



RIGHT OF DEFENCE

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OVERVIEW



Kazakh citizens as well, understand took place over "turbulence zone." The continuing trends. worsening of the economic situation is associated, according to official Certainly, the main topic of the Western and Kazakhstan's in the took partner obvious remains exacerbated by extensive corruption suspended sentence). possible political instability. and frightening off investors.

Not only experts, but common in the political aspect, many events three months. that the country is entering a new relating to human rights directly and period, assessed by many as a confirming, unfortunately, negative

statements, with the falling oil prices season was land protests. Although sanctions against the moratorium on the new land law effect July 2016. on Eurasian Union. However, if to investigations are underway against disregard these circumstances, it civil rights activists in Atyrau (for the that the alleged preparation of riots), Astana government has failed to create a (for the alleged resistance to police more or less efficient economy, officers), and Uralsk (for the alleged which would not depend directly on incitement to racial or ethnic hatred; prices. The situation is the trial has ended already with a

> The protests against amendments to the Land Code began on 20 April

2016 and subsided after President against participating in the rally on Nazarbayev announced on 5 May 21 May. his moratorium on the amendments.

Kazakhstan. Moreover, in some towns such as three authorities (akims deputies) willingness for dialogue with people.

the uncertainty and Karaganda Region. unpredictability in the authorities' reaction (where in some instances After the extremist attack in Aktobe, the organisers of and participants in the issue of lifting the moratorium on the protests were not prosecuted, the death penalty in Kazakhstan while in other instances they were; was raised. The first such statement the in same participants in a protest were not and, as a consequence, many other prosecuted, while the participants in "experts" began to talk about the another one were) is a matter of necessity to apply the death penalty concern.

According to our information, from At the same time, Tokhtar Tuleshov, 17 to 20 May, twenty-two civil rights an arrested businessman, activists, were sentenced to three to were alleged to have been involved fifteen days of imprisonment in in the preparation of a coup d'état. Kazakhstan for having taken part in According to investigators, the coup Ualikhan Kaisar, an activist, had a accordingly, investigators tried to search at his home and the Abyroi link the land protests and the organisation (Uralsk) at their office. alleged coup. Some other activists were warned

In early June, an extremist attack Over ten protests, bringing together took place in Aktobe. It shocked the between one and more than two public and raised many questions. thousand people, took place in The government declared at first the All protests were "red" and then the "yellow" level of peaceful and ended without police terror threat. A puzzling issue was interventions (except in Kyzylorda). that police search bulletins listed bystanders. including Atyrau, Zhanaozen and Uralsk, local schoolchild. On 10 June, seventeen and their followers of non-traditional Islam expressed their were arrested in Uralsk. In addition, a group of Salafis, one of which blew himself up, was arrested in

> town, the was made by President Nazarbayev in countering terrorism.

including human rights several law enforcement officers land protests. In addition, was to begin with the protests and,

of Kazakhaltyn, a gold the miners and security Kazakhstan company, guards who used guns against the (http://www.npravo.org, workers.

permanent member of the United website (http://socialismkz.info) was Security Nations presented as the country's serious opposition websites achievement. In addition, the official Russian websites media announced that Kazakhstan Kazakh authorities had successfully reported to the blocked. As a rule, no respective Nations Human United Committee on the performance of are made in these instances. the International Covenant on Civil and Political Rights, while the results Finally, it is worth mentioning that of the report were not known at the Kazakhstan's Prime Minister Karim moment.



speech continues to worsen. In July, facilitation in Kazakhstan's purchase material claim newspaper Tribuna. of EUR 2 billion. opposition Sayasi Kalam was sustained and the newspaper can now expected to close. In addition, the

A matter of concern was information Tribuna. Communist of Kazakhstan about a conflict at a mine in the newspaper closed for financial settlement of Bestobe between the reasons. Three websites related to Socialist Movement of (SMK) http://www.socdeistvie.info and www.klassprof.org) were blocked Kazakhstan's election as a non-since 1 May. The SMK's main Council was blocked in July 2013. Some other and some criticise that also remain Rights judgements, although compulsory,

> Massimov was suspected of taking a EUR 12 million bribe from Airbus. The French prosecutors are being reported to investigate cases against the Airbus Group. The investigation against Airbus Kazakhstan was by begun the French financial prosecutors 2013. According to their allegations, 2010, Airbus' top managers transferred EUR 12 million to Karim

The situation with the freedom of Massimov's bank accounts for his against the of 45 French helicopters for a total

GOVERNMENT INITIATIVES



The Financial Monitoring Committee at the Ministry of Finance published the list of organisations and individuals related to the financing of terrorism and extremism in Kazakhstan.

The list includes 584 Kazakh citizens, one organisation and supposed investors in riots (http://kfm.gov.kz/ru/the-list-of-organizations-and-individuals-associa/). All persons on the list are banned from making bank transactions on their own. In addition, it is not clear what criteria were used to include individuals in the list. The 584 persons on the list include the accused Protestant Ykylas Kabduakasov, the civil rights activists Bolatbek Blyalov, Serikzhan Mambetalin, and Yermek Narymbayev, and the accused bloggers Yermek Tachibekov and Tatyana Shevtsova-Valova. All these people have faced or may face serious restrictions in the financial sphere.

blacklisted

VE EXAMPLES



Labour Conference Organisation's (ILO) employers' Labour represents governments, trade union law. unions and employers - expressed "serious concern" into convention it ratified in 2000. The United Nations Human allow judges, firefighters, and prison Human Rights

On 4 June, at the International that Kazakhstan should "ensure the in Geneva full autonomy and independence of (Switzerland), the International the free and independent organisations." Committee on the Application of Kazakhstan had been reprimanded Standards (CAS) - which in the CAS in 2015 over the trade

about On 21 and 22 June, Kazakhstan Kazakhstan's lack of progress on presented its report on the fulfilment bringing national labour legislation of the International Covenant on compliance with a key Civil and Political Rights to the CAS stated that key parts of Committee at its 117th session. Kazakhstan's 2014 trade union law Kazakhstan's first report on its violated ILO Convention 87 on compliance (or non-compliance) freedom of association, one of the with the International Covenant on ILO's most important conventions. Civil and Political Rights was made The CAS also said that Kazakhstan in July 2011. In 24, out of 31 should amend its constitution to paragraphs, the United Nations staff to join unions. The CAS said expressed its concern or regret as

to compliance with the Covenant in Kazakhstan and only paragraphs mentioned certain progress. During the presentation of report, UN experts asked Kazakh officials many questions concerning numerous violations of human rights and non-compliance provisions with certain Covenant. The answers of the delegation Kazakh either were evasive or plainly false. The United Nations Human Rights Committee's observations are available in English at

http://bureau.kz/en/news/other_sour ces/concluding_observations_on_th e_second_periodic_report_of_kaza khstan.

First meetings of public councils at various ministries and authorities took place in Kazakhstan. Public councils began to work on January 2016. Their objectives are to ensure implementation of the government's policy to form a state accountable to the citizens, as well as the wide participation of public institutions and citizens in decision making by governmental authorities at all levels. Public councils are formed by a working group based on competitions from the general public, including non-governmental organisations, the academia, the Assembly of People of Kazakhstan. the media, business associations, professional and industrial unions, the expert community, and citizens. The public council at the Ministry of the Internal Affairs of the Republic



of Kazakhstan comprises Kuat Rakhimberdin, Director of the East Kazakhstan Regional Branch of KIBHR, and the public council at the Ministry of Foreign Affairs comprises Anastassia Miller, Director of the Kostanai Regional Branch of KIBHR.

On 29 March, in response to an individual appeal from the Kazakh iournalist Ramazan Yesergepov, the United Nations Human Rights Committee passed a resolution to acknowledge the state's violation of guaranteed riahts his international conventions. On August 2009, Taraz Municipal Court 2 sentenced Yesergepov to three years in prison and prohibited him from engaging in publishing and and its Jambyl Regional journalism for two years thereafter. Department, featuring two texts November 2008, Ramazan from correspondence between the publisher and chief chief of the Jambyl Regional Yesergepov, the Alma-Ata Info Department and the central office of published an article the National Security Committee. In newspaper, entitled "Who Rules the Country: response to this article, the National President or National Security Security Committee suspended the Committee?" in the newspaper (that printing of the newspaper and issue occurred to be the last one as initiated a criminal charge against a result). The piece told about illegal Yesergepov for the actions on the part of head officers collection and publication of of the National Security Committee classified information.

RENEWAL OF THE CASES OF POLITICAL PRISONERS AND POLLITICALLY OPPRESSED PERSONS



Vadim Kuramshin

From the beginning of April, the jailed human rights activist Vadim Kuramshin has been totally prohibited from making contacts outside the jail and telephone calls. At present, he is under strict regime and does not receive many letters sent to him. In January, the prison staff arranged a provocation against Kuramshin: they searched his cell and allegedly found some razors, and, as a result. Kuramshin was

subjected to another disciplinary sanction.

On 4 April, it became known that the United Nations Human Rights Committee refused to register Kuramshin's appeal after it had been rejected by the section in charge of considering formal circumstances of appeals.

On 7 December 2012, the Zhambyl Region Specialised Interdistrict Criminal Court found the well-known human rights activist Vadim Kuramshin guilty of blackmailing 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 had then 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 position.

Incidents with human rights activists, public organizations, independent media as of April to June, 2016



mid-February became known in April only), in Saryarka District Court 2 in Astana AKTAU, Mukhtar Umbetov, co-chair sentenced Sagimbayev to a oneentryphone. Unknown demanded that he go out. They caused to Kazhimkan Massimov, and threatened physical violence, in Massimov. Five years ago, obscene language. Mukhtar called court obliged Police officers Umbetov and his (who came at 1 threatened him and Earlier, in December, he received as police and the prosecutor of Aktau obligating him to pay 300,000 tenge akimat (executive body).

April 2016 On 11 March 2016 (it also became known in April), in ASTANA, the riahts activist human Talas Sagimbayev who had lost a lawsuit against the farther of Prime Minister Karim Massimov was sentenced to four months and 22 days in prison. Sagimbayev was detained near his house and taken to a detention facility and then to a penal colony. The restraint he was adjudged earlier was substituted with actual (although it imprisonment. Mav In of the Zhanartu Kazakh trade union year restraint for failure to fulfil a got a call on his judgement and a compensation of persons 300,000 tenge for moral damages called him by name and surname the father of Prime Minister Karim Sagimbayev the police but the persons had run withdraw his appeal to President away before the police arrived. Nursultan Nazarbayev, in which he interrogated had lodged complaints neighbours. Kazhimkan Massimov, and refute Umbetov testified that the hooligans his allegations against Massimov in a.m.) had the press. In addition, Sagimbayev his family. was adjudged to pay 300,000 tenge compensation of moral phone calls from unknown persons damages. However, he failed to who threatened him and his son. fulfil the judgement. Sagimbayev That time he complained to the himself insisted that the judgement and also reported to the region's and make refutation in the press was unlawful because he had not been present in the court and had not receive a respective notice.

On 12 April 2016, in SHYMKENT, human organisation. The leader The claimants stated criminally liable and return money Paylodar Region. paid as membership fees. Gulnara Zhuaspaveva. lawyer, commented to Azattyk that, Yerzhan Orazalinov, deputy chair of the public association founded by public association was Azharkulova, its membership was Orazalinov voluntary. According to the lawyer, statements the charter provided for monthly environmental laws and regulations membership fees and payments of by the which suggests that all money was blackmailing. paid in accordance with the charter. based on Articles The judge announced that the press wouldn't be allowed to the proceeding. Zhuaspayeva reports that the hearings, which began in April, are being delayed for various reasons. The sentence is expected to be announced in July 2016.

On 13 April 2016, in PAVLODAR,

the Pavlodar Regional Court appeal from dismissed an the riahts activist the Al-Farabi District Court chaired Semyonova who had requested to by Madiyar Abdrasilov, began to reverse the judgement of the trial hear the case against Kyzdyga court prohibiting her from visiting Azharkulova, chair of the Zaschitim regional prisons with inspections. In Svoi Dom (Protect Our House) January 2016, Semyonova, chair of of the Pavlodar Region Shymkent mortgagers has been Supervisory Commission, filed a detention facility in claim to the Pavlodar Municipal Shymkent since December 2015 Court against the Penal System because of alleged fraud (under Department's prohibition to visit the Article 190 of the Criminal Code), prisons controlled by it. The Penal that System Department explained its Azharkulova, as the leader of their prohibition by the fact that another organisation, had "failed to help public supervisory commission (with them" and claimed that she be held another chair) had been formed in

Azharkulova's On 20 April 2016, in PAVLODAR,

in accordance with the charter of the Mir Ekologii (World of Ecology) detained. is known for about violations region's enterprises. additional expenses for events, Orazalinov is suspected of major He was detained 253.5.3 and



253.5.4 of the Criminal Code (major newspaper had failed to pay a commercial bribe and blackmailing). penalty imposed on it in 2014. In Earlier, Orazalinov was the first fact, out of 2,000,000 tenge of the person to report on his Facebook penalty adjudged by the court, page about chlorine leakage at the 1,000,000 had been paid at the Kaustik plant in May 2015. As a time. Almukhanbetkyzy was taken to result, the plant paid a penalty of the Almaly District Department for 100,000 tenge. It was found out that Internal Affairs, the leakage had been caused by the explanations, and spent there about fact that the gaskets used at six hours. She had not received any container and piping junctions were official summons or telephone calls not intended to be used in an requiring her to come for aggressive environment. In early interrogation 2015, the Specialised Interdistrict interrogating officer required that Economic Court sustained Mir she make explanations with respect claim Ekologii's Komir, a coal producer, to invalidate by another officer who required an environmental hearing. That time explanations on the criminal case Orazalinov provided evidence that instigated as a result of the alleged the company had failed to observe failure to perform timeframe announcement and the hearing.

released on bail. The criminal case explanations, was permitted to the Paylodar leave. submitted Region Department for Internal Affairs for pre-trial procedures. The On 29-30 April investigation is underway.

On 21 April 2016, in ALMATY, the town of Zhanaozen. According to police detained Assem social media, Toiken went there to Almukhanbetkyzy, former founder of cover possible Tribuna. Sayasat Alany amendments to the Land Code. the newspaper and head of the Alan Toiken stayed at the police office individual business, and answered questions from an **Zhurt** Almukhanbetkyzy was arrested interrogator until 30 April, 5.00 a.m. based on a claim from a law In the afternoon she made another enforcement officer the attempt to that

against Bogatyr to the claim. He was then changed the between the judgement in April (under Article 430 of the Criminal Code). Finally, Almukhanbetkyzy was allowed to On 22 April, Orazalinov was see her lawyer and, after providing still officially MANGISTAU REGION, Toiken, Azattyk Radio's journalist, was detained by the police near the

protests

go to Zhanaozen.

before.

without

However, she was prevented again Code. Police officers got access to from entering the town and had to Utepov's email and said thereafter return to Almaty.

On 1 May 2016, in AKTOBE, the opposition and former citizen of human rights activist Alima Abdirova Aktobe, living in Kiev since 2014. was detained violently when she approached Abay Abdirova possible protests amendments to the Land Code. She from the "having participated" in a rally an

the alleged preparation of riots was article read 18 May, Zhanat Yessentayev, a new akim (mayor), singer and one of Abyroi's leaders, previously arrested for the incitement of ethnic or racial hatred. allocated for defence. under Crime and (Preparations for Attempted Crime) 272.1 and (Preparing Riots) of the Criminal

that he had been instructed to prepare riots in Astana and western May 2016 regions of Kazakhstan by Aidos Sadykov, member of the a

Boulevard. On 13 May 2016, in ALMATY, the intended to monitor editors of the Tribuna. Sayasi-Kalam against newspaper were served a claim director of Almaty brought to a court and Zharnama. Almaty Zharnama had adjudged a penalty of 40 monthly filed a suit to the Medeu District calculation indices (around EUR Court against the journalist Denis 200) under Article 488 (for her Krivosheyev, the newspaper's chief participation in a rally on 27 April, editor Zhanbolat Mamai and the which brought together up to 500 Kalam individual business, for a people). She was also charged with total of 15 million tenge, because of article published against land amendments (which tribunakz.com (A Corruptionist to never happened) on 1 May 2016. Head Almaty Zharnama?). Almaty Zharnama also claimed legal fees in On 5 May 2016, a criminal case for the amount of 1 million tenge. The that Sultanbek instigated in URALSK. On 17 May, Syzdykov, the new director of the police officers searched the office of state-run company, a monopolist in the Abyroi public association and the city's outdoor advertisement took away all office equipment. On market, who was appointed by the had suspected of alleged misappropriating public funds the Asian Winter Another Abyroi's activist, Issatai Games. However, the case against Utepov, is a witness, with the right to the official was closed after he had Articles 24.1 indemnified damages.

On 15 May 2016



arrest: "They turned my arm duty, violently, scratched my arms and misrepresentation. The cheek, hit me in the ribs, sat on my officers police car and put a piece of cloth procedural on his head. "When we went to the punishments for local officials. Almaty District Department for suffering," Abzhan wrote in his Adaptation, against the

sentenced to ten days in prison for "disorderly conduct." Not before his arrest, Abzhan said that had been warned bv prosecutor's office to not arrange protests without permissions from authorities. Later, a criminal case was instigated against Abzhan for resisting police officers.

18 May 2016, in **EAST** On KAZAKHSTAN REGION, Yedyge Batyrov, head of the Kaisar farm in village of Kokpekty, was sentenced by the Criminal Panel of Makhambet Abzhan, a human rights the East Kazakhstan Regional Court activist, was detained by the police to three years in a penal colony for in ASTANA for no reason. He was having insulted officers of the caused bodily injury in the course of Kokpekty Police Department on arbitrariness and conflict legs, strangled me, pulled my left between the farmer and police 2013, when began in head, dropped me. They made me Batyrov began to made statements feel desperate and unable to resist about officials' violations against their unlawful actions. They also farms. Batyrov had lost his land plot broke my watch strap, scratched my to fraudsters, who had remained Iphone, tore my jacket and shirt, unpunished, and began to help his and scratched my trousers." Abzhan co-villagers who found themselves also stated that police officers had in a similar situation. He instigated continued to strangle him in the 18 criminal cases, which resulted in action.

Internal Affairs, in Astana, in their On 18 May 2016, in AKTOBE, the car, the officers hit my legs and Municipal Court made a judgement arms and tickled me. This caused on a claim filed by Elvira Kadimova, serious physical and moral director of the Centre for Minors' statement. The next day he was rights activists Olga Klimonova and Alima Abdirova. Kadimova filed a new claim for in the NPM report. 300,000 tenge for the alleged distribution of false information on On 18 May 2016, in ATYRAU, the mentioned the centre the Atyrau Region emerged during her management.

Kadimova's claim and adjudged that 179.3 (Propaganda or Public Calls the human rights activists were to for Seizure or Retention of Power, apologise and refute the published or Seizure or Retention of Power, or information at a meeting at the Dismantlement of Statehood of the Centre penalty of over 450,000 tenge. The civil rights court disregarded that, accordance with international law, Gatauli Bokhan, Kubaidolla Sholak, preventive mechanism (NPM) are Mussabekov) are free, or have been immune from prosecution relating to released on bail, or are witnesses their professional activities at the with the right to defence. NPM." In addition, the court disregarded the expert opinion of the Human Rights Implementation Centre of the University of Bristol titled Amicus Brief intervening in the case of Ms Alima Abdirova and Ms Olga Klimonova.

Earlier, on 22 December 2015, the Dilara same Aktobe claim from dismissed the director of the Centre for Minors' Prosecutor's the National Preventive Mechanism her liability should she decide to

On 12 April, (NPM), with respect to submissions

the internet from a letter to the akim civil rights activists Max Bokayev (mayor) on 9 February 2016. This and Talgat Ayan were arrested by Specialised Kadimova was in charge of, as well Administrative Court for the alleged as old and new problems that calls for participation in a nonpermitted rally. They were charged under Articles 24.1 (Preparations for On 18 May, the court sustained Crime and Attempted Crime) and and pay an aggregate Republic of Kazakhstan). Six other activists (Yerlan in Bashakov, Sagyngalai Kapizov. participants in a national Adilbek Musauly, and Zhasulan



On 19 May 2016, in SHYMKENT, lsa, Azattyk Municipal Court journalist, was issued a document the from the Yenbekshi Office in Adaptation against Alima Abdirova warning her against participation in and Olga Klimonova, members of non-permitted protests and about

take part in them. Isa did not have equipped with special audio and intentions to participate in the video recorders suggest that it was protests but planned to be there as a prearranged provocation. a journalist. Nevertheless, she was

warned against participation as a private person. Anar Suleyeva, chief the Temirkazyk-oi editor at newspaper, was also called to the prosecutor's office for the same reason. However, she refused to go the prosecutor's office without an official notice.

On 20 May 2016, in ALMATY, the human rights activist Rinat Kibrayev arrested and put into а was procuration of women and girls. He Guzyal Baidalinova, editor businessman named Yernar, who was found (having medical background) a 274.3 of rented apartment and money to (Deliberate Distribution also offer centre should services but Kibrayev refused. Yet, Information and centre. In the rented apartment, eighteen month in a panel colony. sound-recording videoand equipment was installed to record On 25 May 2016, in KOSTANAI, were marked. This evidence was warnings wife with procuration. An interesting certain fact



detention facility for the alleged On 23 May 2016, in ALMATY, got acquainted with a owner of the Nakanune.kz website. auilty of offered Kibrayev and his wife committed a crime under Article the Criminal of open a massage centre. Yernar Knowingly False Information by a then proposed that the massage Group of Persons, in Collusion, with sex the Use of the Media Communication they agreed to open the massage Networks). She was sentenced to

that Yernar handed money over to Nurgeldy Dyusenov, journalist of the Kibrayev. In addition, the banknotes Nasha Gazeta weekly, received at his vk.com used to charge Kibrayev and his against making publications on a topic and threats fact is that Yernar is not mentioned "unpleasant consequences" if he in the criminal case. This and the does. The topic concerned was the that the apartment was matter of Gilbert Vasquez, a U.S. have violated documents.

cases were activist, in ASTANA. He is alleged to circumstances described in against violence officer's clothing. Abzhan was take place detained for two times in May. The postponed. second time he was arrested for ten for "disorderly conduct" davs (filming tax and police officers). In early May, Azbhan was warned at a meeting of the Alash Zholy initiative group in Astana. Then he was detained for identity check and warned against arranging a rally. The activist later burned the document and posted the respective video at Periscope. Now. Abzhan is at risk of imprisonment.

REGION, the Tashmetova, who blogger Yermek reported that she had received a was arrested

citizen, who had been alleged to letter from the Supreme Court, with Kazakhstan's an attached resolution of Kambar migration laws. At the same time, Nuryshev, judge of the Supreme migration officers have committed a Court's Penal Board, dismissing her number of violations and fabricated appeal for Taichibekov. Nuryshev wrote in his resolution Tashmetova's appeal to reconsider **June 2016** Taichebekov's sentence unsubstantiated because. he On 1 June 2016, three criminal believed. "the conclusion of the instigated against court that Taichibekov was guilty of Makhambet Abzhan, human rights having committed a crime in the have insulted, resisted and used sentence was based on evidence, government which had been comprehensively officials. In particular, he is alleged and fully reviewed by the court." of having torn a pocket at a police The first hearing was scheduled to in June. but was



On 22 June 2016, in ASTANA, the human rights activist Makhambet On 16 June 2016, in ALMATY Abzhan required that the police lawyer Luiza officers who had allegedly caused defends the bodily injury to him be held liable. Taichibekov Abzhan filed a claim imprisoned for four years for having prosecutor's office and attached 19 instigated ethnic or racial hatred, photographs to his claim. In May, he for "disorderly conduct." According to Abzhan, he "disorderly conduct" from 17 to 27 May.

was arrested because he had May 2016. The activist believes that written about the planned protests his arrest was associated with the against land amendments on 21 "coverage of the land protests on 21 May."

On 23 June 2016, the ASTANA Municipal Court dismissed Abzhan's complaint against his arrest for

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