

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

4 February 2021 EUR 57/3625/2021

# PRISONER OF CONSCIENCE MAKS BOKAEV RELEASED BUT RESTRICTIONS MUST BE LIFTED

Today Maks Bokaev, prisoner of conscience in Kazakhstan, has been released from detention after serving a five-year sentence for his involvement in organizing peaceful demonstrations and for his posts on social media. However, his release includes conditions which are an unacceptable limitation of his rights to freedom of peaceful assembly, association and expression.

On 22 January this year, the Criminal Court No. 2 in Atyrau City, western Kazakhstan, imposed conditions on his release in the form of three years of “administrative supervision”. On 2 February, the court confirmed an exhaustive list of prohibited activities which includes, any public gatherings with the exception of funerals, organizing and taking part in strikes, taking part in peaceful public demonstrations or gatherings of any kind, joining any public association, professional association, political party or voluntary group of any kind, engaging in charitable collections and activities, signing petitions, publishing or appearing in any media or taking part in any kind of social activity that involves offering services or carrying out works. In addition to these restrictions on activities, Maks Bokaev has been put on a list of people suspected of funding terrorism or extremism and is subject to draconian financial restrictions. His bank account is frozen and he is allowed to withdraw only the equivalent of the minimum wage per month (US\$ 100). He has no tax-payer code which means he is barred from any financial dealings and will face complications in seeking employment. Bokaev should never have been charged with a criminal offence let alone imprisoned – he was prosecuted solely for exercising his rights to freedom of expression and peaceful assembly. He has already spent five years in penal colonies because of his peaceful protest against changes to the Land Code, any further restrictions on his liberty following his release are unacceptable and must be lifted immediately.

On 28 November 2016, Maks Bokaev, together with his fellow activist Talgat Ayan, were sentenced to five years’ imprisonment following an unfair trial. They were convicted of “inciting social, national, clan, racial, class, or religious discord” (Article 174 of the Criminal Code), “spreading of false information” (Article 274) and “organizing unsanctioned demonstrations and meetings” (Article 400) for their involvement in protest against planned changes to the Land Code that took place across Kazakhstan in April and May 2016. Bokaev and Ayan were detained initially on 17 May in Atyrau City, after publicly stating in posts on social media that they intended to participate in demonstrations planned for 21 May, and encouraging others to do so as well.

Talgat Ayan was released on 13 April 2018 after the court replaced his five-year sentence with “administrative supervision”. In July 2019, he appealed the sentence and the restrictive measures were lifted.

Maks Bokaev has been living with chronic hepatitis C for many years. According to his family, he has been denied adequate medical care while in prison, including access to antiviral therapy, and has developed further health complications. On 18 October 2016, an ambulance was called to attend to him in the court room, and he was taken to hospital, where he was diagnosed with cholecystitis and pancreatitis.

In 2016, Maks Bokaev was transferred to a penal colony in Petropavlovsk, northern Kazakhstan, 1,500 km from his home town of Atyrau, which goes against best practice as recommended in the UN Standard Rules of the Treatment of Prisoners (Nelson Mandela Rules). Bokaev was not informed in advance of the transfer to Petropavlovsk and did not have adequate clothing for the winter temperatures in northern Kazakhstan, that can go down to -20 C. His relatives expressed their deep concern about Bokaev’s health and the detention conditions. In 2018, he was transferred to a penal colony in Aktubinsk region, some 600 km away from Atyrau. After many appeals from his relatives he was transferred again to Colony UG-157/9 near Atyrau.