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Kazakhstan: Prison sentence against civil society activist reinforces concerns about growing crackdown on free speech

International Partnership for Human Rights, the Netherlands Helsinki Committee and the Norwegian Helsinki Committee are concerned about the prison sentence handed down to Kazakhstani civil society activist Vadim Kuramshin. The circumstances of this case suggest that he is being punished for his efforts to attract attention to problems of torture and abuse of prisoners, including at a major OSCE human rights conference. The sentence comes at a time when a growing crackdown on free speech is being witnessed in Kazakhstan and reinforces concerns about growing intolerance of views that are uncomfortable to those in power in the country.

On 7 December the Zhambylsky regional court found Vadim Kuramshin guilty of extortion and sentenced him to 12 years in prison with confiscation of his property. The ruling was made two weeks after the criminal case against him was re-opened following an earlier jury acquittal. Kazakhstan International Bureau for Human Rights and Rule of Law, a leading Kazakhstani human rights NGO and a partner of our organizations, has **deemed** the sentence a politically motivated decision aimed at silencing Kuramshin.

Kuramshin was accused of allegedly requesting money from Kordaysky district assistant prosecutor Mukhtar Uderbayev in exchange for not spreading compromising information about him. On 28 August 2012, a jury threw out these same charges against Kuramshin, in a decision that was unexpected but welcomed by free speech advocates. As result, he was instead convicted of the lesser crime of “abusing his responsibilities” and sentenced to one year’s restriction of freedom (with limitations on his travels) and released in the courtroom after spending eight months in pre-trial detention.

After his release Kuramshin continued his earlier activities to expose prison brutality and defend the rights of prisoners. In late September-early October 2012, he attended the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw, where **he drew attention** to recent cases of torture and deaths in prison in Kazakhstan. He was able to travel to this conference despite the restrictions on his movement in place and said that he **received assurances** by a foreign affairs ministry official that his attendance would not entail any negative consequences for him. However, subsequent developments suggest that this and other public outreaches by him on similar issues may have prompted the re-opening of the case against him.

On 24 October, Kuramshin was **summoned** by a prosecutor in relation to his trip to Warsaw and the terms of his August sentence. A week later, on 31 October, an appeal court cancelled the August decision in his case and ordered a re-trial with a new jury with reference to “procedural violations” during the earlier proceedings. He was re-arrested the same day.

The new trial in Kuramshin's case was **characterized by violations** of due process and fair trial standards. All petitions made by the defense were rejected and only a few witnesses were questioned, although one of the major reasons cited for the decision to hold a re-trial was that not all witnesses had been heard during the first trial. The verdict was handed down in the absence of Kuramshin's lawyers, who had informed the court that they would not be able to be present on that day. Instead a state appointed lawyer was formally assigned to represent him at this hearing.

Two jurors who participated in the August trial against Kuramshin have published an **open letter**, protesting the cancellation of the previous verdict and emphasizing that they and the other jury members at the time grew convinced that Kuramshin was not guilty of extortion after carefully reviewing the case material. They point out that a secret recording of the conversation where Kuramshin allegedly extorted the district assistant prosecutor did not show the former making any threats or attempts at blackmailing, while handing over a flash drive he allegedly wanted money for without imposing any conditions. Given this, according to them, the jury decided to acquit Kuramshin of extortion in spite of "hints" made by the judge that it should make "the right decision."

The ruling against Kuramshin is the last of a series of troubling developments with respect to freedom of expression in Kazakhstan. Legal proceedings aimed at **silencing** major opposition groups and **media outlets** in the name of fighting extremism are currently under way, while the 7.5 year prison sentence imposed on opposition leader Vladimir Kozlov for his alleged role in the 2011 Zhanaozen events was upheld on appeal last month. The recent period has also seen growing attempts to stifle free speech and criticism of official policies **in the media**, among civil society and **on the internet**.

International Partnership for Human Rights and the Netherlands and Norwegian Helsinki Committees call on the Kazakhstani authorities to ensure that Vadim Kuramshin is not punished for his civic engagement and his exercise of freedom of expression and to release him in accordance with the jury decision of 28 August 2012. The Kazakhstani authorities should also put an end to the ongoing crackdown on free speech and alternative views in the country and comply with their international obligations in this area.

Moreover, our organizations call on the OSCE leadership and participating states to convey their concerns about the case of Kuramshin, in particular given his participation in the HDIM shortly before the renewal of the legal process against him. Any steps taken by national authorities to harass or punish civil society members in any way in relation to their participation in **human dimension** activities are contrary to the OSCE's basic principles and the commitments jointly undertaken by participating states. Most recently, in the **Astana Commemorative Declaration** adopted during Kazakhstan's OSCE chairmanship in 2010, the OSCE states reconfirmed that they "value the important role played by civil society and free media in helping us to ensure full respect for human rights (and) fundamental freedoms (...)."