



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

Since the beginning of the year, domestic policies have become increasingly tougher towards protesters and even non-loyal citizens. It is impossible to say whether this is due to a “clean-up” in the light of the possible transition of power, or this is the way law-enforcement services demonstrate their capabilities. Having no opponents among politicians or influential media outlets, the government has begun to prosecute civil society activists who have no significant influence, including those from provinces. The criminal articles used most often are the instigation of hatred and slander.

In addition, despite criticism, including from abroad, the government continues to attack influential civil society associations and trade unions.

Because of these processes, the number of people who were imprisoned for political reasons has achieved its maximum. Investigations or court proceedings were initiated against several other persons.


Many people are considering emigration or internal migration. Emigration was also triggered by the adoption by Russia's State Duma of a law simplifying

nationalisation for ethnic Russians.

At the same time, the country continues to go through serious economic challenges. President Nazarbayev is trying to save some banks with budget money while preparations for EXPO in Astana have turned to be significantly more expensive than expected. The media reported that in 2016 Kazakhstan raised an additional US \$2 billion from the World Bank for infrastructure development. In addition, the World Bank finances the modernisation of public governance, the construction of irrigation networks, and support to SMEs in Kazakhstan. Against these developments, the government states it lacks budget money to relaunch the economy. Over January-November 2016, the national budget deficit amounted to KZT 705 billion (more than EUR 2 billion), compared to KZT 1 trillion in 2015.



GOVERNMENT INITIATIVES

A black bag is placed on a wooden chair in a conference room. In the background, there are microphones and stacks of papers on a table.

Senior officials were continued to be arrested and dismissed from their positions. The arrests are believed to be associated with the ongoing transition of power in the country.

Legislative Initiatives

On 1 January 2017, the Law On Amending and Supplementing Certain Statutes on Countering Extremism and Terrorism took effect. Among its provisions is the compulsory registration of Kazakh citizens at places of their temporary stay or residence. The new law will affect all citizens who want to change their address, without exception.

On 25 January 2017, Nursultan Nazarbayev made an official statement on the re-distribution of authority between three branches of government. He said that he intended to delegate a part of his authority to the parliament and the government in order to “meet the challenges of the time” and conform to the “spirit of democratic reforms.” In addition, the President signed an

order to launch public discussions of the draft law On Amendments and Supplement to the Constitution of the Republic of Kazakhstan. Intentionally or not, the public focused on the first paragraph of the amendments, Article 26. The previous wording read that, “citizens of the Republic of Kazakhstan may privately own any legally acquired property,” while the amended version is that, “everyone may privately own any legally acquired property.” This gave rise to talks that the new Constitution would permit foreigners to acquire private property, including land, in Kazakhstan. Experts believe that other amendments to the Constitution may be used to reduce the president’s personal responsibility if the economic situation worsens further, as well as the influence of the next president, and try to balance the power

between the next president and the parliament.

The discussion of constitutional amendments proposed by the president ended on 26 February. The citizens were especially concerned with Article 26. The government disliked high attention to this article and any attempts to develop public discussions of this topic were restrained. Finally, President Nazarbayev said that the disputable Article 26 would not be amended.

On 6 March, the parliamentarians approved the draft law On Amendments and Supplements to the Constitution of the Republic of Kazakhstan at a joint session of the chambers. One of the clauses that raise concerns is Article 10.2 of the Constitution, which permits deprivation of nationality by court for crimes associated with terrorism and for “causing other severe damage to the vital interests of Kazakhstan.”

On 10 March, President Nazarbayev signed the Law On Amendments and Supplements to the Constitution of the Kazakhstan. The law introduces 26 amendments to 19 articles of the Constitution.

The Ministry of Justice prepared and proposed amendments to the Criminal Code, linked to amendments to the Constitution. These include an article envisioning the severest punishment for damaging the country's interests. The proposed clause is Article 184-

1 titled Causing Severe Damage to the Vital Interests of the Republic of Kazakhstan or Creating Threat to the Existence and Stable Condition of the State and Society. The Ministry proposed to punish offenders with imprisonment of fifteen to twenty years, or life sentence, or death penalty, with the seizure of property and deprivation of nationality. This initiative was criticised by the public and the next day after it had become known it was excluded from the proposed amendments.

It is proposed that the National Security Committee be vested with the authority to investigate corruption cases against Anti-Corruption Service officers. These plans were announced by First Deputy Prosecutor General Iogan Merkel. If this is the case, the Kazakh intelligence services will be provided with even greater authority.

Other Issues

Former deputy chairman of the board at BTA Bank Zhaksylyk Zharimbetov was extradited from Turkey to Kazakhstan. Zharimbetov was believed to be close to Mukhtar Ablyazov, former owner of BTA Bank and an opposition politician, who is now living abroad. His testimonies resulted in the criminal prosecution of Zhanbolat Mamai, editor of the Tribuna. Sayasi Kalam opposition newspaper. Investigation against Ablyazov was completed in Kazakhstan. According to official statements, he siphoned off US \$7 billion from the bank.

RENEWAL OF THE CASES OF POLITICAL PRISONERS AND POLLITICALLY OPPRESSED PERSONS



Max Bokayev and Talgat Ayan

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.

On 25 February, the convicts arrived to a penal colony in Petropavlovsk. Although the law states that the convicts should serve their sentences in the region where they reside, the Kazakh authorities often send political prisoners, without any good reason, to the remotest regions and select penal institutions in areas where no human rights activists or independent media work and where it is difficult to get from other places.



Aron Atabek

Aron Atabek sent a message to the United Nations Committee against Torture with the help of his lawyer Zhanara Balgabayeva. In 2012, the administration of Penal Colony AK-158/22 in the town of Karazhal where he served his sentence at that time required that his imprisonment conditions be toughened and on 4 December 2012 Atabek was transferred to a penal colony in the town of Arkalyk where he was placed in solitary confinement. Atabek believes that the reason for his transfer to the Arkalyk prison was the publication of his new book, *The Heart of Eurasia*, on the internet. His solitary cell is under video surveillance 24

hours a day. Atabek was allowed only short walks, escorted by guards and with a special mask on his face and handcuffs to prevent contacts between prisoners. External communications are restricted; phone calls and visits are prohibited. According to Atabek, in Prison AK-161/12 he was beaten and humiliated by prison officers.

Between December 2012 and April 2013 he was placed in solitary confinement although, as it was found out, it was illegal. Atabek claims that solitary confinement caused physical and psychical sufferings to him.

The poet and dissident Aron Yedigeyev (his pen name is Aron Atabek) was sentenced in 2006 to eighteen years in prison for having organised mass commotions against the demolition of a dozen of houses and the death of a police officer in the microdistrict of Shanyrak in Almaty. Atabek denied his guilt for the murder of the police officer. Atabek's involvement in the murder had not been proven in the court but he was recognised as the main instigator and inspirer of the commotions. Atabek is serving his sentence at Detention Facility AP-162/1 in Pavlodar. He cannot petition for alleviating his imprisonment conditions because when time comes to lift his previous penalty he is charged with another one.

Incidents with human rights activists, public organizations, independent media as of January to March, 2017

January 2017

HUMAN RIGHTS AND CIVIL SOCIETY ACTIVITIES; BLOGGERS

On 9 January 2017, in ALMATY, after court proceedings at the City Court began and the supporters of the film director Talgad Zhanybekov, who was on trial on that day, held an unhampered picketing, the blogger Zhanara Akhmet was detained and taken to the Almaly District Department for Internal Affairs without providing reasons for her detention. On 10 January, Akhmet was summoned to appear at the Interdistrict Administrative Court. Her proceedings were chaired by Judge Aiym Shayakhmetova. Journalists and Akhmet's supporters were not permitted to the trial, which took, however, only five minutes. Neither Akhmet, nor her lawyer were given an opportunity to familiarise themselves with the case. Akhmet was found guilty of having violated the law on the organisation and holding of peaceful meetings and imposed a penalty of 50 monthly calculation indices (ca. EUR 300).

On 7 January 2017, in SHYMKENT, the Department for Internal Affairs instigated a case against Larisa Kharkova, chair of the

Confederation of Independent Trade Unions, for having allegedly misappropriated trade union money. Documents were withdrawn from the trade union office and Kharkova's computers were taken from her home. On 23 December, an employee of the Shymkent Oil Refinery and a member of Dostoiny Trud (Worthy Labour), a local trade union, withdrew from the Confederation. In January 2017, he filed a claim against Kharkova stating that she had allegedly misappropriated approximately EUR 9,000 of trade union money. However, in December 2016, Dostoiny Trud and the Confederation of Independent Trade Unions were audited by tax authorities, which did not reveal any violations. At present, Kharkova is a witness with the right to defence. The Confederation and its leader's bank accounts were arrested. In addition, Kharkova and her family members are being forced to refuse to appeal against the judgement. Kharkova is under surveillance; her husband and son were fired from work. She was also forced to hold a briefing for the media in order to demonstrate her "agreement" with the judgement and request that trade union members discontinue their hunger strike against the winding up of the Confederation. The Confederation

of Trade Unions of Kazakhstan is among the oldest civil society organisations in the country. It was established in 1991 and had up to 100,000 members before the problems began.

On 18 January 2017, in URALSK, two civil society activists – Issatai Utepov and Baurzhan Alipkaliyev – had difficulties when they tried to go to Atyrau to the trial against Max Bokayev and Talgat Ayan who had been arrested after a peaceful rally, which had been held in Atyrau in the spring and brought together thousands of people. First, taxi drivers who had been contacted in advance refused to take the activists to Atyrau (the ride between Uralsk and Atyrau takes four hours). They finally managed to get a car but three hours later it was stopped by police near the settlement of Inder for two hours. After the trial began the driver was given permission to drive further. Two days earlier, in Almaty, Ramazan Yesergepov, civil society activist, and Amangeldy Shormanbayev, human rights activist, also had difficulties with flying to Atyrau. Three hours before departure from Almaty, Yesergepov received an official SMS from the air carrier that the flight was postponed for three hours. However, when Yesergepov came to the airport he found out that the flight had departed to schedule. Shormanbayev had his car number

plate changed by an unknown person the night before the flight. When he drove from his house to the airport, he was stopped by the police and detained in order to issue a protocol of the use of a counterfeit number plate.

On 20 January 2017, in ATYRAU, Chair of the Atyrau Oblast Court's Criminal Board Tatti Ualiyeva considered the appeal by Max Bokayev and Talgat Ayan but upheld the judgement of the previous court. Bokayev and Ayan were sentenced on 28 November 2016 to five years in prison for having violated three articles of the Criminal Code, including inciting social or ethnic hatred in collusion, distributing knowingly false information during public events, also in collusion, and violating the procedure for the organisation and holding of rallies. The appellate proceedings took five days, beginning from Monday.

On 20 January 2017, in AKTAU, Amin Yeleusinov, head of the trade union of Oil Construction Company, was detained. The next day Astana's Almaty District Court sanctioned his arrest, as well as the arrest of Nurbek Kushakbayev, labour inspector at the same trade union. Neither their family members, nor their lawyers knew where they were placed after the arrests. According to officials, Yeleusinov is accused of having

misappropriated property entrusted to him and Kushakbayev of having provoked the continuation of a strike that had been held illegal by court. It turned out that both trade union activists were taken to a detention facility in Astana. On 8 February, Yeleusinov was forced to state his voluntary surrender using a text that had been prepared by the investigator. His statement was recorded and then sent via WhatsApp to OCC's trade union leaders. On 23 February, it was found out that Yeleusinov denied his voluntary surrender.

OCC employees, who are members of their company's trade union, which is, in turn, a member of the Confederation of Independent Trade Unions of Kazakhstan, went on hunger strike on 5 January 2017 to protest against the winding up of the Confederation. The hunger strike took place at the premises of the trade union, which was chaired by Amin Yeleusinov. From that date, the number of those on "wet" strike increased to almost 400 people. On 17 January, company employees working in fields joined the protest and the number of protesters grew to 700. At the same time, all employees continued to work and fulfil their duties.

On 19 January, the Aktau City Court recognised the hunger strike as illegal. The defendants and protesters were required to leave

the trade union premises "immediately." Journalists were not permitted to attend court proceedings. Amin Yeleusinov, chairman of the trade union at OCC, was among the eight defendants.

On 22 January, the police forced the workers to stop their hunger strike and leave the trade union premises. The next day, the Administrative Court imposed penalties on fifteen strike participants for violation of the law on the organisation and holding of peaceful meetings (one of them was imposed 50 monthly calculation indices (ca. EUR 300) and the others 20 monthly calculation indices (ca. EUR 170)). The same day, Aktau's Mangistau District Court passed a resolution to recover over KZT 3.5 million from 28 OCC employees as indemnification for damages caused to the company as a result of their hunger strike from 6 to 22 January.

JOURNALISTS AND MEDIA

On 19 January 2017, in the village of SARYAGASH (South Kazakhstan Oblast), the Saryagash District Court made a second sentence against Amangeldy Batyrbekov, journalist and head of the Saryagash-Adilet civil society association. Batyrbekov was charged with an offence he had

been already held liable for earlier. In particular, he was charged with having violated two articles of the Criminal Code: a slander on a judge, juror, prosecutor, pre-trial investigator, expert, officer of justice, or executor, and a knowingly false report. Batyrbekov was sued by Nurlan Saparov, deputy prosecutor of Saryagash District. Nurbol Yeshpanov, chairman of Saryagash District Court 2, found Batyrbekov guilty of having violated Article 411 and not guilty under Article 419 of the Criminal Code, and sentenced him to eighteen months and nineteen days of restraint. Batyrbekov was granted amnesty and released from the court room.

In the autumn of 2015, Batyrbekov was sentenced to eighteen months in prison for slander, after having being sued by Nurlan Saparov. The claim was filed after Batyrbekov's article *No Law and No God... Will Innocents' Pleas for Help Reach Prosecutor General?* was published by Adilet, a local newspaper. Saparov was named as a "prosecutor who has concealed an offence" in it. While serving his sentence in prison, Batyrbekov wrote a letter to the president of Kazakhstan. His case was reconsidered as a result and in January 2016 the activist was released from prison because Nurlan Saparov had had no right to file a private claim with respect to

this case. However, Saparov filed another claim to the court, as an official this time.

On 29 December 2016, in ALMATY, the editorial office of the Ratel.kz web portal received a pre-trial claim from former Minister of Finance and State Revenues Zeinulla Kakimzhanov who required that the editors refute and delete nine articles published on the website between May and December 2016. The articles told about violations committed by the companies owned by the Kakimzhanovs during tenders and the repair of a runway in Uralsk Airport. In the early days of January, without waiting for a response to his pre-trial claim for 30 days as required by law, Kakimzhanov filed a claim to Almaty's Medeu District Court. The plaintiffs, Zeinulla Kakimzhanov and his son Ilkhalid Kakimzhanov, claimed, in addition to the refutation of the articles and their removal from the website, EUR 200,000 from the chief editor Marat Asipov, journalists Sapa Mekebayev and Gennady Benditsky, former Avtodorservis' general director Vitaly Protsentov, and ITAYU (publisher). A similar claim was filed against Forbes Kazakhstan.

On 1 February 2017, the first hearing took place at Almaty's Medeu District Court. Judge Zhumamuratov satisfied the plaintiffs' petition to hear the case

as closed proceedings. In addition, on 11 January 2017, the Medeu District judge passed a ruling prohibiting the defendants from “covering the proceedings in the media” or “placing other information related directly to the plaintiffs in the media.” The prohibition extends to both the coverage of the proceedings and stating opinions on any internet resources.

On 24 January 2017, in ASTANA, a sentence was made against Bigeldy Gabdullin, chief editor of the Central Asia Monitor newspaper and director of the Radiotochka.kz website. Gabdullin, who was charged with having allegedly extorted budget funds from officials, was sentenced to five years of restraint and released from the court room. Baglan Idrisov, judge of the Astana Specialised Interdistrict Criminal Court, found Gabdullin guilty of having extorted money from four governmental agencies. The prosecutor agreed that Gabdullin had repented and indemnified damages to the affected parties in the amount of KZT 20,625,000 (EUR 60,000).

Bigeldy Gabdullin, editor, director and owner of two publications, was arrested by the National Anti-Corruption Bureau on 16 November 2016 for having allegedly extorted public procurement orders from heads of governmental institutions in exchange for his promises that

his outlets would not publish information discrediting them. The complainants included the Departments for Internal Policies of Astana, East Kazakhstan and Zhambyl Oblasts, as well as the Ministry of Energy. The letter of accusation stated that Gabdullin, “...had criticised in his articles heads and officials of governmental authorities in order to damage their honour, dignity and reputation.”

CIVIL SOCIETY ASSOCIATIONS

On 4 January 2017, in SHYMKENT, the Specialised Interdistrict Economic Court had its first and last hearing of the Ministry of Justice’s claim to wind up the Confederation of Independent Trade Unions of Kazakhstan. Judge Konysbayeva refused to accept any petitions from the defendant and resolved that the trade union should be wound up.

On 11 February 2016, the Confederation of Independent Trade Unions of Kazakhstan was re-registered with the Ministry of Justice after a ten-month process. It was required then to set up branches in nine regions within six months (before August 2016). The period was later extended until the end of 2016. At the same time, the Ministry of Justice refused, on various excuses, to re-register trade unions that could join the Confederation in order for it to confirm its republican status.

**HUMAN RIGHTS AND CIVIL
SOCIETY ACTIVITIES;
BLOGGERS**

On 13 January 2017, in ALMATY, two non-governmental organisations, Liberty and the International Legal Initiative, were imposed penalties amounting to millions of tenge as a result of a tax audit. These human rights organisations whose work is financed by foreign grants are required to pay the corporate income tax. Two organisations from Almaty, Liberty and the International Legal Initiative, and one from Astana, Kadyr Kasiet, were audited based on a complaint from a resident of Astana. In his letter to the Ministry of Finance's State Revenue Committee, the complainant wrote that he had read the article titled What Does Preparation of Activists in Kazakhstan Cost Foreign Funds, which had been published on Nur.kz, and supposed that the work of the above NGOs "could be aimed against the most important value of society – stability." In July 2016, the Almaty State Revenue Department initiated audits of Liberty and the International Legal Initiative. The audits ended in late December 2016. As a result, Liberty was imposed penalties and an additional corporate income tax of KZT 2.5 million (EUR 7,500) and the International Legal Initiative KZT 1.3 million (EUR 4,000). The audit of Kadyr Kasiet continues.

On 8 February 2017, in BAIKONYR, the town court chaired by Judge Karlygash Nurpeisova sentenced Marat Dauletbayev, chairman of the Baikonur for Civil Rights civil society association, to one year in prison. However, the judge announced that Dauletbayev was granted amnesty on occasion of the country's 25th anniversary of independence. Dauletbayev had been accused of slander by Anatoly Petrenko, the town's mayor appointed by the Russian Federation.

Marat Dauletbayev wrote a complaint to the President of Russia and published it on Facebook. The official claim to law enforcement agencies was filed by Nikolai Avdeyev, first deputy mayor. Dauletbayev wrote that despite Nazarbayev's moratorium on the sale and long-term lease of land, the mayor of Baikonur had "provided free of charge 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." In addition, he made an inquiry to the mayor's office about land transfer but the mayor's office refused to provide such information.

“Since the requested information a detention facility of Ust Kamenogorsk after the court of Ridder had decided to replace arrest with recognizance. After he had been released, his case was “lost.”

On 2 February 2017, in RIDDER, a case was instigated against Alexander Kharlamov, human rights activist and head of the Secret Service law agency, for having allegedly incited religious hatred. Kharlamov had a search in his apartment. The respective prosecutor’s warrant stated that religious literature should be withdrawn. The withdrawn materials were the remaining copies of *The Most Genial Book* – Kharlamov’s reflections about religion and atheism and the influence of science on Christianity he had published in 2015 using his own funds. The 64-year-old activist believes, however, that his book is of scientific nature. As a result of the search, Kharlamov had 83 copies of his book, three flash cards and a computer processor with all documents he worked on withdrawn by the police.

In 2013, Alexander Kharlamov was already charged with allegations of having incited religious hatred because of his atheistic views. Kharlamov believes that the actual reason is his human rights activities and publications. On 4 September 2013, Kharlamov was released from

On 15 February 2017, in AKTOBE, the Aktobe Oblast Court’s Appellate Board chaired by Judge Rakhmetulla Khairullin upheld the sentence against Sanat Dosov, a Facebook user from Aktobe who had been sentenced to three years in prison for having incited social hatred after he had criticised Russian president Vladimir Putin in a Facebook post.

In his comments published between July 2014 and March 2016, Sanat Dosov accused Vladimir Putin of having “destroyed the country” and criticised the Kremlin’s actions in Eastern Ukraine.

On 24 February 2017, in ALMATY, Olesya Khalabuzar, head of the Young Professionals’ Society, was taken from the organisation’s office to the Department for Internal Affairs where she had a talk with representatives of the prosecutor’s office. It is also possible that officers from the National Security Committee were present in the investigator’s room (none of the officers named themselves). Khalabuzar had her mobile phone taken away and was forced to write an explanation. She and other

detained persons were charged with having discussed in WhatsApp an intention to poll people in the streets about the proposed changes to the Constitution. Khalabuzar spent eight hours at the police. She was not presented any charges and when the “interrogation” was interrupted she managed to leave the building. The same day Nurlan Amrekulov, a known historian who had earlier criticised the land reform, was brought to the Department for Internal Affairs. He spent three hours there and had his WhatsApp chats screenshot. In addition, Zhanara Akhmet, a blogger, was detained the same day. She was beaten during detention. Then police officers took her smartphone, logged in her unprotected Facebook account and published a call to take part in a rally against changes to Article 26 of the Constitution, which envisioned the possibility of the sale of land to foreigners. The same day, in the evening, she was taken to the Specialised Interdistrict Court and imposed a penalty of 50 monthly calculation indices (ca. EUR 300) for calls for a rally. Journalists and human rights activists were not permitted to enter the court room, although the hearing was open. An ambulance was called to the court to record that she had been beaten. However, the police refused to let the doctors in.

On 24 February 2017, in AKTAU, Nuriyash Abdraimova, a civil society

activist, was detained by the police at a post office where she wanted to send a letter from people living in Mangistau Oblast to the parliament, protesting against amendments to Article 26 of the Constitution. She was said that the phrase Wake up, Kazakhs! contained in her letter was a call for illegal actions. The administrative hearing took place on 27 February. Abdraimova was adjudged a penalty of 20 monthly calculation indices (ca. EUR 150).

On 23 February 2017, in ALMATY, Yerlan Kaliyev, a human rights activist, was detained when he left the office of the Kazakhstan International Bureau for Human Rights. He intended to go to the National Security Committee and have a picketing against the arrest of Zhanbolat Mamai, editor of the Tribuna. Sayasi Kalam newspaper. A district prosecutor and an officer of the National Security Committee were present when Kaliyev was detained and they instructed the police officers to take him to the Alatau District Police Department. Kaliyev spent three hours there and was released after he had written an explanation. The same day, the bloggers Galym Ageleuov and Ashkat Bersalimov were detained near the National Security Committee building where they and journalists of the Azattyk radio intended to record Kaliyev’s picketing. The bloggers were put into the police car and taken to the

police office. Ageleuov was released three hours later. Bersalimov, who was indignant with his unlawful detention, was taken to the Almaty Specialised Administrative Court. At 11.00 p.m. the judge sentenced him to fifteen days of arrest for having violated the law on the organisation and holding of peaceful meetings. On 1 March 2017, the appellate board upheld the judgement despite testimony provided by witnesses and video records of the unlawful actions of the police.

JOURNALISTS AND MEDIA

On 10 February 2017, searches took place in the office of the Tribuna. Sayasi-Kalam newspaper, the apartments of its editor Zhanbolat Mamai, acting editor Inga Imanbai and their relatives, the newspaper's accountant, the founder of the publishing company, and at the house of the politician Tulegen Zhukeyev. The searches were part of the investigation conducted by the National Anti-Corruption Bureau with respect to the alleged misappropriation of money from BTA Bank. The same day the National Anti-Corruption Bureau named Zhanbolat Mamai an accessory of the politician and banker Mukhtar Ablyazov who had emigrated. This statement was made in violation of the presumption of innocence and without an effective court sentence. "He laundered a part of money

appropriated from BTA Bank by conducting fake transactions via the Tribuna. Sayasi-Kalam newspaper," the National Anti-Corruption Bureau wrote in its statement, which was distributed by many media outlets. On 11 February, the investigating judge Anina Baidauletova resolved to arrest Mamai for two months (for the period of investigation). The newspaper is not being published now.

Mamai said to his lawyer that he had been beaten in the detention facility by other inmates who had promised to kill him if he did not cooperate with the investigators. When this became known, Mamai was transferred to another cell.

Over the entire period of its operation, the Tribuna project was financed by newspaper sales. It was closed several times because of claims but then re-opened under other names. The newspaper had problems recently. On 1 February 2017, its publication was delayed. The publishing office said that the newspaper (which had been printed there for five years) had an insignificant debt. The day before Zhanbolat Mamai stated he had noticed he was shadowed. Pressure was also exerted on the newspaper's founder: the owner of the Kalam company had to dismiss Tribuna's acting chief editor Zhanbolat Mamai and wind up the company.

On 17 February 2017, in AKTAU, Saniya Toiken, Azzatyk radio's journalist in Aktau, spent several hours at the police where she was taken for the second time over the recent month. As a result, Toiken could not attend the meeting with Alik Aidarbayev, akim of Mangistau Oblast, she was assigned to by the editor's office. In the morning of 17 February, the car in which Toiken went to the meeting was stopped by the police who claimed that she did not fasten her seat belt at the rear seat of the car. When Toiken went out of the car she was told that she needed to go to the police office as a witness for a criminal case and was brought to the Mangistau Oblast Department for Internal Affairs. Toiken spent more than two hours at the police office and missed the akim's meeting. In addition, she was interrogated with respect to the alleged misappropriation of funds of Oil Construction Company's trade union – a criminal case involving Amin Yeleusinov, the arrested trade union leader. Toiken had to sign a non-disclosure statement at the police. On 21 January, she was again taken to the police from the office of Oil Construction Company's trade union where she collected material for an article about oil workers' hunger strike. She spent at the Department for Internal Affairs less than an hour: after a police officer who named himself "colonel Abasov" asked her

name he ordered his subordinates to take her back.

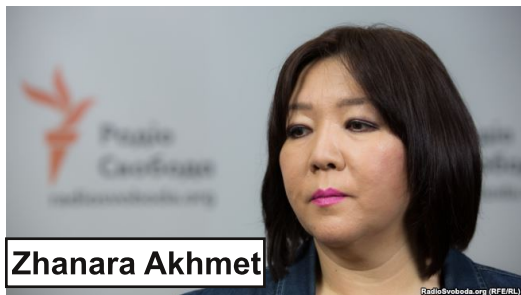
March 2017

HUMAN RIGHTS AND CIVIL SOCIETY ACTIVITIES; BLOGGERS

On 8 March 2017, in KARAGANDA, Karaganda's Kazybek-Bi Criminal Court sentenced Sanat Bukenov, a human rights activist from Balkhash, to four years in a penal colony. The proceedings began on 19 January 2017, chaired by Judge Zhanat Yegemberdiyeva. Bukenov was accused of having made a knowingly false report against a prosecutor, judge, police officers and the mayor's office of Balkhash and having accused a person of a corruption offence. In 2014, Bukenov wrote that the mayor's office of Balkhash, with the connivance of the prosecutor's office, misappropriated housing from children brought up in orphanages. He stated at the proceedings that he had been tortured. After this statement, the judge suspended the proceedings on 24 January. The hearing continued on 14 February after the ruling had been passed to terminate a criminal case against an investigator of the Karaganda Oblast National Anti-Corruption Bureau who was the subject of Bukenov's complaints. The criminal case was dismissed for failure of

evidence. Bukenov refused to take part in further hearings.

On 9 March 2017, in ALMATY, at 09.00 a.m. a police major and three police officers came to the apartment of the blogger Zhanara Akhmet to deliver her a record of her jaywalking seven months before, as established from a video submitted by an unnamed individual. Akhmet was taken to the police office “for interrogation.” She suspects that the actual reason for her detention was that she intended to cover the proceedings against the film director Talgad Zhanybekov who had been charged of having misappropriated government funds (after he had reported that the Ministry of Culture had required that he kickback a portion of money provided for film production).



On 17 March 2017, in ALMATY, the blogger Zhanara Akhmet who lived in Almaty and was under probationary supervision fled with her minor son from Kazakhstan to Ukraine. She's now in Kiev where she asked for political asylum. She had serious concerns that the administrative proceedings against her and the criminal case instigated

against the Spravedlivost (Fairness) Young Professionals' Society where she was a witness could result in criminal charges.

On 14 March 2017, in KYZYLORDA, the Kyzylorda Oblast Court dismissed an appeal against the sentence of the Baikonur Town Court for Marat Dauletbayev, chairman of the Baikonur for Civil Rights civil society association.

On 24 March 2017, in ASTANA, Almaly District Court 2 began proceedings against Nurbek Kushakbayev, labour inspector at Oil Construction Company's trade union, for having incited workers to continue an illegal strike. Judge Aizhan Kulbayeva announced the official version of the investigators that Kushakbayev had consulted his co-workers about trade union arrangements, as well as strikes and rallies, which resulted in an illegal strike from 15 to 26 December 2016. Kushakbayev had also allegedly called for hunger strike at work against the winding up of the Confederation of Independent Trade Unions of Kazakhstan.

Galymzhan Akhmadiyev, a representative of the affected party, Techno Trading Ltd, stated that the damages allegedly caused to the company by the strike amounted to KZT 25 million (ca. EUR 73,000). The initially stated amount of damages was even higher – KZT 94 million (ca. EUR 280,000). The affected party

could not explain how these amounts had been calculated.

On 31 March 2017, in ASTANA, the civil society activist Aslan Kurmanbayev was detained for several hours after the proceedings against Nurbek Kushakbayev. Kurmanbayev was taken to an investigator at the Department for Internal Affairs who told him that his 26 Facebook posts had been sent for examination to the Forensic Centre to analyse whether they contained signs of instigation of social hatred. Kurmanbayev was required to appear for interrogation with his lawyer, as a witness. He earlier had one of his Facebook posts about boycotting EXPO 2017 examined for the signs of calls for overthrowing the constitutional system and inciting social hatred under Article 174 of the Criminal Code. The examiners did not find any such signs, however.

CIVIL SOCIETY ASSOCIATIONS

On 3 March 2017, in ALMATY, the office of the Spravedlivost' (Fairness) Young Professionals' Society, a human rights organisation, and the apartment of its head Olesya Khalabuzar were searched until 2.00 a.m. The searches were part of a pre-trial inspection initiated by the Department for Internal Affairs' Division for Countering Extremism. All documents, mobile phones and

office equipment, including the fax machine, were withdrawn during the searches. Khalabuzar is being inspected for having allegedly created or managed a religious or civil society organisation with activities exerting violence on people or causing other harm to their health (an article of the Criminal Code envisioning the punishment of six years in prison). The official reason for investigation was the posting of a video in social media, in which some members of the organisation declared their intention to immolate themselves if their cases were not considered in accordance with the law. Videos were recorded and posted in social media by Zhanara Akhmet, who is a witness in the case.

On 28 March 2017, in SHYMKENT, the South Kazakhstan Oblast Specialised Interdistrict Economic Court considered an appeal against the judgement made on 4 January 2017 by Specialised Interdistrict Economic Court 2 to wind up the Confederation of Independent Trade Unions of Kazakhstan. Judge Nurserik Sharipov upheld the judgement of the lower court.



Olesya Khalabuzar

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