

Appeal

On behalf of the representatives of the Dungan community, living in the Republic of Kazakhstan and Kyrgyzstan, we express our respect and ask for your intervention and reaction to the ongoing persecution of the Dungans by the state bodies (especially law enforcement) of Kazakhstan following the conflict that took place on February 7-8, 2020 in Korday district, Jambyl region, Kazakhstan.

Till this day the Dungans experience arbitrary detentions, arrests, torture and other inhuman treatment by the law enforcement agents.

As of May 13, 2020 out of 25 persons¹ arrested for the events in February 2020, 17 are the Dungans. 5 out of 17 have been already sentenced: 3 persons have been sentenced to 1,5 years of imprisonment for the conflict with the police² (article 380 of the Criminal code of Kazakhstan, resistance to police), and 2 persons are sentenced to 2,5 year and fined for the conflict with the Kazakh elderly person on the eve of the conflict³ (article 293 of the Criminal code, hooliganism, and article 107 of the Criminal code, injury). The other 12 detainees are arrested, and being under investigation. The arrests and detentions continue. According to the attorney D. Mombayev, who presented the interests of the Yukhnu family (sentenced for the conflict with the Kazakh elderly person), the trial was biased and the sentence was based on false information.⁴

Moreover, the residents of the villages Bular Batyr and Sortobe experience continued intimidation and harassment. The police regularly conduct searches and arrests. They are conducted by 10-12 officers of the special units, took place at night. The interrogations are conducted for more than 12 hours, and the detainees are being tortured. The policemen often do not provide the warrants for searches and detentions, and insult and threaten all the members of the families. There are cases of deaths of the relatives of the detainees due to stress. Due to the COVID-19 pandemic and the measures taken, a few detainees have access to the qualified legal assistance, as travels within the country are restricted. The interests of all the detainees are presented by the attorneys from the city of Korday provided by the state. As for now, it is impossible for the detainees to have the attorneys of their own choice from Almaty or other regions.

The chronology of detentions, searches and arrests

On February 8-9, 2020 47 persons were detained. 3 out of 47 were the Dungans and they were arrested (three brothers M. Voinhuy, A. Voinhuy, L. Voinhuy for resistance to the police). 44 persons, who are Kazakhs, were released the next day. Later 5 other Dungans were detained Ismar Uyshirov (DOB 29.01.1990), Ersä Daurov (DOB 29.11.1994), Rahim Veyser (DOB 27.09.1996), M. Yukhnu and E. Yukhnu (E. Yukhu was later released for home arrest and then got suspended sentence). The rest were arrested.

¹ <https://rus.azattyq.org/a/30513270.html>

² https://www.inform.kz/ru/kordayskie-sobytiya-troe-uchastnikov-osuzhdeny-na-1-5-goda_a3630228

³ <https://rus.azattyq.org/a/30585238.html>

⁴ https://www.notorture.kz/obrashhenie-v-svyazi-s-policzejskimirejdami-v-postradavshie-sela-kordajskogorajona/?fbclid=IwAR0UGWBfVksdxHZzpvBsdPB8WUWFbud3xNSJ4CJsBMV57L_t5ANd0kW-iUc

On 28 March 2020, 5 more Dungans were detained: Zakir Yunhu (DOB 31.05.1990), Shamil Kharsanov (DOB 11.11.1996), Shakir Maurov (DOB 20.01.1991), Zakir Uysupahunov (DOB 1985), Harki Sarov (DOB 06.12.1971). Right now all arrested persons (excluding 4 sentenced) are under investigations and being kept in Almaty in the different institutions of Committee of National Security and Ministry of Internal Affairs. They were several times transferred to Korday, Jambyl, Almaty (that created additional difficulties for attorneys and relatives to provide legal assistance and protection).

From April 24, 2020 to April 28, 2020 the massive acts of intimidation of the population of the villages of Bular Batyr and Sortobe by police took place. The police tortured detainees to get confessions in the crimes that the detainees had not committed and in the murder of Darkhan Abdukeri (the only Kazakh whose death was reported officially following the pogroms). On April 24, 2020 during the search and detention of J. Khuseizov his mother Ts. Khusezova died due to worries about her son. Generally, the relatives of the detainees often need medical assistance following the searches. Six persons complained to the General Prosecutor's office on torture and providing evidence. However, no reaction followed, despite the statement by the human rights organisations.⁵ There have been also collective appeals to the President K. Tokaev and heads of the law enforcement agencies. But the appeals have not been proceeded.

In May 2020 the pressure from the law enforcement continued. On May 5, 2020 35 persons from the villages Bular Batyr and Sortobe were delivered to Korday for forensic medical examination (3 months after the tragedy). The purpose of the examination and the expected results are unclear due to a long period of time passed. The psychological pressure and intimidation of the citizens of Kazakhstan is obvious.

At night of May 6, 2020 the police at 23.00 conducted a search in the house of deceased Lohash Lugmar in the village Bular Batyr. Three brothers of deceased - Ramazan, Nabi and Ledzher Lohashes, who even had not even been at the place of unrest on February 7-8, 2020, were detained. They were also tortured, and undergone psychological and physical violence, with the same demand to confess the murder of Darkhan Abdukerim (the Kazakh deceased at the night of the tragedy). The detention took place at night, the law enforcement insulted all the members of family, including children and elderly mother, who is 73. As a result the women experienced high blood pressure, and needed medical assistance.

On May 11, 2020 three more persons were arrested: Islam Kimurov (DOB 28.10.1996), Ismar Hizhin (DOB 24.11.1988), Muharme Hizhin (DOB 16.04.1994) - on accusation in the mass unrest. A day later on May 12, 2020 they were accused in the murder of Darkhan Abdukerim. According to their relatives they confessed due to torture. They are arrested for two months.

On May 13, 2020 there were new searched and three more persons were detained - Aydir Mashanlo, Bekir Daurov (DOB 04.12.1973) and Ibrahim Tseshanlo. Bekir Daurov is a brother of a leader of the Dungan association Kh. Daurov. The interrogations were conducted by the representatives of the prosecutor office from different district (by assistant of the prosecutor of Aktuyinski region S. Ermanov). In result Bekir Daurov was released but banned to travel, Aydir Mashanlo was detained,

⁵ https://www.notorture.kz/obrashhenie-v-svyazi-s-policzejskimi-rejdami-v-postradavshiesela-kordajskogorajona/?fbclid=IwAR0UGWBfVksdxHZzpvBsdPB8WUWFbud3xNSJ4CJsBMV57L_t5ANd0kW-iUc

Ibrahim Tsheshanlo was taken to the police station and as for May 12, 23.00 local time he is being interrogated.

All the arrests, detentions and searches are conducted with the serious violations of the Criminal Procedure legislation of Kazakhstan, and have an aim to intimidate and punish the Dungan community. Any discussions regarding the Dungans in the media, internet and social media are followed by the multiply insults and threats to the Dungans by the nationalists. These assaults incite inter-ethnic hatred are published not only by anonymous users from the faked accounts, but also by the famous public figures and politicians. Neither authorities, nor law enforcement react and bring anyone to responsibility for incitement of hatred.

Compensation for damages to victims

Three month after the tragedy, no single person, no single family and no single businessmen received any compensation of the material damages from the government. Moreover, the government in fact refused to fulfil its obligations regarding the compensations. The private charitable foundation «Schivon» was created by the Dungans and Kazakhs which in accordance with its statute will raise the private donations and distribute those funds among the victims. The distribution will be based on the assessment of the damages inflicted by the riots on February 7-8, 2020 by the governmental commission. In fact the fund is managed by the district and regional authorities, while *de jure* managers of the fund are formal and do not have any decision making powers. Together with that they bear full responsibility for all the material issues. The assessment of the damages was conducted formally, there were no consultations with the population, the damages for business were not calculated. The representative of the commission, who were the representatives of the local authorities, just asked to sign the agreement on assistance. Many refused to sign as they did not agree with the sum of the compensation that resulted in threats, pressure from the local authorities and law enforcement bodies. Any attempts of the Dungan community to make assessment of damages and compensation public and transparent were either ignored or were followed by the threats and persecution.

Based upon all the above mentioned facts, we request you:

1. To address the authorities of the Republic of Kazakhstan to stop the persecution of the Dungan community and to bring to responsibility state officials who violated fundamental human rights and tortured detainees; to ensure the impartial investigation of the events of February 7-8 in the Korday district and to bring to responsibility the organizers of the mass riots resulted in death and injuries as well as to provide compensation of the damages inflicted by the riots to victims and businessmen;
2. To facilitate visiting the location of the tragedy and affected villages by the representatives of the UN human rights treaty bodies to collect the facts and evidence about the passed events. Since the riots no single international organization, including those having their offices in Kazakhstan and excluding humanitarian ones, have not visited the location or they were refused by the official authorities of Kazakhstan.

14 May 2020