to the regime, which has provided troops and assistance to the United States and NATO allies in Afghanistan, and more recently, held peace talks among the parties in the Syria conflict (Nichols: 2013; Palmer: 2017).

Government officials have positioned the nation as sophisticated, open, and broad-minded. For example, it hosted Expo 2017 (the World's Fair) (Interview with Sean Roberts: 2017). Government officials have encouraged religious dialogues within and outside its borders. The government also funds major cycling teams, commissions studies from Western think tanks, plants stories, and hires prominent individuals such as former British Prime Minister Tony Blair to ensure its image is favorable beyond its borders (Cooley and Heathershaw: 2017, 78; Michel: 2016). This approach to foreign policy, which Nazarbayev has called "multi-vectorism," has helped balance Kazakhstan's foreign investment and allowed the country to avoid dependence upon any one powerful neighbor (Roberts: 2015, 7).

U.S. policymakers want to help Kazakhstan become more stable and the country is eager to accept its largesse. Kazakhstan expressed interest in expanding counterterrorism cooperation with the United States, particularly in countering violent extremism (CVE). The government has long feared the potential return of foreign terrorist fighters from Iraq and Syria, but the June and July attacks re-focused government attention on home-grown violent extremists. The government amended counterterrorism legislation to better counter the threat, although analysts argued the government's repressive approach to CVE could backfire. U.S. authorities do not see an imminent Islamist militant threat (Nichols: 2013).

IX. Will Repression Continue in the Near Future? What Does that Mean for Civil Conflict?

The country is likely to remain a repressive state until elites (either in concert with the Kazakhstani people or independently) decide who will secede Nazarbayev as president. However, the elites are not likely to support greater democratization if it reduces corruption and their share of the economic pie. The average citizen may be unwilling to support continued authoritarianism if it does not deliver greater security and welfare. Therefore, citizens may respond with peaceful and violent civil conflict to the new leader and his policies.

X. Repression, Civil Conflict, and Leadership Tenure: The Kazakhstan Case Reveals

Q1. Do citizens respond differently when confronted with political repression, violent repression, or a mix of repressive tactics?

The Kazakhstani people have limited freedoms. They can travel (if they have money), express their opinions (about non-political issues), and freely trade. But they cannot demand labor rights, press for respect of human rights, or alter their governance. They experience repression daily. Citizens do organize to urge the government to change its behavior, and while the regime is at times responsive to citizens' concerns, it often reacts harshly to certain types of protests. Moreover, despite the Kazakhstani leadership's threat of violence, citizens are willing to take to the streets. As an example, on May 20, 2016, protestors used the land-reform demonstration to also vent their general discontent with the government (Pannier: 2017). However, ordinarily citizens have responded to political repression with more protests and resignation.

Q2. Do officials use different types of repression in response to different types of civil conflict?

In general, the government uses political repression. However, if workers, ethnic minorities, or religious minorities protest, the government will use violent means to repress citizens' rights and their voice. The regime has consistently used violence against both peaceful and violent protest. While the government

uses both types of repression, it can be responsive to citizen complaints, as after the land protests, when it rescinded unpopular policies which allowed foreigners to own land.

Q3. Does the use and type of repression (whether political, violent, or some combination) increase the likelihood that rulers retain power?

Since becoming independent in 1991, the country has only had one president, and he has retained power through a combination of political and at times violent repression. But, he is 77 years old. Experts predict that instability could increase, if the president does not hold free and fair elections or name a successor as elites compete for control. Moreover, instability may also increase in the wake of ethnic, religious, or economic unrest.

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