



RIGHT OF DEFENCE

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2017

The quarterly electronic newsletter dedicated to the situation in Kazakhstan in relation to those who defends the rights of other members of society.

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OVERVIEW



The second quarter of 2017 brought about a host of legislative initiatives and practices that raised concerns and were often expressly repressive. These coincided with the disturbing economic situation in the country.

The media reports about the forthcoming largest-ever privatisation in Kazakhstan: a number of major national enterprises are expected to go on sale. This may be associated with the price of oil – Kazakhstan's main source of revenue – which is forecast to be slightly higher than \$50. This may be behind the government's decision to sell strategic enterprises.

Parliamentarian Maira Asina stated recently that government and government-guaranteed debt had

increased threefold, and foreign debt six-fold over five years. For the first time, the gross foreign debt exceeded the country's GDP by 22% and at present the total government debt and foreign quasi-government debt make up 93.7% of the National Fund's foreign assets.

It seems, however, that the government tries to make the remnants of the civil society and rare objective media accountable for its economic failures. Otherwise, the squall of legislative initiatives aimed at suppressing civil activity and choking the media, as well as law enforcement practices that result in the appearance of new political prisoners in Kazakhstan, while others are waiting for their turn under the burden of cooked-up criminal cases, would be hard to explain.

LEGISLATIVE INITIATIVES



Experts believe these restrictions will narrow the number of possible candidates to the persons who hold governmental posts and are associated with parties or republican civil society associations that have the right to nominate candidates.

The President of Kazakhstan signed a decree approving the national policy blueprint for the religious sphere in Kazakhstan for 2017-2020. The government has three months to prepare and approve a plan of actions to fulfil this blueprint and central governmental and local executive bodies and institutions must ensure fulfilment of that plan. At a meeting with the Spiritual Administration of the Muslims in Astana on 19 April, Nursultan Nazarbayev emphasised that short trousers and beards, as well as niqabs and hijabs (Muslim veils) have nothing to do with the traditions of the peoples inhabiting the country and proposed to ban them.

The Cabinet of Ministers approved the draft law On Amending and Supplementing Certain Statutes Concerning Information and Communications. Journalists

believe this initiative can finally “bury” Kazakhstan’s journalism. First, the new norms require that a journalist must obtain permission for the publication of personal, family, health, banking, commercial or other protected secrets. The respective consent should be sought from the person who appears in a publication or their legal representative. Second, the new rules set forth that a journalist should check any information they receive. Moreover, this needs to be done through governmental bodies by making enquiries or through “other legal means.” Enquiries will be processed within not three days, as it was before, but fourteen days. In addition, journalists writing for foreign media are expected to register with the Ministry of Foreign Affairs. These amendments will most probably be considered in September after the Parliament returns after summer holidays.

Kazakh lawyers will also work to new rules. Several progressive changes are expected, but one of them has raised concerns with the legal community. The laws require that lawyers develop professionally, without stating periodicity, however. It is proposed that the Republican Board be engaged in the certification of higher education institutions and training centres that will train lawyers who should select short-term courses on their own. Exams will be passed not at lawyers' boards, but at higher education institutions. Lawyers are concerned with the possibility that the most active of them or those who are involved in political cases won't be allowed to pass exams. In addition, Vassily Oleinik, Lower Chamber parliamentarian, proposed that lawyers' behaviour on the internet be regulated following the example of Russia, which had already introduced respective controls.

In late May, the Parliament approved the law On Amending and Supplementing Certain Constitutional Laws of the Republic of Kazakhstan. Most criticised were the new requirements concerning future candidates for the presidential post in Kazakhstan. These include the prohibition of self-nomination, at least five years of experience at public service or elected governmental posts, and the lack of any diseases that prevent candidates from performing their duties (with a medical record to

confirm). Experts believe these restrictions will narrow the number of possible candidates to the persons who hold governmental posts and are associated with parties or republican civil society associations that have the right to nominate candidates.

Other amendments include the possibility of denaturalisation (revocation of citizenship) as a punishment for 14 most severe terrorist crimes. It is supposed to apply to Kazakh citizens who reside abroad. However, in addition to the participation in terrorist organisations, committing terrorist attacks, taking part in genocide and military conflicts in other countries, denaturalisation is possible on rather doubtful grounds. In the first place, the new provision envisages the possibility of denaturalisation for "causing severe harm to the national and vital interests of the country." As Minister of Justice Marat Beketayev explained earlier, "This concept includes independence, unitarity, and the presidential form of governance. The crimes that cause severe harm to the national and vital interests of the country include sixteen offences described in eleven articles of the Criminal Code of Kazakhstan."

Other developments affecting human rights in Kazakhstan include the following:

The new technical regulations for mobile network operators aimed at ensuring national security (to take

effect from February 2018) were criticised after the Scandinavian telecommunications holding Telia Company, of which Kazakhstan's mobile operator KCell is a member, made a statement about technical regulations that concern the government's direct access to the country's telecommunications system via the SORM mechanism. The company believes that the new law "may have serious consequences for our customers' freedom of expression." In June, the National Security Committee's Press Service stated that the new rules did not mean that all communications in the territory of Kazakhstan would be recorded and that only information (conversations) of a person, with respect to whom a prosecutor's sanction has been obtained, would be recorded.

On 2 April, the main court proceedings against Kazakh banker and opposition politician Mukhtar

Ablyazov and his former colleagues who had allegedly committed large-scale theft when he headed BTA Bank began. The verdict was passed on 7 June. Ablyazov was sentenced in absentia to twenty years in a "maximum security" prison. He was also charged with having organised a criminal group. Ablyazov denies the charges and states they are politically motivated.

On 30 May 2017, it became known that the Organisation for Security and Cooperation in Europe (OSCE) discontinued the work of its network monitoring interethnic relationships in the country's regions. The decision was made for reasons beyond the control of the OSCE High Commissioner on National Minorities. These reports have never been published; they were closed and were submitted only to governmental bodies of Kazakhstan, President's Executive Office in particular.



POSITIVE EXAMPLES



From 6 to 29 March 2017, a regular session of the United Nations Human Rights Committee took place in Geneva (Switzerland) where committee members reviewed reports by the State parties to the International Covenant on Civil and Political Rights on their performance of the covenant, approved the annual report of the Committee, and considered 20 individual complaints about violations of human rights. The 119th session reviewed four individual complaints from Kazakhstan. The Committee established that the complainants' rights had been violated in two cases and dismissed two other complaints.

Amanat, a newly established republican association of independent trade unions, obtained provisional registration. It has six months to prove its republican status and extend registration. The authorities, however, may begin to create obstacles, as was the case with the Confederation of Independent Trade Unions of Kazakhstan that had been closed by court.

On 6 June, it became known about the completion of the nine-month tax audit of Kadyr Kassiet, a human rights organisation from Astana, that was began on 1 September 2016. The audit has found no violations in the organisation's work.

RENEWAL OF THE CASES OF POLITICAL PRISONERS AND POLLITICALLY OPPRESSED PERSONS



On 14 April 2017, Max Bokayev and Talgat Ayan, civil society activists from Aktobe who served their sentences in prison in Petropavlovsk, were denied consideration of their appeal to the Supreme Court. Daulen Nuralin, judge of the Supreme Court's Criminal Board, concluded that "there were no grounds for submitting appeals to the cassation court."

On 12 June 2017, the Almaty District Court in Astana heard Bokayev's complaint against illegal actions on the part of the Penal Committee as a result of which he had been sent to a penal colony in Petropavlovsk, hundreds of kilometres away from his home town of Atyrau. The court dismissed the complaint.

Max Bokayev went on hunger strike between 10 and 24 June, protesting against the court's refusal to transfer him to a colony at the place of his residence. He is at present in Penal Colony YeS-164/3 in Petropavlovsk, North Kazakhstan Oblast, although, by law, he must serve his sentence in Atyrau Oblast. The situation is aggravated by the fact that Bokayev has serious health issues. In particular, he has hepatitis C and gallstone disease and needs lithotomy.

Max Bokayev and Talgat Ayanov (Ayan), civil society activists from Atyrau, were sentenced to five years in prison in November 2016. They were found guilty of having violated three articles of the Criminal Code of Kazakhstan: instigating social hatred, organising an unauthorised rally, and distributing knowingly false information. Both activists denied their guilt. The proceedings involved multiple violations of law. Several human rights organisations, the U.S. Embassy in Kazakhstan and the EU delegation asked to free Bokayev and Ayanov. Amnesty International declared them political prisoners.



Seitkazy and Aset Matayevs

On 17 April 2017, Seitkazy Matayev, head of the Union of Journalists of Kazakhstan, who had been sentenced to six years in penal colony for sizeable tax evasion and fraud was granted amnesty. His term was shortened in accordance with the Law On Amnesty on Occasion of the 25th Anniversary of Independence of the Republic of Kazakhstan. Given that, as at the moment when the head of state signed the law Matayev was to serve five years and a half in penal colony, his term was reduced by two years and eight months.

President of the National Press Club Seitkazy Matayev and his son Asset Matayev, general director of the KazTAG information agency, were arrested on 22 February 2016. They were charged with fraudulent dealings for a total of over KZT 300 million with the Communications, Information and Informatisation Committee of the Ministry of Investment and Development of Kazakhstan and Kazakhtelecom, and with tax evasion in the amount of KZT 300 million (over €800,000). The court passed its verdict for Seitkazy and Aset Matayevs on 3 October. They were sentenced to six and five years in prison respectively, with seizure of illegally acquired property. The appellate court upheld the first judgement.

On 31 March, the Medeu District Court in Almaty heard complaints from Zhanara Balgabayeva, Zhanbolat Mamai's lawyer. The complaints included one against the investigator who had conducted investigations involving the suspect without inviting a lawyer, and one about



Zhanbolat Mamai

the failure to provide Mamai's father with the status of a public defender. An hour and half prior to the hearing, the lawyer was notified that pre-trial restrictions for her client would also be considered. To this end, about 30 sureties from well-known civil society activists and journalists had been collected stating that, should Mamai be released on bail or placed under house arrest, he would appear for interrogations and any other investigatory actions. The court proceedings with respect to all the three issues were closed to the public. The court disregarded the sureties submitted. The prosecutor stated that he did not know the sureties and did not consider them people of authority. The court extended Mamai's arrest for another month, until 10 May. It also dismissed the complaint about procedural violations committed by the investigator.

On 21 June 2017, the Medeu District Court in Almaty considered the case of Zhanbolat having been beaten at the pre-trial detention facility. The judge ruled that the fact had not been proved and that no pressure had been exerted on Mamai. The pre-trial check was cancelled. The public was not admitted to the court premises.

On 31 May 2017, Mamai's arrest was prolonged again until 10 July 2017.

On 10 February, the editorial office of the Sayasi Kalam. Tribuna newspaper and the house of Zhanbolat Mamai, its chief editor, were searched. The same day Zhanbolat Mamai was detained by officers of the National Anti-Corruption Bureau in the framework of the investigation of the alleged theft of money from BTA Bank by Mukhtar Ablyazov, banker and opposition politician. On 11 February, the Medeu District Court in Almaty sanctioned Mamai's arrest for two months. On 20 February, the Almaty City Court dismissed Mamai's appeal and refused his release on bail. On 21 February, Mamai complained that he had been beaten in Pre-Trial Detention Facility 18 and blackmailed and that he was concerned about his life. After active inquiries from human rights organisations Mamai was transferred to another cell.



Yedyge Batyrov

On 5 April 2017, Yedyge Batyrov, a civil society activist from the village of Kokpekty, East Kazakhstan Oblast, was denied amnesty. He continues to serve his sentence at Correction Facility OV-156/3. In January 2017, Batyrov petitioned the Ust-Kamenogorsk City Court for replacing his remaining term in prison with a milder punishment. On 1 March 2017, the court dismissed his petition, stating that Batyrov had no merits during his term: the characteristics submitted by the correction facility did not contain any information about his behaviour. Batyrov disagreed with the verdict and lodged a private complaint to the oblast court. In it he requested to alter the judgement and add the following wording to its operative part: “to release immediately in the court premises on their own recognisance and against pledges of proper behaviour.” On 5 April 2017, the Criminal Board of the East Kazakhstan Oblast Court upheld the judgement of City Court 2, again with a reference to the lack of data confirming positive changes in the prisoner’s behaviour.

On 8 July 2015, Yedyge Batyrov was arrested for having made a false report and “paralysed” the work of the police. On 18 May 2016, the Criminal Board of the East Kazakhstan Oblast Court sentenced him to three years in penal colony. At the same time, eighteen criminal cases were instigated against district officials based on his complaints. The conflict between Batyrov and police officers started in 2013, when the farmer began to make statements about officials' violations against farms.



Mukhtar Jakishev

On 18 May 2017, Mukhtar Jakishev, former president of Kazatomprom, who had been sentenced to fourteen years in prison in March 2000 for corruption (a number of Kazakhstan's human rights organisations declared him a political prisoner), were sent from the pre-trial detention facility in Astana to Facility AK-159/6 in the settlement of Dolinka, Karaganda Oblast. Before that, Jakishev was sent from Facility LA-155/8 in the settlement of Zarechny, Almaty Oblast, and on 3 March he arrived to the pre-trial detention facility in Astana to take part in investigations relating to the case of Nartai Dutbayev, former chairman of the National Security Committee.

Mukhtar Jakishev was arrested in May 2009. His arrest was sanctioned by the military court and his case was a secret one. Kazakhstan's human rights activists believe that Jakishev was prosecuted because of his friendship with the disgraced politician Mukhtar Ablyazov. In addition, he had provided surety for Ablyazov when he was released from prison. In March 2010, the court sentenced Jakishev to fourteen years in prison (the proceedings were closed to the public and the media). After the sentence took effect, the former president of Kazatomprom was sent to prison in the settlement of Zarechny, Almaty Oblast. In November 2015, the United Nations Committee published a resolution claiming that Kazakhstan cancel the sentence against and release Mukhtar Jakishev.



Vadim Kuramshin

On 6 May 2017, Marat Zhanuzakov, a civil society activist, said that he had had a telephone call from Vadim Kuramshin who had told him that two participants of the Public Observation Commission from Petropavlovsk had written a letter to the management of the Penal System Committee requesting that Kuramshin be punished for having violated the rules of custody by placing him in a “strict-regime block”. The reason for the letter was its authors’ visit to Facility YeS-164/4 where Kuramshin serves his sentence. That day Kuramshin went to the medical unit because of back pain. When he left the medical unit, he met the participants of the Public Observation Committee who suspected that he moved freely in the colony.

On 7 December 2012, the Zhambyl Region Specialised Interdistrict Criminal Court found the well-known human rights activist Vadim Kuramshin guilty of blackmail and sentenced him to twelve years in prison under strict regime and seizure of property. The previous jury had declared Kuramshin not guilty but the appellate court remitted the case for additional investigation. Lawyers point out to gross violations in court proceedings. Human rights activists believe that Kuramshin is a prisoner of conscience and was imprisoned because of his proactive human rights stance.

Incidents with human rights activists, public organizations, independent media as of April to June, 2017

April 2017

HUMAN RIGHTS AND CIVIL SOCIETY ACTIVISTS, BLOGGERS

7 April 2017, ASTANA. Aizhan Kulbayeva, judge of Almaty District Court 2, passed her verdict with respect to Nurbek Kushakbayev, labour inspector at the trade union of Oil Construction Company. Kushakbayev was sentenced to two and a half years in prison under Article 402 of the Criminal Code for having incited workers to continue their strike that had been held illegal by court. This was the first case of the use of this article of the Criminal Code in the country. The judge also sustained in full the plaintiff's financial claim and required that Kushakbayev pay damages of KZT 25.2 million (ca. €70,000). Officially, Kushakbayev was charged with having provided "consultations" to his colleagues at another oil company, Techno Trading Ltd, who had been on strike. It was also found out that the police had wiretapped Kushakbayev's telephone conversations for over a year and the respective prosecutor's sanction had been obtained as early as in 2015 under Article 174 Inciting Social Hatred. During all

that period, the police hoped that Kushakbayev would say something illegal during his telephone conversations. On 1 June 2017, the Astana City Court upheld the judgement of the lower court with respect to Kushakbayev.



13 April 2017, ALMATY. Olessya Khalabuzar, head of the Young Professionals' Society, a civil society organisation, was called for interrogation to the Almaty Department of Internal Affairs where she found out that a pre-trial investigation had been commenced against her for "having incited interethnic hatred." Simultaneously, Khalabuzar is a witness, with the right to defence, in the investigation of the activities of an illegal organisation that began on 28 December 2016 based on a report from an unknown individual. On 2 March 2017, the court sanctioned a search at Khalabuzar's apartment as part of that investigation. During the search, several anti-Chinese leaflets were found. These were

used to bring about a new case. After that, Khalabuzar said she quitted civil society activities.

20 April 2017, ALMATY. The Specialised Interdistrict Court considered charges against Sagida Sultaniyazova and Arzygul Tillyabayeva, “mortgagors’ movement” activists, associated with them having violated the procedure for conducting peaceful meetings. On 30 March, about ten mortgagors came to the building of the Almaty City Court to pay tribute to those people who had died “because of residential issues.” After the mortgagors placed photographs of the dead people on the sidewalk and began to read requiem for those dead, law-enforcement officers from the prosecutor’s office and Department for Internal Affairs at the Almaty Mayor’s Office arrived to state that the place was not intended for praying and demanded that the action be stopped. The mortgagors complied with the demand and the police did not arrest anyone. Later, however, two participants were charged. The proceedings took only five minutes each. Sultaniyazova was ordered to pay a penalty of 50 monthly calculation indices (ca. €300). Tillyabayeva was given a warning.

22 April 2017, ALMATY. Aigerim Tleuzhan, Aigul Turkpenbayeva and

Gulaim Siyazbai, against whom a criminal case had been instigated a year ago for organising mass commotion (for their intention to hold a jokey protest on occasion of President Nazarbayev’s birthday) reported that they still did not know whether their case had been closed or not. They also did not receive their belongings back from the police, including their mobile phones that had been taken from them a year ago.

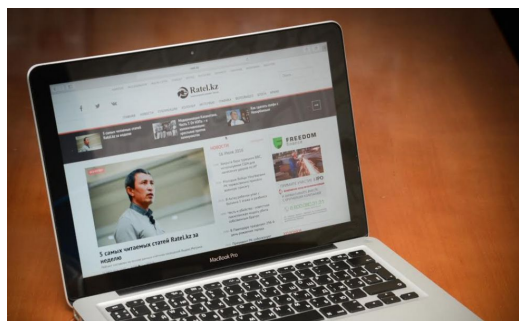
JOURNALISTS AND MEDIA

4 April 2017, ALMATY. A claim of slander was filed against Rozlana Taukina, editor and journalist of Rezonans.kz, and Victoria Bazhenova who had informed Taukina about violations of the rights of the residents of the veterans’ house to the Auezov District Court. The director of the veterans’ house required that information be refuted. Several weeks later the court dismissed the claim.

4 April 2017, URALSK. Lukpan Akhmediyarov, editor of the Uralskaya Nedelya regional newspaper, reported that two police officers had come to the editorial office. They said they were representatives of the Internal Security Division at the Department for Internal Affairs. According to Akhmediyarov, the police officers,

who had not provided their names, asked how journalists had obtained police records about a road accident with the alleged participation of Kaidar Koschanov, oblast deputy. The journalist who had obtained information refused to name the source, referring to the law on the media. Akhmediyarov stated that Asylai Gubasheva, press secretary of the Department for Internal Affairs, made several telephone calls to Uralskaya Nedelya after the accident had been reported on its website requiring that information about its participants be removed.

4 April 2017, ALMATY. A judge of the Medeu District Court passed a verdict on the claim from Zeinulla Kakimzhanov, former Minister of Finance and currently a successful businessman, against Ratel.kz and its journalists Marat Asipov, Gennady Benditsky and Sapa Mekebayev, as well as deputy chief editor of Kazakhstan's version of Forbes Alexander Vorotilov and former general director of Avtodorservis Vitaly Protsentov. Kakimzhanov regarded the publications about his family business in these media as discrediting and claimed ca. €200,000 of damages. The court had previously prohibited Kazakhstan's media to write about the case during the proceedings.



The claim by Kakimzhanov and his son Ilkhalid was “sustained in part.” Vorotilov was ruled to refute information published in seven articles at forbes.kz and remove these and other articles (a total of nine articles) in which Kakimzhanov was represented as an anti-hero from the website. Ratel.kz was obliged to refute information provided in ten articles and remove these and other articles (a total of thirteen) from the website. In addition, the judge ruled that the defendants were to pay ca. €140,000 in different proportions. The amount of moral damages adjudged by the court to the media outlets is record for Kazakhstan. On 8 June, the appellate board upheld this judgement.

CIVIL SOCIETY ASSOCIATIONS

6 April 2017, ALMATY. The Specialised Interdistrict Economic Court (SIEC) completed considering the case between the International Legal Initiative and the Almaty State Revenue Department.

In late December 2016, two non-governmental organisations, Liberty and the International Legal Initiative, were imposed large penalties as a result of a tax audit. Kadyr Kassiet, another civil society association, has been audited since the summer of 2016. The State Revenue Department stated that the NGOs should have submitted returns as for-profit organisations and imposed a corporate income tax on all grants received from 2011 to 2016. The amount claimed from the International Legal Initiative, penalties included, totalled KZT 1.3 million (over €3,500) and that from Liberty KZT 2.5 million (ca. €7,000). The International Legal Initiative's lawyer disagreed with this and filed a claim to the SIEC requiring invalidation of tax audit results and cancellation of the extra tax. During the hearing, representatives of the State Revenue Department admitted their mistakes in part, but drew the court's attention to the "suspicious nature" of the donors of the civil society organisation that, in their opinion, proved that the International Legal Initiative had broken the law. After having listened to the parties, Judge Alma Mukhamedyarova dismissed the claim from the NGO.

May 2017

**HUMAN RIGHTS AND CIVIL
SOCIETY ACTIVISTS,
BLOGGERS**

2-6 May 2017, ASTANA. Almaty District Court 2 heard the case of Amin Yeleusinov, oil workers' trade union leader at Oil Construction Company. Yeleusinov is facing charges under four articles of the Criminal Code: misappropriating entrusted property in an especially large size, insulting an official in public or through the media or telecommunications, failing to comply with the requirements of an official, and using violence against an official. The prosecutor did not mention that Yeleusinov's arrest and transportation from Aktau to Astana had been preceded by a two-week hunger strike of oil workers who required that the liquidation of the Confederation of Independent Trade Unions of Kazakhstan be discontinued. Yeleusinov told the court he disagreed with misappropriation charges. He also stated that the actions by the police officers had been unlawful because he had not been shown a warrant for his arrest. All members of Oil Construction Company's trade union whose contributions, according to the investigators, Yeleusinov had stolen supported him. They sent a letter to the prosecutor of Mangistau Oblast and the Department for Internal Affairs. However, on 4 May Yeleusinov wrote a plea bargaining request. On 12 May, the plea bargain was signed between the prosecutor and

Yeleusinov who agreed to plead guilty. After that, the allegedly affected police officers “forgave” Yeleusinov. The verdict was announced on 16 May. Judge Gulzhan Ubasheva sentenced Yeleusinov to two years in prison and damages of KZT 8,212,000 (ca. €23,000). In addition, he is prohibited from engaging in civil society and trade union activities for five years.

14 May 2017, JAMBYL OBLAST. Ramazan Yesergepov, chairman of the board of the Journalists in Distress fund, was injured early in the morning near the Shu rail station in Zhambyl Oblast. Yesergepov was heading to Astana to meet ambassadors of several EU countries and international experts in order to discuss with them the case of Zhanbolat Mamai, an opposition journalist arrested in February, and his own rehabilitation under the complaint acknowledged by the United Nations Human Rights Committee that had been rejected by Kazakhstan’s courts. Yesergepov was injured with a knife to the abdomen and had a surgery in a district hospital. After he was transported to a hospital in Almaty, he had to leave it early because of increased attention from the media and diplomats. The police opened a case but has not found the offenders. Initially, the police claimed that the attack resulted from a fight with someone Yesergepov

knew but witnesses said this was not the case.

23 May 2017, BAIKONUR. In the evening, Marat Dauletbayev, human rights activist and chairman of the Baikonur for Civil Rights civil society association, had a search in his apartment. Dauletbayev was absent from the apartment during the search but there were an acquaintance of his and two workers. As Dauletbayev wrote in his complaint to the prosecutor of Baikonur, the official reason for the search was noise coming from the apartment. The next day Dauletbayev was summoned to the police where the officer in charge claimed explanation why people who were not registered in the apartment were there. Then, front-view and side-view photographs of Dauletbayev were taken for some reason. On 26 May, a rally against corruption, dismissals, unemployment and bad roads was planned to take place in Baikonur on Dauletbayev’s initiative. One of the topics to be raised at the rally was corruption, namely distribution of land Dauletbayev had once accused the mayor of, for which he had been already sentenced to a year in prison for slander. For this reason, Dauletbayev believes that the evening search could have been arranged by the mayor. Fearing provocation, Dauletbayev refused to proceed with the public rally.

30 May 2017, ALMATY. Dilnar Insenova, head of the Centre for Medical and Social Protection of the Population, was arrested for three days. She was charged with arbitrariness (the severest part of the respective article of the Criminal Code envisioning punishment in prison only) for an incident that took place in 2015. That year Insenova's family was forced to leave their only apartment in the Akkent residential estate. Dozens of other residents of the estate were also ejected from their apartments. As it was found out later, the company behind the ejection had been engaged in a number of fraudulent schemes involving misappropriation of private property. Having failed to secure adequate reaction against the company from city authorities and law-enforcement bodies, the dishoused residents reoccupied their apartments. Several days later Insenova was charged with arbitrariness committed by a group of persons in collusion. The case was suspended after several interrogations as law-enforcement bodies had not found elements of offence in Insenova's actions. On 2 June 2017, the court considered restrictions with respect to Insenova. It was found out, however, that the period of limitation has expired with respect to the offence Insenova was charged with. The case was therefore announced closed and Insenova was released from the court's premises. The next day she made a statement that she quitted civil society activities.

5 May 2017, ALMATY. Members of the KazFem feminist initiative were called to the police office. This happened after the Female Historical Night had been announced on the internet. Traditionally, on 8 May feminists in different countries go out into the streets and disseminate leaflets and posters with biographies of the women that inspire them, draw graffiti and even rename monuments and streets after women. Veronika Fonova got a call from the Internal Policy Division of the Mayor's Office. She was required to appear there in an hour but was not explained why. Fonova did not go and then police officers were sent to her mother's apartment. They checked the documents and made sure that Fonova was not at home. Then they said that Fonova and other initiators of the Female Historical Night in Almaty were to appear at the Auezov District Police Department. Veronika Fonova, Arina Osinovskaya and Olesya Kotova went to the police in the evening. They were waited for by an official who did not name himself but said he was a "representative of the akimat (mayor's office)." For an hour he talked that the girls should have notified the mayor's office

about the planned event as it is required for rallies. KazFem participants were permitted to leave then.

having listened to the parties, Judge Yebenbayeva dismissed Valeyev's claims.

June 2017

JOURNALISTS AND MEDIA

30 May 2017, TEMIRTAU. Elmira Yebenbayeva, judge of the Temirtau Town Court, passed her verdict on the claim for the protection of honour, dignity and reputation filed by Farit Valeyev, town council deputy, against Sholpan Temerbekova, lawyer of the town administration, and Sergey Perkhalsky, reporter at Ratel.kz. The claim was based on Temerbekova's application to the prosecutor's office and the Temirtau Department for Internal Affairs she wrote on 18 August 2016 requesting that she be spared inquiries from Valeyev regarding the disappearance of money and documents from the town administration building. In his claim Valeyev requested that the court oblige Temerbekova to "refute discrediting information published on the internet about threats to life and health by making a public apology in the printed media of Karaganda Oblast and on the internet." He also claimed moral damages of KZT 5 million (ca. €14,000) and KZT 150,000 as legal fees, as well as that the article titled Valeyev Is the One Who Should Be Blamed for Everything be removed from Ratel.kz's website. After

HUMAN RIGHTS AND CIVIL SOCIETY ACTIVISTS, BLOGGERS

27 April – 14 June 2017, ZHEZKAZGAN. Murat Shegirbayev, head of human resources at Kazakhmys Corporation's Zhomart mine, claimed prosecution of Berik Zhagiparov, civil society activist, and moral damages of KZT 2 million (ca. €5500) for Zhagiparov's last-year publications on the internet. In his claim Shegirbayev stated that Zhagiparov's Facebook posts and written statement to the chairman of the management board at Kazakhmys Corporation contained knowingly false information discrediting him. The Zhezkazgan Town Court chaired by Judge Bageinzhinov began to consider the case on 5 May. On 14 June, the case was discontinued through reconciliation. The respective notice of discontinuance was filed by Shegirbayev. Earlier, Zhagiparov had made an apology in Facebook and refuted his publications.

1 June 2017, ALMATY. Sulubike Jaksylykova, chair of the Provide People with Housing organisation, got a telephone call from an officer of the National Security Committee's Almaty Department

who said his name was Sanzhar and that he was an employee of the legal department and asked her to come to the National Security Committee's office in Almaty to discuss Jaksylykova's petitions to the chair of the National Security Committee about the problems of mortgagors. Jaksylykova met with a lieutenant colonel who said that her actions had disturbed the work of second-tier banks and required that she agree her actions with the National Security Committee. He also said that he had received an order from Astana to mute or imprison all active civil society activists, including Dilnar Insenova, Olesya Khalabuzar and Sulubike Jaksylykova. In addition, he demanded that Jaksylykova hand over the management of her organisation to a representative of the National Security Committee. It was found out that on 11 March 2017 Forte Bank initiated a pre-trial investigation against Jaksylykova and, although the statutory period of investigation has already expired, it was still underway. Jaksylykova refused to "cooperate" and left the National Security Committee's office forty minutes later. On 2 June, she lodged a complaint against the unlawful actions of the officer of the National Security Committee's Almaty Department to the chair of the department and the prosecutor of Almaty and arranged a press conference. Jaksylykova stated, in

particular, that there were attempts to prosecute other members of her association as well, under criminal cases that had been discontinued earlier.

14-25 June 2017, ASTANA.

Makhambet Abzhan, human rights activist from Astana and head of the Shanyrak movement, and his wife had searches in their apartments. The reason for this was a report from Kairat Bodaughan, a developer from Astana, who is himself under investigation. Abzhan is charged with arbitrariness (part 2 of the respective article of the Criminal Code). The report stated that Abzhan and Akhmedzada Zhangir, a representative of unit holders, had allegedly falsified the minutes of the general meeting of members of the Ata-Kent housing construction cooperative to re-elect the chair of the cooperative. Before that, Abzhan had begun to assist unit holders in their confrontation with the faulty developer. In 2016, Bodaughan managed to instigate a criminal case but the investigators did not find grounds to charge Abzhan. The investigator in the current case is Nurmatov. He is also the investigator of Bodaughan's case.

On 23 June, Abzhan was taken to the pre-trial detention facility. The warrant was issued by the investigator of the Astana Department for Internal Affairs

Nurkanov based on a report from Galymzhan Panov, unit holder in the Ata-Kent housing construction cooperative, who had accused Abzhan of fraud. On 25 June, Saryarka District Court 2 in Astana warranted the arrest of Makhambet Abzhan for the two-month period of investigation.

28 June 2017, ALMATY. The Specialised Interdistrict Administrative Court completed consideration of the claim filed by Murat Telibekov, chairman of the Union of Muslims of Kazakhstan, against officers of the Bostandyk District Police Department. Telibekov required that a penalty of 100 monthly calculation indices (ca. €600) he had been charged on 19 June be invalidated. The penalty was charged as a result of Telibekov's report against a police officer who had earlier intruded into his apartment. On 16 June, police major Botanbekov required that Telibekov appear at the police department immediately in connection with charges of participation in a non-registered civil society association. The next day Botanbekov and two other police officers came to Telibekov to summon him to appear at the police department on 19 June. Telibekov recognised one of the police officers whom he had reported last year to have intruded into his apartment and stolen money. When Telibekov came to the police department he

found out about the charges brought against him. The reason for the charges was that Telibekov's signature on the report he had submitted a year earlier stated that he was the chair of the Union of Muslims of Kazakhstan, while the organisation was registered as a private fund and, therefore, he should have stated his position as the head of the Union of Muslims of Kazakhstan private fund. Judge Aldabekov invalidated the penalty.

29 June 2017, SHYMKENT. The Yenbekshi District Court chaired by Svetlana Shinaliyeva began to consider the case of Larisa Kharkova, former chair of the Confederation of Independent Trade Unions of Kazakhstan who is claimed to have allegedly stolen the trade union's money. The hearing began in the morning but was almost immediately postponed until 12 July. A representative of the International Labour Organisation came to Kazakhstan to take part in Kharkova's case. The charges against Kharkova were brought after a Shymkent court had ordered liquidation of the Confederation of Independent Trade Unions in the beginning of the year and the oil workers of Oil Construction Company had gone on a lengthy strike in Mangistau Oblast in order to stop liquidation.

JOURNALISTS AND MEDIA

22 June 2017, ALMATY. The Medeu District Court in Almaty sustained in part a claim from Valery Lazarev, general director of K-Dorstroi, against Vitaly Protsentov (former general director of Avtodorservis), ITAYu (publisher of Ratel.kz), Gennady Benditsky (journalist), United Media Group (publisher of Forbes.kz) and Alexander Vorotilov (deputy chief editor of Forbes.kz). The plaintiff demanded that fourteen articles (seven of which were published by Forbes.kz and seven by Ratel.kz) be recognised as misleading, refuted and removed fully from the websites. The same articles were subject of the claim filed by former finance minister Zeinulla Kakimzhanov against the same media. In addition, Lazarev claimed moral damages totalling KZT 10 million (ca. €30,000). The court ruled that the defendants should jointly pay KZT 1 million (ca. 3,000) and confirmed that the articles listed by the plaintiff were misleading. In addition, in February and April 2017, the Medeu District Court in Almaty received another three claims for damages totalling several million tenge from companies and their heads mentioned in Ratel.kz and Forbes.kz's articles.

16 May – 9 June 2017, ALMATY. Gulmira Talapova, judge of the Bostandyk District Court in Almaty, conducted a preliminary hearing of the civil case instigated by Yermek Beiseuov, deputy mayor of Almaty District in Almaty, against Rozlana Taukina, journalist, human rights activist and editor of Rezonans.kz. Beiseuov requested that the court recognise the article titled House with Chimaeras that had been published by Rezonans.kz on 20 September 2016 as discrediting and misleading. The official also required that Taukina refute information that discredited him. On 9 June, the court dismissed the deputy mayor's claim without consideration.

CIVIL SOCIETY ASSOCIATIONS

26 April 2017. From approximately 4.00 a.m., the Kazakhstan International Bureau for Human Rights' website, bureau.kz, was made inoperative by unknowns. Users from Kazakhstan either could not access the website, or saw information published prior to 18 October 2016. The website was restored the next day.

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