



SPOTLIGHT: FUNDAMENTAL RIGHTS IN CENTRAL ASIA

Recent developments in Kazakhstan

December 2015



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This document provides an overview of recent developments concerning freedom of expression and the media; freedom of association and assembly; as well as access to justice, non-discrimination and the protection of vulnerable groups in Kazakhstan. It is based on the findings of monitoring conducted by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) in August-November 2015. International Partnership for Human Rights (IPHR, Belgium) has conducted additional research and prepared the document together with KIBHR. It is an excerpt from a joint report on developments in Kazakhstan, Tajikistan and Turkmenistan issued by KIBHR, Nota Bene, Turkmen Initiative for Human Rights and IPHR within the framework of the project “A Transnational Civil Society Coalition in Support of Fundamental Rights in Central Asia”.

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Summary

In the recent period, the crackdown on free speech and dissent has gained new force in Kazakhstan. This development has taken place against the background of a deteriorating economic situation in the country, which appears to have made the authorities wary of growing protest sentiments among the population.

As part of a pattern of forced media closures, another journal critical of the authorities - *ADAM* - was shut down by court in October 2015 after first being suspended for alleged violations of technical requirements. It also remains of concern that courts continue to award excessive sums in compensation in defamation cases against media.

Corruption-covering journalist and blogger Bota Zhumanova was physically assaulted in October 2015, reinforcing concerns about the vulnerability of journalists. A suspect was detained and an investigation is under way.

In the recent period, there have been new cases of blocking of news and social media sites. In some cases, online resources have suddenly become unavailable without any official reason being stated, while other sites have been blocked by court because of alleged “extremist” content. Access to the popular blog platform LiveJournal was finally restored after four years in November 2015.

In an alarming trend, there has recently been a growing number of cases where journalists, activists and other individuals have been charged under Criminal Code provisions that lend themselves to enforcement restricting the legitimate exercise of freedom of expression and other fundamental rights. These include broadly and vaguely worded provisions on “inciting” inter-ethnic and other discord”, “spreading false information”, “propagating separatism”, as well as provisions on defamation.

Well-known activists Ermek Narymbaev, Serikzhan Mambetalin and Bolatbek Blyalov were all arrested in October-November 2015 on charges of “inciting discord” because of social media posts, and in early November the trial began against blogger Ermek Taychibekov who is facing similar charges because of online writings. The case against Muslim Union head Murat Telibekov, who has been charged with “inciting discord” over a book he tried to publish two decades ago, was suspended in mid-October 2015 but has not been closed. In November 2015, Protestant believer Yklas Kabduakasov was convicted of “inciting discord” and sentenced to 7 years’ restricted freedom for sharing his faith with others.

A case on “spreading false information” has been opened against human rights defender Elena Semenova because of Facebook posts concerning the alleged use of torture in prison, while social media administrator Igor Sychev was recently sentenced to five years in prison for propagating “separatism” because of a survey shared online. In a new worrying example of the implementation of provisions criminalizing defamation, in October 2015, civil society activist Amangeldy Batyrbekov was sentenced to 1.5 years in prison over an article questioning the actions of a prosecutor.

New widely criticized legislation on NGOs was signed by the president at the beginning of December 2015. This legislation contains a number of problematic provisions that could result in restrictions on the freedom of association of NGOs. In a joint appeal, several dozen Kazakhstani human rights NGOs called on the president to veto the draft legislation, and UN human rights representatives warned that it runs counter to international human rights standards.

Trade unions that have failed to re-register under new Trade Union Law adopted last year remain at the threat of closure, while the decision to close down the opposition Communist Party because it allegedly does not have the required number of members was upheld on appeal in September 2015.

In its annual report presented in October 2015, the presidential Human Rights Commission recommended the adoption of a new law on assemblies consistent with international standards, as long called for by civil society and international human rights bodies. Meanwhile authorities continue to reject requests to hold peaceful protests on various pretexts, as well as to detain and sanction participants in unauthorized protests.

KIBHR continues to assist victims of trials that fall short of international standards with the submission of complaints to UN human rights bodies. In October 2015, the organization learned that the UN Human Rights Committee had admitted for consideration a complaint filed on behalf of Vladislav Chelakh, a conscript who was given a life sentence on charges of killing fellow soldiers in a 2012 trial that attracted wide attention.

As previously, there are concerns about the treatment in prison of imprisoned opposition party leader Vladimir Kozlov, human rights defender Vadim Kuramshin and poet and dissident Aron Atabek, who have all repeatedly been penalized for alleged violations of prison rules. The French government's approval of a decision to extradite well-known Kazakhstani opponent Mukhtar Ablyazov to Russia was criticized by human rights groups because of the risk that he may be sent onwards to Kazakhstan and that he may be subjected to an unfair trial and ill-treatment upon return.

Developments in Kazakhstan

General situation

In recent months, the **economic situation in Kazakhstan has continued to deteriorate**. Falling oil prices and other external developments have put pressure on the country's economy and resulted in considerably declining budget revenues. The value of the national currency has weakened, and a government decision to allow it to float freely in August 2015 saw it plunging further. Ordinary citizens have had to face rapidly growing costs on imported everyday goods, and layoffs have begun in the oil industry and other sectors. The situation is not expected to improve any time soon, with President Nazarbayev [warning](#) in October 2015 that a "real crisis is coming".

At the same time, there are concerns about a **worsening protection of labour rights**. The new Labour Code that was signed by the president on 23 November 2015 has been criticized for weakening the rights of employees; the new Criminal Code that entered into force in January 2015 further restricted the right to strike; and the new Trade Union Law adopted last year has resulted in that many trade unions now are at the treat of closure.

As highlighted in a [statement](#) issued by KIBHR in October 2015, the recent upsurge in incidents of harassment targeting civil society actors, media and online platforms appears to reflect attempts to rein in criticism and expressions of discontent against the backdrop of the deteriorating economic situation. (For more information on such incidents, see the sections on "Freedom of expression and the media" and "Freedom of association and assembly" below).

Freedom of expression and the media

Media situation

As part of a pattern of forced media closures in recent years, **another magazine critical of the authorities was shut down** in October 2015:

- In February 2015, the Almaty City Court [upheld](#) a decision to close down the *ADAM bol* weekly over an article about the conflict in Ukraine, which was deemed to contain elements of “war propaganda”. Following this decision, the journalists of the weekly initiated a new magazine, *ADAM*, which, however, also soon was subjected to repressive measures. On 25 September 2015, the Almaty City Court upheld an August ruling by a lower-level court to suspend the publication of this magazine for three months. The reason stated was that the first editions of *ADAM* had been issued only in Russian, although the magazine had indicated both Russian and Kazakh as languages of publication when registering in March 2015. In order not to lose its readers, *ADAM* continued to post information on its Facebook page after the suspension took effect. This prompted further measures from prosecutors, who requested that the previously closed *ADAM bol*, *ADAM*, as well as *ADAM*’s Facebook page be deemed a “unified media outlet”, as well as that *ADAM*’s license be revoked and a ban imposed on *ADAM* to publish its materials in any form off- or online. This request was upheld by an Almaty district court on 22 October 2015 and *ADAM* was closed down. The closure of the media outlet was [denounced](#), among others, by the OSCE Representative on Freedom of the Media Dunja Mijatović.

The same magazine was also the target of a defamation lawsuit involving an excessive request for moral damages:

- On 8 September 2015, an Almaty district court [ordered](#) *ADAM*’s chief editor to pay 50 million tenge (some 180 000 EUR) in moral compensation to the deputy head of the National Security Committee over an article published the previous month. This article reported allegations about the involvement of the security service official in unlawful actions. Later *ADAM* published a correction, saying these allegations were based on incorrect information. In spite of this, the district court awarded the claimant compensation to the full amount he requested. The decision was upheld on appeal. *ADAM* is expected to further file a cassation appeal.

This is another recent case where a media outlet was ordered to pay a large amount of compensation:

- As [previously reported](#), in the summer of 2015, the owner of the *Nakanune.kz* news portal was ordered by court to pay 20 million Tenge (about 75 000 EUR) to Kazkommertsbank - the country’s largest private bank -- over an article discussing corruption allegations relating to construction projects commissioned by Almaty authorities. This decision was upheld on appeal, as a result of which the portal is at the threat of bankruptcy. Its representatives are now planning to file a cassation appeal.

In accordance with the new Civil Procedure Code, which will enter into force on 1 January 2016, the amount of state duties payable by claimants in defamation suits will hereafter depend on the amount requested in moral damages. The media watchdog Adil Soz [expressed hope](#) that this new provision will help prevent that huge defamation lawsuits are brought against media and journalists.

Attack on journalist

A journalist writing about corruption issues related to government-initiated projects was recently physically assaulted, giving rise to concerns that she was targeted because of her professional activities:

- In the evening of 8 October 2015, as journalist and blogger Bota Zhumanova was returning to her home in Almaty, she was attacked outside the entrance of the apartment building where she lives. A young man in a tracksuit approached her from behind and beat her on the head, knocked her to the ground, and kicked her. After this, he fled without taking anything from her. Zhumanova required hospitalization for the injuries she sustained. The police opened an

investigation into the attack, which was recorded by a video surveillance camera installed at the entrance of the building where the journalist lives. In late October 2015, it was announced that police had detained the suspected perpetrator, who reportedly said that he attacked the journalist for the purpose of robbing her, but got frightened when hearing neighbours and ran off. Zhumanova [said](#) she does not believe his statements about the motives for the attack and expressed hope that police will thoroughly investigate allegations that she may have been targeted because of her work.

In many previous cases, attacks on journalists in the country have not been properly investigated and prosecuted.

Internet censorship

Cases of **arbitrary blocking of websites** are regularly reported in Kazakhstan. In a recent example, in early September 2015, the popular information and analytical portal [Ratel.kz](#) and the news site [Zonakz.net](#) were both blocked without any court decision sanctioning such a measure and without any official explanation. At the end of November 2015, the two sites remained unavailable. Two other sites that were unavailable at that time were the video-sharing site [dailymotion.com](#) and the blog platform [tumblr.com](#).

It also remains of concern that **access to online resources** is sometimes fully blocked because of **allegations that certain material posted on such resources is of an “extremist” or “terrorist” nature**. For example, on 7 September 2015, an Astana district court [ruled](#) to block, among others, the video hosting site [vimeo.com](#) on such grounds following a request from the Committee on Communications and Information of the Ministry of Investments and Development - the body in charge of monitoring and tracking down online content deemed unlawful. Only several weeks later was access to the site restored after the problematic content was reported to have been removed.

In an egregious example of indiscriminate blocking of websites because of alleged “extremist” content, access to the popular blog platform [LiveJournal](#) was blocked for four years (during which it was only temporarily available for short periods). On 11 November 2015, it was finally unblocked. According to the Committee on Communications and Information, this decision [was made](#) after LiveJournal informed it that prohibited material had been deleted from the site.

At a forum on counteracting violent extremism that was held in Astana in September 2015 and attended by representatives of authorities from Kazakhstan, Kyrgyzstan and Tajikistan, the social media sites Facebook, Twitter and YouTube were singled out as online resources containing “extremist” and “terrorist” propaganda. A representative of the Committee on Communications and Information [spoke](#) about what he said was a lack of control over what is posted on these sites, as well as difficulties in cooperating with them on counteracting the spread of illegal information. The statements made at the forum gave rise to **concerns that access to Facebook, Twitter and YouTube may also be restricted** in the country.

In October 2015, among others, parliamentary deputies from the pro-government *Ak Zhol* party [proposed](#) elaborating a new law regulating social media, arguing in particular that information posted on such media contributes to unlawful activities and includes “sexual propaganda” that is harmful for young people.

Problematic Criminal Code provisions

In a growing number of cases, **journalists, activists and other individuals** have been charged in relation to their exercise of freedom of expression and other fundamental rights under problematic Criminal Code provisions that lend themselves to abusive implementation.

These include several cases where charges have been brought under the **broadly and vaguely worded Criminal Code provision banning “inciting” social, inter-ethnic or other “discord”** (article 174):

- On 12 October 2015, police detained civil society activist **Ermek Narymbaev** and political activist **Serikzhan Mambetalin** in Almaty on charges of “inciting inter-ethnic discord”. Three days later, on 15 October 2015, a local court sanctioned the arrest of the two activists for two months pending an investigation into the charges against them. This decision was later upheld on appeal. The detention of the activists took place the same day as representatives of the patriotic movement *Zheltoksan Akikat* held a press conference [calling](#) for the activists to be held responsible for “offending the Kazakh people” through social media posts. In these social media posts, the activists re-posted and commented on texts that previously had been posted on online portals with attribution to a book written by Murat Telibekov, head of the Muslim Union of Kazakhstan. Telibekov tried to publish the book in question over 20 years ago, but it was never published at that time since the whole print run was destroyed at the printing house allegedly for “technical” reasons. He has not tried to re-publish it since and has denied having anything to do with the online publication of the texts said to be from his book. A first hearing in the case of Narymbaev and Mambetalin was [held](#) on 9 December. If they are found guilty, they could face lengthy prison sentences. In a [statement](#), KIBHR condemned the criminal case against the two activists, saying it considers it an example of politically motivated persecution of critical voices, and called for their immediate release.
- As previously [reported](#), in June this year, Muslim Union head **Murat Telibekov** was himself informed that a criminal case on “inciting inter-ethnic discord” had been opened against him over the book he tried to publish two decades ago. This was done on the basis of a complaint from a group of public figures who claimed that the books was offensive to the national honour and integrity of Kazakhs. In mid-October 2015, prosecutors suspended the criminal proceedings against Telibekov pending an inquiry into the online texts attributed to his book. However, the case against him has not been closed. Telibekov believes that the case is related to his attempt to run as an independent candidate in the April 2015 presidential elections, for which he was not able to register since he did not pass the required Kazakh language exam.
- In October 2015, a criminal case was opened against civil society activist **Bolatbek Blyalov** on charges of “inciting social discord” because of posts made on social media, including on his Facebook page and on YouTube. Police searched his Astana home, confiscating a computer, mobile phones and documents on 30 October and detained him on 9 November. Two days later, a court [sanctioned](#) his arrest for two months, under part two of Criminal Code article 174, which foresees harsher penalties for “leaders of public associations”. Blyalov heads an NGO called the Democracy and Human Rights Institute and has, among others, provided legal assistance to citizens in cases concerning property confiscations and demolitions. He is also an active member of the Antiheptyl movement, which campaigns against the launching of Russian space rockets powered by a toxic heptyl fuel from the Baikodur Cosmodrome located in Kazakhstan’s desert steppe.
- On 4 November 2015, a district court in the Zhambyl region [began hearing](#) the case of blogger **Ermek Taychibekov**, who has been charged with “inciting inter-ethnic discord” over posts where he argued that Kazakhstan should join Russia. The case against him was opened on the basis of a complaint from an Almaty resident. Prior to the start of the trial, Taychibekov was

subjected to a forcible psychiatric examination aimed at determining whether he was fit to stand trial.

In two other cases, the individuals concerned have been charged with “**spreading false information**” (Criminal Code article 274) and calling for “**separatism**” (article 180), respectively, which are also both so **vaguely worded** that they may be used to restrict the legitimate exercise of freedom of expression:

- A criminal case on “spreading false information” through the use of media and social media [was opened](#) against Pavlodar-based human rights defender **Elena Semenova**, who is a member of the Kazakhstani NGO Coalition against Torture, the Public Monitoring Commission (PMC) and the National Preventive Mechanism against Torture (NPM), in October 2015. On 30 October, she was summoned for questioning. The case against Semenova concerns posts she made on Facebook about allegations of the use of torture and ill-treatment in prison facilities in the Pavlodar region. It was opened following a complaint from the head of the region’s prison system administration, who claimed that her posts create a risk of “violations of public order” among prisoners. Semenova documented allegations of torture during discussions held with prisoners when she visited regional prisons together with other PMC and NPM members, and in some cases representatives of the prosecutor’s office. This information has also been used for dozens of complaints submitted to various authorities. The NGO Coalition against Torture [said](#) that it considers the case against Semenova an attempt to prevent information about violations of the rights of prisoners from becoming publicly known, as well as a warning to other PMC and NPM members.
- **Igor Sychev**, the administrator of a *Vkontakte* page entitled “Overheard in Ridder”, was charged with propagating separatist activities through the use of media (Criminal Code article 180, par. 2) because of a survey posted on the page he administers in spring 2015. The survey in question asked readers to imagine that a vote would be held in the city of Ridder and to express their opinion as to whether the East Kazakhstan Region - where Ridder is located - should join the Russian Federation. Sychev has said that he did not create this survey, but only agreed to post it on the *Vkontakte* page and that he removed it after concerns were raised about it. He denied having any separatist intentions. However, on 18 November, a Ridder court [found him guilty](#) and sentenced him to five years in prison. Sychev’s lawyer said that they are appealing the verdict.

The new Criminal Code, which entered into force this year, **retains sanctions for defamation**. It also **provides particular protection to public officials** against slander, although international human rights experts have emphasized that public officials must tolerate a higher level of criticism than other individuals and that criminal defamation charges must not be used to obstruct scrutiny and criticism of their actions.

- On 29 October 2015, it was [reported](#) that a local court in the South Kazakhstan Region had sentenced **Amangeldy Batyrbekov** - head of the Adilet public association - to one and a half years of deprivation of liberty on charges of defamation. These charges related to an article published in Adilet’s newspaper in April 2015 where Batyrbekov questioned the lawfulness of the actions of the region’s deputy prosecutor in two legal cases. Batyrbekov was hoping to attract the attention on the General Prosecutor to these cases.

(See also the chapter on “Access to justice, non-discrimination and the protection of vulnerable groups” for a recent case where a Protestant believer was convicted of “inciting religious discord” for sharing his faith with others).

Freedom of association and assembly

New NGO legislation

The new legislation on NGOs that the government submitted to the parliament this summer was approved by the *Majlis* (the lower house) in late September 2015 and by the Senate in early November 2015. It was signed by the president on 2 December 2015 and will enter into force on 13 December 2015.

As [detailed](#) in an analysis by KIBHR Chair of the Board Yevgeniy Zhovtis, the new legislation contains a number of problematic and vaguely worded provisions that could result in restrictions on the freedom of association of NGOs.

The Ministry of Culture and Sports will be granted new broad powers to monitor and oversee the activities of NGOs. This ministry will be in charge of overseeing a new government database on NGOs, to which NGOs will be required to provide information. Failure by NGOs to provide required or “correct” information could result in that they are fined or suspended for three months.

The draft legislation further foresees the establishment of a so-called operator that will be in charge of allocating both state and non-state grants to NGOs. Its powers will also extend to grants provided by international and foreign organizations “on a voluntary basis”. No details are provided with respect to how this body will be set up or how it will carry out its work, giving rise to concerns as to how the impartiality and transparency of its decisions will be ensured.

The new legislation also contains wording, according to which grants will be allocated to NGOs for work in certain listed areas of activities, which do not include, among others, human rights protection. This provision is not consistent with previously existing legislation, in particular the Law on Non-commercial Organizations, which sets out a much broader scope with respect to the areas in which such organizations can operate. Representatives of the government have indicated that the provision in question is not intended to restrict the areas of work of NGOs; however, as currently worded, it is open to such an interpretation and creates uncertainty.

While representatives of NGOs actively took part in the discussion of the draft legislation at all stages, their suggestions on key aspects were disregarded. In a [joint appeal](#) issued in September 2015, several dozen Kazakhstani human rights NGOs voiced their concerns about the draft legislation on NGOs and called on the president to ensure that it is reviewed in terms of its compliance with national and international human rights standards, as well as to veto it if needed. The following month the office of the [UN High Commissioner for Human Rights](#) and the [UN Special Representative](#) on the right to freedom of peaceful assembly and of association both warned that the adoption of the draft law may result in violations of international human rights standards.

Pressure on trade unions and closure of opposition party

Trade unions that have failed to re-register under new Trade Union Law adopted last year remain at the threat of closure. As previously [reported](#), when the deadline for re-registering under the new law was approaching in July 2015, local authorities sent notifications to trade unions, warning them that they may face liquidation lawsuits if they did not re-register. In an [appeal](#) sent to the president in September 2015, the independent Confederation of Free Trade Unions of Kazakhstan (CFTUK) stated that this federation and its member unions have not been able to re-register because authorities first repeatedly returned their registration documents due to alleged mistakes and thereafter refused to grant re-registration because the deadline had expired.

In November 2015, the independent, unregistered Zhanarty trade union [reported](#) that oil industry workers in the Mangystau Region are being pressured by employers to join state-controlled trade unions rather than independent ones.

On 17 September 2015, an appeals court upheld the August 2015 decision by an Almaty court to close down the opposition Communist Party of Kazakhstan because it allegedly did not have the required number of members for registration. Similarly to the first trial, the appeal hearing was held in the absence of any representatives of the Communist Party.

Restrictions on freedom of assembly

When presenting its annual report on the human rights situation in Kazakhstan in October 2015, the presidential Human Rights Commission [recommended](#) that the government elaborates and adopts a new law on assemblies, noting that the current law was adopted over 20 years ago and does not correspond to international standards. The current law has been widely criticized by civil society and international human rights bodies. Following his visit to Kazakhstan in January 2015, the UN Special Rapporteur on the freedom of peaceful assembly and of association also [voiced](#) strong criticism of current legislation and practice in this area and called on the Kazakhstani authorities to adopt a new law on assemblies in compliance with international human rights law, with the participation of civil society.

While pre-authorization is needed to hold assemblies, requests to hold peaceful protests are often rejected on various pretexts, including in cases when such protests are proposed to be held in remotely located areas that have been specifically designated for this purpose. These are two recent examples of such rejections:

- A request by a group of publicly active citizens to organize a protest against the devaluation of the tenge in Almaty on 27 September 2015 was rejected by local authorities on the grounds that a student gathering allegedly already was planned for the same place and same time. A new request by the same group to hold a protest on 3 October 2015 was also rejected, this time because the request allegedly did not contain all required information about the organizers.
- Representatives of trade unions operating at 16 oil-extraction companies requested permission to organize a peaceful assembly in the city of Aktau on 14 August 2015 to protest against the adoption of the new draft Labour Law. However, local authorities [did not grant](#) permission, arguing that the provision of particularly designated venues for holding assemblies temporarily had been put on hold following an initiative by the city's prosecutor.

Participants in peaceful, unauthorized protests are regularly detained and sanctioned, and activists and even journalists covering such events are “preventively” detained ahead of protests.

- On 9 October 2015, some 30 people gathered outside the National Bank in Almaty to protest the current program for re-financing mortgage loans that bank customers are not able to pay off. Already prior to the start of the protest, blogger **Andrey Zukanov** [was detained](#) by police as he was approaching the place. Later civic activist **Dilnar Insenova** and four others present at the event were also detained. Zukanov was released after being held for some five hours, while the other five were [brought to court](#) the same day and fined for holding an unauthorized assembly. Police initially prevented the lawyer of Dilnar Insenova from entering the court building, using forceful methods, and monitors were not allowed to attend the other trials.

In a case that attracted much attention, civic activist **Ermeke Narymbaev** was “preventively” apprehended in August 2015 and sentenced to 20 days’ administrative detention after announcing on

Facebook that he planned to go to Almaty's Republic Square to protest the free float of the tenge. On 1 September 2015, the UN Special Rapporteur on the freedom of peaceful assembly and of association [called](#) on the Kazakhstani authorities "to immediately release and drop all charges against civil society activist Ermek Narymbaev, and to end what appears to be the criminalization of peaceful protests." As described above, Narymbaev is now in pre-trial detention on charges of "inciting inter-ethnic discord" for posts made on Facebook (see the section on "Freedom of expression and the media").

Access to justice, non-discrimination and the protection of vulnerable groups

New Civil Procedure Code and complaints to UN human rights bodies

On 31 October 2015, Kazakhstan's President Nazarbaev **signed the new Civil Procedure Code**, which will enter into force on 1 January 2016. Among others, the new Code for the first time **provides for the possibility of webcasting court proceedings**, as part of ensuring transparency of trials (article 19). It also protects the right of vulnerable groups of the population to receive **free legal assistance** (article 112). (For additional information on this Code, see "Freedom of expression and the media").

KIBHR continues its efforts to assist with the submission of petitions to UN human rights bodies in cases where defendants have been tried in cases involving violations of the right to equality of arms, the right to defence and other fair trial rights. This is one case where a complaint was recently submitted:

- In October 2015, KIBHR and the lawyer of **Vladislav Chelakh** - who was sentenced to life imprisonment in a case that attracted wide attention - [learned](#) that the UN Human Rights Committee had admitted for consideration a petition submitted in this case. In December 2012, Chelakh was convicted of killing 15 people at a Kazakhstani border post where he was serving as a conscript. Following the conviction, KIBHR [expressed](#) serious concern about the objectivity and impartiality of the proceedings against Chelakh, noting that he was presumed guilty from the start and that the court failed to thoroughly investigate alternative versions of the tragic events at the border post. When first held in pre-trial detention, Chelakh was [denied access](#) to lawyers of his choice. He initially confessed to the charges against him, but later withdrew his confession saying he had given it under pressure.

Treatment of prisoners serving sentences deemed politically motivated

As previously, **there are concerns about the treatment in prison of individuals who have been convicted on charges believed to be politically motivated in unfair trials.**

- As already [reported](#), in July this year imprisoned Alga opposition party leader **Vladimir Kozlov**, who is serving a 7.5-year sentence for his alleged role in the 2011 Zhanaozen events, was subjected to stricter prison conditions with restrictions on communication, contacts with family etc. He has also repeatedly been subjected to solitary confinement for alleged violations of prison rules. On 8 December 2015, the Kachagay City Court [rejected](#) Kozlov's request for release on parole with reference to penalties imposed on him for his behavior in prison. He could qualify for release on parole after having served half of his sentence, which was the case in October 2015.
- In September 2015, it was [reported](#) that imprisoned human rights defender **Vadim Kuramshin** had also been subjected to stricter prison conditions as of the previous month after repeatedly

being penalized for alleged violations of prison rules. Kuramhsin, who was sentenced to 12 years in prison on extortion charges believed to be retaliation for his human rights work in 2012, has complained about pressure by prison authorities and has launched a number of hunger strikes to protest his treatment.

- Poet and dissident **Aron Atabek**, who is serving an 18-year sentence for allegedly organizing riots in 2006, has submitted numerous complaints to court about his treatment in prison. On 22 October 2015, the Supreme Court [declined](#) to review his complaint, in which he requested the court to recognize the treatment of him as cruel and degrading and the lengthy solitary confinement to which he has been subjected as unlawful. His lawyer announced plans to bring the case to the UN Human Rights Committee.

Concerns about extradition requests

The Kazakhstani authorities continue to **seek the extradition of opposition figures** who have fled to Europe amid concerns about the safety and well-being of such individuals in the event of extradition.

- In mid-October 2015, it became known that the French prime minister had signed an order to extradite well-known Kazakhstani opponent **Mukhtar Ablyazov** to Russia, where he is wanted on fraud and embezzlement charges in a case involving Kazakhstan's BTA Bank. Earlier this year France's Cassation Court rejected an appeal by Ablyazov against a lower-level court decision to extradite him. Human rights NGOs have [expressed](#) serious concern that Ablyazov may be sent further to Kazakhstan from Russia and that there is a credible risk that he will be denied a fair trial and subjected torture and ill-treatment if he is extradited. Ablyazov was arrested in France in June 2013. France does not have any extradition agreement with Kazakhstan, unlike with Russia. Ablyazov's lawyer announced that they would appeal the prime minister's decision to the Council of State, the final French appeal authority in this case.

Discrimination issues

So-called non-traditional religious communities remain vulnerable to harassment and discrimination by authorities. The following case against a Protestant believer is of concern as part of a wider trend of using broad charges of "inciting discord" against individuals exercising their fundamental rights (see also the section on "Freedom of expression and the media" above).

- On 9 November 2015, an Astana court found Seventh Day Adventist **Yklas Kabduakasov** guilty of "inciting religious discord" and sentenced him to seven years of restricted freedom. During this period, he will be subject to court-imposed control and he will not be allowed to change his place of residence or work without informing the authorities nor visit places of public entertainment such as restaurants or cafes. The charges against him [were related](#) to his efforts to discuss his faith with others and to offer Christian books to them, i.e. to his exercise of his right to freedom of religion. He had been held in pre-trial custody since mid-August 2015. In May this year, Kabduakasov was warned by security services that he was engaging in "illegal missionary activities". He is also believed to have been subjected to surveillance by security services for months before his arrest. Kabduakasov's lawyer announced that she is appealing the sentence.

KIBHR's lawyer provided legal assistance in the following case concerning **discrimination on the grounds of disability**.

- When attempting to visit the Alma City casino in the city of Kapchagay with a friend in June this year, **Vadim Kodintsev** was [denied](#) access because he uses a wheelchair. The following day

a representative of the casino confirmed on the phone that people in wheelchairs are not allowed to visit the establishment. Both conversations were recorded. On 7 September 2015, a Kapchagay court began hearing a lawsuit filed by Kodintsev against the casino. However, at a later hearing on 22 October 2015, the judge ruled to leave the lawsuit without consideration because Kodintsev's lawyer was not present in court. His lawyer was not able to attend this hearing due to surgery for appendicitis, of which she had informed the court.