



# RIGHT OF DEFENCE

**№ 8 (OCTOBER - DECEMBER)**

**2016**

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 transition period political scientists have been talking about for a long time already becomes increasingly palpable. For the time being, it is manifesting itself in legal restrictions and repression of any criticism and dissenting political views. The summer attacks by religious extremists against law enforcement officers have triggered new restrictions. In addition, the land protests of the past spring and the opposition's use of social media have inspired the authorities for a host of measures aimed at minimising civil society activity both online and offline. A proof to this is a number of proceedings against prominent public and media figures, as well as general social media users.

Other events also took place in the last quarter of 2016, which cannot be given an unequivocal interpretation. These include the proceedings against Tokhtar Tuleshov, a businessman charged with the preparation of a coup-d'état. The hearings were closed, as it had been expected, and produced more questions, than answers to the public. In late December, the former National Security Committee's head Nartai Dutbayev and two officers were arrested for the alleged disclosure of state secrets. This also may be connected with the possible redistribution of power.

On the eve of the First President's Day, Nursultan Nazarbayev gave an interview to Bloomberg, in which he denied that any of his children would

succeed him. He said, in the meantime, he was going to rule until 2020. He also said that, "the Western countries' desire to create an American-type democracy in Kazakhstan is absolutely untenable." In an interview to Kazakhstan's KTK TV channel he stated that, "Yes, we have a presidential system of government. The constitution sets forth that the republic has the presidential form of government. The French presidential system is more rigid and we have what we have. Different people describe it differently, like it is a dictatorship or an autocracy, but this is nonsense spread by those who do not know our conditions, do not know our life and in fact know nothing, they just read newspapers." In other words, Nursultan Nazarbayev made it clear that no "thaw" should be expected in the near future.

At the same time, in the context of the country's 25th anniversary of independence, President Nazarbayev said he did not exclude that the constitution could be amended.

On the whole, an obvious indicator of that the public had lost its hope for the protection of their rights at law-enforcement agencies and courts, were the new incidents of public suicides (or unsuccessful attempts of these) by self-immolation. And it seems that only now the new Prosecutor General Zhakip Asanov has recognised that the problem exists.

# GOVERNMENT INITIATIVES



On 25 November 2016, the rules and timeframes for submitting notices of foreign finance took effect. The document is titled *Rules and Timeframes for Submitting Notices to State Revenues Bodies of Receipt by Individuals and Legal Entities (Including Non-for-Profit Organisations) and/or Structural Divisions of a Legal Entity of Money and/or Other Property from Foreign Countries, International and Foreign Organisations, Foreigners and Stateless Persons*. The rules were approved by Order 533 of the Minister of Finance of Kazakhstan on 19 October 2016 and apply to the following types of activities:

- providing legal assistance, including legal information, protection and representation of

citizens and organisations' interests, as well as advice to them;

- conducting public polls and surveys (except for profit) and distributing their results; and
- collecting, reviewing and distributing information, except for profit.

In other words, these rules apply only to the organisations and individuals, which are engaged, in the first place, in human rights protection and monitor the current situation.

In addition, the Kazakh authorities attempt to establish control over the non-government sector. Many NGOs believe that the Ministry of Religious and Civil Society Affairs, which is headed by people who are

probably connected with the intelligence services, was set up not for streamlining the work of public organisations, but for exercising additional control. Tax inspections of human rights organisations and refusals to register independent trade unions suggest that the government will continue to try to eradicate criticism on the part of NGOs.

In late December, the President of Kazakhstan approved amendments to the laws countering extremism and terrorism. These amendments were severely criticised by Kazakhstan's human rights organisations and the OSCE. While human rights activists and OSCE recommended either to exclude or clarify many of the proposed provisions, the parliamentarians conceded in one case only: they provided individuals with a

possibility to register their temporary residence without losing access to social services.

The amendments coincided with regular high-level attempts to substantiate the need to lift the moratorium on death penalty in Kazakhstan (the first death sentence in ten years was passed in the reporting period).

By the end of the year, the Parliament's Senate approved several laws, which raised many concerns with the public, including *On Volunteering and On Fingerprint and Genomic Registration*. Since 2021, to receive identity documents, the citizens will have to provide their fingerprints and if someone decides to volunteer his or her actions will be restricted by a "set of volunteering principles."



# POSITIVE EXAMPLES



On 2 November 2016, the Supervisory Board of the Supreme Court of Kazakhstan considered an appeal from the Zhas Alash opposition newspaper, its chief editor Rysbek Sarsenbauly, the journalist Meruert Tursybekova, and Guliya Alikhankyzy. They appealed against the judgement of the Appellate Board of the Almaty Court that had required them to jointly pay moral damages of KZT 40 million (ca. EUR 114,000) to the acupuncturist Zhasan Zekeiuly. The Supervisory Board judged that the amount should be reduced to KZT 5 million (ca. EUR 14,300). The same resolution excluded Alikhan Alibek and Mukan Kaben from the list of defendants. *The plaintiff believed that Zhas Alash's publication 'Academician' Litigating with His Family, dated 13 May 2013, discredited him. He claimed that the publication of Zhas Alash should be suspended for six months and that the newspaper should pay him KZT 400 million (over EUR 1 million) as moral damages. The disputed article had been based fully on the*

*documents issued by law enforcement and government bodies, and resolutions and judgements of courts, including the Supreme Court of Kazakhstan. The statement of claim did not provide any substantiation that the published information had been false. No substantiation was provided to the courts either.*

In December, a week after the Minister of Internal Affairs had said there would be no amnesties in Kazakhstan ever, Nursultan Nazarbayev proposed to grant an amnesty. After the President's initiative, the Deputy Prosecutor General explained that the amnesty would not be granted to those convicted for instigating hatred or organising rallies.

On 28 December, Rinat Kibrayev, a blogger and civil society activist from Almaty, was released on parole, after his remaining imprisonment was substituted by court. He was arrested on 19 May 2016. On 10 August, Kibrayev was sentenced to eighteen months in a penal colony for having organised or maintained a brothel for prostitution and procurement. The evidence he had provided, as well as the files of the case give reasons to believe he had become a victim of provocation.

# RENEWAL OF THE CASES OF POLITICAL PRISONERS AND POLLITICALLY OPPRESSED PERSONS



## Vadim Kuramshin

*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 had 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.*

On 24 October 2016, Yekaterina Kuramshina, the spouse of the human rights activist Vadim Kuramshin, visited her husband in Colony YeS-164/4. Kuramshin has been under strict regime for almost two years and may remain under it until the end of his imprisonment, without the right to alleviation. Other prisoners who have committed violations are usually put under strict regime for not more than six months and then they return to their parties. In addition, Kuramshin is the only prisoner who is prohibited from making telephone calls home and to his relatives. Kuramshin said he suffered from strong pain caused by radiculitis and a replaced vertebra, but he did not get any medical assistance. He tried to do physical exercises on his own to correct his spine and alleviate back pain.

On 23 November 2016, at 2.30 p.m., when Kuramshin began to do his physical exercises dressed in a

jumpsuit, an officer with a video camera and the head of his party entered his cell and accused him of being dressed not in the uniform and violating the day's routine (doing physical exercises). The officers made a respective record of this. The next day Kuramshin asked for explanations from the head of his party Ivanov. Ivanov said that he was allowed to wear a jumpsuit during his personal time, after 7.30 p.m. until bed time, and that the day's routine was displayed at a stand with a note beneath it. However, the approved day's routine provides for personal time from 1.00 p.m. till 3.00 p.m., i.e. exactly the time when Kuramshin was doing his physical exercises.

On 25 November 2016, Kuramshin had severe back pain and he was sent to the healthcare department where a therapist suggested he had "disc radiculitis" and insisted on his immediate hospitalisation.

# Incidents with human rights activists, public organizations, independent media as of October to December, 2016

**October 2016** had been lie and slander. Finally, after many publications in the media, the police officers came to terms with Shuratbayev and withdrew their claim on 11 October.

## HUMAN RIGHTS AND CIVIL SOCIETY ACTIVITIES, BLOGGERS

On 3 October 16, in TALDYKORGAN (ALMATY OBLAST), police officers filed another claim against the chair of the Union of Drivers of Taldykorgan. The litigation between the civil society activist Yelderkhan Shuratbayev and police officers began after Shuratbayev had published at his Facebook page a photo of a road police car near a billboard of a roadside café with a jokey text. The police officers filed a private claim against Shuratbayev. The plaintiffs were two road police sergeants of the Almaty Oblast Department of Internal Affairs, Duman Toktarbekuly and Ablai Bakhytzhana. However, the Kapshagai Court dismissed their claim. Then Shuratbayev received another claim from the Almaty Oblast Department of Internal Affairs as a plaintiff. The claim stated that, in accordance with Clause 17 of the Law on Law Enforcement Services, police officers had no right to engage in any activities except their service and that the text published by Shuratbayev on the social media

On 7 October 2016, in ASTANA, the Astana Court dismissed an appeal from the human rights activist Makhambet Abzhan and satisfied in part a protest from the prosecutor of Saryarka District. Abzhan was added one more year of restraint as the prosecutor had insisted. He was also prohibited from participating and organising rallies and going elsewhere without notice.

In August 2016, Saryarka District Court 2 of Astana sentenced Makhambet Abzhan to one year of restraint and a penalty of 100 monthly calculation indices (ca. EUR 600) for having insulted police officers, failed to obey them, and used violence against a law enforcement officer. Several days before the planned protests against the land reform, Abzhan had been attacked by police officers who later claimed he had resisted and insulted them. Immediately after the attack Abzhan was sentenced to ten days in prison for disorderly conduct.



On 12 October 2016, in ALMATY, Irina Mednikova, general director of the Youth Information Service of Kazakhstan, was attacked near her house. The attacker kicked Mednikova down, hit her against a car and ran away with her bag. The bag contained a hard drive, a smartphone, documents, printed contracts with suppliers, the organisation's seal and approximately KZT 500,000 (ca. EUR 1,500) intended for travel grants for the participants in ZhasCamp, an informal conference in Almaty. Mednikova believes the attack was not incidental.

On 14 October 2016, in ZHESKAZGAN, the Zheskazgan Court, after comprehensive in-patient psychiatric tests at the Almaty Centre for Psychiatric Care, announced Natalya Ulasik, a kindergartner and an active Facebook user, as "socially dangerous and posing threat to the public." The court decided she should be placed in a psychiatric care facility in the village of Aktas, Almaty Oblast (where dangerous offenders who have been recognised as irresponsible are placed). It should be said that the blogger was not provided with quality legal assistance during the proceedings. She was represented by public lawyer Olisa Marchadze who did not attend the final hearing

and sentence. Other lawyers refused to provide services without explaining their reasons. The results of the psychiatric tests were also doubtful. Ulasik's daughter Julia said her mother had passed all the tests required by the appointed commission and, therefore, should have not be announced as irresponsible and socially dangerous. The lawyer who had been provided to the blogger by the Kazakhstan International Bureau for Human Rights and the Rule of Law during her stay in Almaty also confirmed this. In addition, the trial court did not permit Ulasik to pass independent psychiatric tests. What's more important there's no information about the grounds the court used to substantiate its resolution on compulsory treatment.



**Natalya Ulasik**

On 4 May, the Zheskazgan Court obliged Natalya Ulasik to pass psychiatric tests based on a claim from her former spouse. Later, on 22 August, she was arrested in the

court premises and sent to Almaty. Aside from her difficult relations with the former husband, Ulasik is known at Facebook as the author of criticism against the government and her publications could have arisen discontent with the local authorities.

*On 21 October 2016, in ASTANA,* the Almaty District Court resolved that Aidyn Yegeubayev's (a member of the Nur Otan presidential party) allegations of the sale of land to Chinese investors in Eastern Kazakhstan to the orders of the akim Berdybek Saparbayev (posted by Yegeubayev at YouTube) were false and that Saparbayev's claim for moral damages should be satisfied in part. Yegeubayev was adjudged to a penalty of KZT 100,000 (ca. EUR 300).

In July 2016, Yegeubayev stated that Saparbayev, during his service as the akim of East Kazakhstan Oblast (2009-2014), had ordered to provide a 87,437-hectare land plot in Urjar District (East Kazakhstan Oblast) to Chinese investors. Saparbayev who headed Aktobe Oblast in September 2015 filed a claim against Yegeubayev for slander, requiring him to pay KZT 5 million (ca. EUR 15,000) as moral damages.

*On 23 October 2016, in ALMATY,*

around ten people gathered at the pedestrian section of Zhibek Zholy Street. There they planned to have a protest to support the Atyrau activists Max Bokayev and Talgat Ayan who were being judged for the alleged organisation of an unauthorised rally and instigation of social hatred. The protesters were first approached by a police officer who asked them to leave the place. After they refused, police officers detained five "potential organisers" and took them to the Almaty District Division of Internal Affairs. The same day three protesters (Kural Medeuov, Askhat Bersalimov and Suyundyk Aldabergenov) were sentenced by the Specialised Interdistrict Administrative Court to ten days of administrative arrest. Two other activists were given official warnings.

*On 25 October 2016, in AKTOBE,* the judge of the Civil Board of the Supreme Court Shermukhametov dismissed a cassation appeal against the judgements of the Aktobe Court and the Appellate Board of the Aktobe Region Court against the human rights activists Alima Abdirova and Olga Klimonova (members of the National Preventive Mechanism). The ruling stated that, "the defendants comprising this group tried to destabilise the staff and did not obey their new head Kadimova."

On 12 April 2016, Kadimova, head of the Centre for Minors' Adaptation, filed the third claim against Abdirova and Klimonova, requiring KZT 300,000 (ca. EUR 800) for the alleged distribution of false information on the internet from a letter to the akim (mayor) on 9 February 2016. This letter mentioned again the centre Kadimova was in charge, as well as old and new problems that emerged during her management. On 18 May, the court satisfied Kadimova's claim and judged that the human rights activists were to apologise and refute the published information at a meeting at the Centre and pay an aggregate penalty of over KZT 450,000 (ca. EUR 1,300).

## JOURNALISTS AND MEDIA

On 5 October 2016, the Zhambyl Oblast Court's Criminal Board completed its consideration of an appeal by Ramazan Yesergepov against his sentence made seven years ago. The court dismissed the plaintiff's appeal filed after the United Nations Human Rights Committee had decided that the state had violated his right to a fair trial.

Ramazan Yesergepov, editor of the Alma-Ata Info newspaper, spent three years in prison for having disclosed state secrets, as a result



of his publication revealing the schemes used by intelligence officers to misappropriate businesses.

On 19 October 2016, in URALSK, Marina Sakhipova, Judge of Uralsk Court 2, satisfied in part a claim from the police officer Daniyar Rakishev against the chief editors of the Uralsk Week newspaper and its founder Journalist Initiative (founded by the newspaper's journalists). The founder was required to pay KZT 2 million (ca. EUR 5,700) and Tamara Yeslyamova, the newspaper's chief editor, KZT 1.5 million (ca. EUR 4,300).

On 27 December, the Appellate Board of the West Kazakhstan Oblast Court sustained the trial court's decision.

Daniyar Rakishev went to court as he considered that the editor's article What Are Those Like Mayor Rakishev Afraid of? published in the Uralsk Week newspaper had discredited him. Yeslyamova wrote in the article that Rakishev, after

many journalists were detained by police on 21 May, the day of the land protests, which had been broken by the authorities, had apologised to her. The police officer said he had not done it. Rakishev stated he had been discredited and requested that the court oblige the newspaper's editor to pay him KZT 10 million (ca. EUR 30,000). At the first hearing Rakishev said in the presence of the judge, that "I did apologise, but for the phones." At next hearings he said he had not stated this. The audio record was later retrieved and listened to by the judge and the participants in the case. Rakishev's statement that he had apologised was heard by the judge Sakhipova and all other participants.

*On 21 October 2016, in ALMATY,* the Appellate Board of the Almaty Court upheld the judgement against the opposition newspaper Tribuna. Sayasi Kalam and the blogger and economist Denis Krivosheyev who were adjudged to pay damages of KZT 5 million (ca. EUR 14,000) to Sultanbek Syzdykov, director of Almatyzharnama. The trial court – the Medeu District Court of Almaty – passed its judgement on the case on 12 July.

Sultanbekov Syzdykov, director of Almatyzharnama, sued the newspaper and Denis Krivosheyev for his article published on 15 April 2016. Syzdykov claimed KZT 15

million (ca. 42,000) as damages for his discrediting by the article's heading and some pieces of its content. The court then satisfied his claim in part and judged that the author of the article Krivosheyev, the chief editor Zhanbolat Mamai and the newspaper's founder should pay a total of KZT 5 million. Krivosheyev and Mamai insisted at court that the article had included only information that had been published before by other media and had been provided by law enforcement agencies. The lawyer Vladimir Golofast confirmed that a criminal case had been instigated earlier against Sultanbek Syzdykov, but not for corruption.

*On 31 October 2016,* the website of the Socialist Movement of Kazakhstan ([www.socialismkz.info](http://www.socialismkz.info)) administered from abroad became a victim of DDoS attacks, which destroyed its database. Over just several hours of DDoS attacks, 750 Gb of inquiries from tens of thousands of IP addresses were recorded. Arranging such DDoS attacks cost several thousand euros a day. To date, the website has been partially restored but remains blocked in Kazakhstan.

## **CIVIL SOCIETY ASSOCIATIONS**

5 to 13 October 2016, ATYRAU and PAVLODAR. The ZhasCamp youth conference was to start in Atyrau next day after the attack against

Irina Mednikova, head of the Youth Information Service of Kazakhstan. However, a week before the conference Dosmukhamedov Atyrau State University refused to host it despite earlier arrangements. In addition, on 13 October, two hotels refused to host the event (although the rent had been paid in advance). Local speakers also began to refuse to participate. Mednikova believes this was arranged by authorities who had gotten access to information on her stolen hard drive. The next ZhasCamp conference was to take place in Pavlodar on 22 October. Here Toraigyrov State University refused to provide premises for it on 21 October after 8.00 p.m. The official explanation was that the university had had a utilities emergency. The organisers said they could not find an alternative location: the hotels either did not answer the phones, or said they were full, or simply refused to host the event.

5 October 2016, ASTANA. Since 1 September 2016, the Kadir Kasiyet civil society association has been having a comprehensive inspection from the Astana Public Revenue Department. When the organisation requested to substantiate the inspection, it got a reply that it had been initiated based on a request from an individual containing a reference to NUR.kz's article titled

What Does Preparation of Activists in Kazakhstan Cost Foreign Funds. The inspection has been extended until 28 December 2016.

**November 2016**

## **HUMAN RIGHTS AND CIVIL SOCIETY ACTIVITIES, BLOGGERS**

*On 13 November 2016, in ALMATY,* Gulnara Abilbekova, a doctor at the Almaty Emergency Assistance Hospital and a civil society activist, returned from Athens (Greece) where she had participated in an international women's conference. The same day she had a visit from a police officer who demanded she should write an explanation about her trip.

*On 17 November 2016, in BAIKONUR,* Marat Dauletbayev, chair of the Baikonur for Civil Rights civil society association, was called to a police office where he was said that the mayor of the town Anatoly Petrenko had instigated a criminal case against him for slander, because of his appeal to President of Russia Vladimir Putin he had posted at Facebook. Dauletbayev, a civil society activist and a lawyer, wrote that despite Nazarbayev's moratorium on the sale and long-term lease of land, the mayor of Baikonur had "recently provided for free 25 plots of land located within

the town to businesspeople, town council members and officials, in addition to 30 land plots that had been provided before, also free of charge.” Dauletbayev had made an inquiry to the mayor’s office about the provision of land and received a reply that, “since the requested information pertains to personal data it cannot be provided as set forth by the above law (Federal Law 152 of Russia).



Baikonur has the status of a federal town of Russia and is governed by the Russian law. The Russian police took Dauletbayev’s case and if it decides it is a crime it will be handed over to the Kazakh police.

*On 24 November 2016, in AKTAU,* Kairakbai Zhanabekov, head of the Mangistau Region Trade Union Centre of the Trade Union Federation of Kazakhstan, filed an application to the regional prosecutor’s office against Mukhtar Umbetov and Kenzhegali Suiyeuov, activists of the Aktau regional independent trade union. Zhanabekov required in his

application that the activists be held liable as both worked for an organisation that had not been duly re-registered after the new law on trade unions had taken effect. In addition, he claimed that their alleged crime was in that they had supported the region’s oil sector workers’ strikes, rallies and hunger strikes and by doing so had instigated “social hatred.”

*On 28 November 2016, in ATYRAU,* Gulnar Dauleshova, judge of Atyrau Court 2, sentenced the civil society activists Max Bokayev and Talgat Ayan to five years in prison, with the subsequent prohibition to engage in civil society activities for three years. In addition, they were both charged penalties of 250 monthly calculation indices (ca. EUR 1,500). The activists 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 had many violations of law. Several human rights organisations, the U.S. Embassy in Kazakhstan and the EU delegation asked to free Bokayev and Ayan. Of special concern is the court’s statement that they were both guilty of having instigated social hatred. The court agreed with the prosecutor that the

criticism of government officials should be regarded as instigating social hatred between the authorities and general public. The alleged distribution of knowingly false information was not proven as, during the hearing evidence had been provided that almost all information distributed by the activists at the rally and at social media had been previously made publicly available by government officials and some media. The court refused to consider opinions by Kazakhstan's authoritative experts and based its judgements solely on the opinions provided by the experts who had been involved by the investigators. The court also refused to consider all the files of case (75 volumes). In addition, it refused to interrogate many important witnesses.

*On 28 November 2016, in ALMATY,* Aigul Turpenbayeva, an activist of the Protect Kok Zhailau movement, was called to the Department of Internal Affairs. Police officers alleged she had opened a QIWI-wallet and begun to collect money to go to Atyrau's hearing of Max Bokayev and Talgat Ayan's case. She was warned that should there be any disorderly conduct when the sentence was to be announced the "trace of money" would be known. The investigator Tazhiyev took away her identity card but returned it an hour later when Turpenbayeva

stated she would not leave the police office until she gets her document back. Other civil society activists were also summoned to appear at the police office, including Syuindik Aldabergenov, Kural Medeuov and Askhat Bersalimov. All of them were prohibited from going to Atyrau and Bersalimov had his identity card taken away.

## **JOURNALISTS AND MEDIA**

*On 16 November 2016, in ASTANA,* officers of the National Anti-Corruption Bureau arrested, with the permission from Almaty District Court 2 of Astana, Bigeldy Gabdullin, chief editor of the Central Asian Monitor newspaper, head of the Radiotochka.kz web portal, and president of the Kazakh Pen Club. The investigators alleged that Gabdullin had used his media, Central Asian Monitor and Radiotochka.kz, to arrange information attacks against heads of governmental authorities by having published discrediting information and that to cancel his criticism he had required public orders for his media from the respective officials. They in turn had lobbied Gabdullin and ensured that he get public procurement contracts.

*On 21-22 November 2016, in ATYRAU,* the website of the Ak Zhaiyk newspaper became a victim of a DDoS attack and had

interruptions in its work. The website had already been attacked earlier from abroad but the editors had blocked access to it for foreign visitors. The most recent time, however, the attacks were from Kazakhstan. The editors believe that the reason for them was that the newspaper was the only Atyrau publication that wrote about the proceedings against Max Bokayev and Talgat Ayan.

## **December 2016**

### **HUMAN RIGHTS AND CIVIL SOCIETY ACTIVITIES, BLOGGERS**

*On 5 December 2016, in PETROPAVLOVSK, the judge Saule Litfulina sentenced Igor Chuprin, a resident of North Kazakhstan Region (village of Solovka in Kyzylzhar district) to 5.5 years in prison for “instigating ethnic hatred in social media and calls to join Russia.”*

From 1 September 2014 to 20 May 2015, Chuprin posted in his VK news feed comments, which allegedly “provoked negative reaction of users and social tension” and “became a source of information with the signs of ethnic hatred.”

*On 9 December 2016, in ALMATY, Almat Zhumagulov was sentenced*

by the Specialised Interdistrict Administrative Court to 15 days of administrative detention for having reposted at his Facebook page a post with a “call to hold a rally” by the civil society activist Yermek Narymbayev, who lives broad. The court judged that Zhumagulov should be detained as guilty of having “violated the law on the procedure for the organisation and holding of peaceful meetings, rallies, marches, picketing and demonstrations.”

*On 14 December 2016, in PAVLODAR, Aigul Akhmetova, judge of Pavlodar Court 2, sentenced Ruslan Ginatullin to six years in prison for instigating ethnic hatred. Ginatullin was found guilty because of having reposted videos where Russian national socialists and the supporters of Donbass separation were criticised. The severity of the judgement could be due to the fact that this was his fourth sentence. He had already served prison terms as a member of the Hizb ut-Tahrir religious organisation prohibited in Kazakhstan.*

*On 15 December 2016, in URALSK, police officers began to detain civil society activists on the eve of the Independence Day. They were taken to the town’s prosecutor’s office and warned against violating the law on 16 December. These*



facts were reported at Facebook by Askar Shaigumarov. He wrote that police officers had already detained two activists and were standing on duty behind his own door. On 15 December, Maksat Aisautov was called to the prosecutor's office where he was warned against taking part in rallies on 16 December. The same day police also attempted to take to the prosecutor Oxana Ternovskaya, another civil society activist. Isatai Uteпов was warned by the prosecutor's office about liability for insulting in public the president of the country and arranging unpermitted protests.

*In December 2016, in KOKSHETAU (AKMOLA REGION),* a criminal charge of instigating social hatred was instigated against Aslan Kurmanbayev, a member of the All-National Social Democratic Party. He had been already interrogated by the police with respect to his Facebook post published on 5 December 2016 where he suggested to boycott EXPO and the Universiade. He said his post had been intended to support Max Bokayev and Talgat Ayan. The investigator said that inquiries had been made to the Forensic Centre. At present, Kurmanbayev is a witness in the case.

*On 27 December 2016, in AKTOBE,* the judge Aina Abdrayeva sentenced Sanat Dosov, the father of six children, to three years in prison for instigating ethnic hatred. Dosov had repeatedly criticised Vladimir Putin and his policy at his Facebook page. He wrote in particular that, "Putin is demolishing the country. No one will attack. People will understand and then it will be hard to change anything. Russian, stop fascism on your land!" Dosov acknowledged that some of the posts at his page had been his own and repented, but he also said that he had no relation to some other posts and his page had been hacked.

*On 29 December 2016, in UST-KAMENOGORSK,* the journalist Andrei Tsukanov who arrived to the proceedings against the businessman Kuat Sultanbekov and the latter's lawyer Zhanar Balgabayeva were attacked by an unknown. A young man in a dark coat with a hood over his face caught up with Tsukanov and Balgabayeva in a street. He kicked Tsukanov down and tried to whip away a bag from his hands. He also tried to nab a bag from the lawyer but she began to cry for help and Tsukanov also rose. The man ran away. Tsukanov and Balgabayeva reported the incidence to the police.

## JOURNALISTS AND MEDIA

*On 6 December 2016, in URALSK,* Uralsk Court 2 heard the claim filed by the West Kazakhstan Region Health Department against the Uralskaya Nedelya newspaper. The basis for the claim was an article by the journalist Alla Zlobina titled In Uralsk a Family Cannot Find Their Kidnapped Baby, which was published at the newspaper's website on 14 July 2016. The article told about the Bokatayevs and their 18-year-old daughter who had had her new-born kidnapped at a maternity hospital. Later the newspaper published the continuation of the story where it cited the official version of the police that the girl and her parents had invented the story. Despite this, the Health Department filed a claim requiring refutation and damages of KZT 10 million (ca. EUR 30,000).

*On 6 December 2016, in ALMATY,* Zhanbolat Mamai, editor of the Tribuna. Sayasi-Kalam opposition newspaper, found out that the mirror on the driver's side of his car had been broken. Two hours later when he was to go to a printing office he found the entire window on the driver's side broken. Mamai believes this was related to his intention to award the newspaper-invented People's Hero prize to the representatives of Max Bokayev and Talgat Ayan.

Earlier, all hotels with conference rooms which had been contacted by the organisers had refused to provide premises for the award ceremony.



*On 9 December 2016, in ASTANA,* the Appellate Board of the Astana Court practically upheld the sentence against the chair of the Union of Journalists of Kazakhstan Seitkazy Matayev and his son, director of the KazTAG information agency, Aset Matayev, who had been charged with the alleged stealing of money provided to publish public orders in the media and tax evasion. The Appellate Board revised the sentence only with respect to additional punishment – a lifetime prohibition against holding managerial positions – and explained that the “convicts had not committed corruption offences.” As a result, it substituted the lifetime prohibition with ten years.

*On 3 October 2016,* Akbolat Kurmantayev, judge of Yessil District Court 2 of Astana, sentenced Seitkazy Matayev to six

years in prison, with the seizure of property, for fraud and tax evasion. His son Aset Matayev, general director of the KazTAG information agency, was sentenced to five years for fraud. The court also satisfied civil law claims from the Ministry of Information and Communications and Kazakhtelecom and obliged the convicts to pay over KZT 500 million (ca. EUR 1,500,000) to the public budget. In his last statement Matayev named those who, as he believed, had initiated prosecution. These were Nurlan Nigmatullin, former head of the president's executive office, Talgat Tatubayev, one of the heads of the National Anti-Corruption Bureau, and Alexandr Klebanov, an oligarch who had become an Israeli citizen.

## **CIVIL SOCIETY ASSOCIATIONS**

On 5 December 2016, in SHYMKENT, the Shymkent Economic Court began to hear the case initiated by the Ministry of Justice of Kazakhstan against the Confederation of Independent Trade Unions of Kazakhstan requiring the abolishment of registration and further liquidation. The Confederation is being liquidated after numerous attempts to re-register a number of local trade unions, which is necessary to confirm the Confederation's status.

On 30 December 2016, in ALMATY, Galym Ageleuov, president of the Liberty civil society association, was provided with the results of a five-year comprehensive tax audit initiated based on claim by an Astana citizen who had required that three human rights organisations that he disliked be inspected. The audit began on 8 August 2016. Despite all the documents provided, including an official letter from the European Commission's Ambassador in Kazakhstan and the original grant agreement between the European Commission, the Equal Rights Trust and Liberty, the tax authority decided, with a reference to the Ministry of Finance, that Liberty was not a grantee of the European Commission and charged penalties totalling almost KZT 2.5 million (ca. EUR 7,000).

Under on a mutual treaty, the grants extended by the European Commission and some other donors are exempt of taxes in Kazakhstan.



**Seitkazy & Aset Matayev**

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**This bulletin was prepared by Kazakhstan International bureau for human rights with the support of Netherlands Helsinki Committee in fame of the project «Support human rights defenders in post-Soviet countries»**

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