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JEAN-CLAUDE JUNCKER'S STATEMENT ON 'PROMISING REFORM' IN KAZAKHSTAN CALLS INTO QUESTION THE COMPETENCE OF REPRESENTATIVES OF THE EUROPEAN COMMISSION GIVEN THEIR ASSESSMENT OF THE REAL SITUATION IN THE COUNTRY

On 30 March, 2016, Jean-Claude Juncker met with Nursultan Nazarbayev – a dictator, who has single-handedly governed Kazakhstan for over 25 years. The President of the European Commission stated that his 'good friend' Nazarbayev was 'sensitive' to the problems of human rights. Juncker expressed his approval for the 'promising reforms' that are 'currently ongoing' in Kazakhstan. The positive assessment of the Kazakh authorities given by Jean-Claude Juncker directly contradicts conclusions of the European Parliament and international human rights organisations. With a sense of impunity, Nazarbayev is strengthening his cult of personality and continues to crack down on dissent. The momentary policy of double standards in which the economic interests come before human rights, creates new security threats.

Participants of the meeting in Brussels, emphasised the importance of economic cooperation between Kazakhstan and the EU. Nazarbayev noted that EU countries account for half of investment in Kazakhstan and half of Kazakhstan's turnover from trade. In addition, Juncker stated that he had addressed Nazarbayev with regard to the issue of human rights and the implementation of the rule of principles of law in Kazakhstan, but also stated that as regards these questions, **he would not be more coercive towards the Kazakh president** than he would be towards other foreign guests.

"We take well to all the friendly advice of my friend, Mr Juncker, on political situations and so on" - the President of Kazakhstan enunciated.¹ Nazarbayev noted that sanctions against Russia have a negative impact on Kazakhstan, therefore, this issue should be resolved *"for the benefit of Europe and Russia"*. Nazarbayev also stressed that the recent elections in Kazakhstan were considered 'democratic', 'free' and 'competitive', **although this directly contradicts the conclusions of the OSCE.**² Due to a 'lack of time', the European Commission's office did not give journalists the possibility to ask Nazarbayev any questions.³

"The EU authorities simply lack in political seriousness allowing such, untrue, statements during press points and not countering them in any way nor allowing journalists to ask questions. They play into the well-crafted propaganda of the authoritarian regimes, which use meetings with the EU leadership to further their own national and international agenda", commented Anna Koj, Head of the EU Office of the Open Dialog Foundation.

¹ <http://ec.europa.eu/avservices/video/player.cfm?ref=I118702>

² The OSCE stated that the legal framework in Kazakhstan "restricts the fundamental civil and political rights" and "suppresses alternative points of view" - <http://www.osce.org/odihr/elections/kazakhstan/229136>

³ Also, on 30 March, 2016, Nazarbayev held a meeting with President of the European Council Donald Tusk. On the eve of the meeting, the Open Dialog Foundation urged Mr. Tusk to raise the questions of political oppression in Kazakhstan at the meeting. - <http://en.odfoundation.eu/a/7410,donald-tusk-must-raise-the-issue-of-mounting-restrictions-on-free-speech-and-continuous-repression-of-political-opposition-in-kazakhstan-during-his-meeting-with-president-nazarbayev>

Juncker's office stated that they welcomed Nazarbayev's efforts to reform the judicial, administrative and economic spheres.⁴ It is difficult to guess what data the European Commission was guided by, as, in fact, **new legislation introduced in Kazakhstan has strengthened the authoritarian regime even further.** Kazakhstan has rejected the recommendations of the UN, OSCE and EU and adopted new penal legislation that has tightened the criminal laws on 'defamation', 'incitement of social discord', and 'interference in the activities of state bodies'. Also, new penalties have been introduced for 'spreading false information', 'promoting illegal gatherings' and 'encouraging people to continue their participation in strike actions'.⁵

In the last Universal Periodic Review of the UN, Kazakh authorities rejected 51 recommendations on freedom of speech, assembly and religion. According to data from human rights organisations, in 2015, in Kazakhstan, *'not a single political opposition rally was held, which can be attributed to the increasingly repressive climate in the country'*; at the same time, a third of other rallies have been dispersed by police.⁶ Human rights activists have registered an increasing number of complaints about torture and about police officers who enjoy total impunity.⁷

Following the closure of all influential non-state media outlets, the authorities increased their persecution of some journalists. Journalist Gyuzyal Baidalinova and Yulia Kozlova are facing 3 to 7 years in prison on charges of 'spreading false information'. Baidalinova has been incarcerated since December 2015. On 6 April, 2016, i.e. only one week after the meeting of Juncker and Nazarbayev, the Kazakh court refused to release Baidalinova from custody and upheld the decision to extend her pre-trial detention until 23 April, 2016. Investigative journalism ended for journalists Yaroslav Golyshkin and Amangeldy Batyrbekov, who were sentenced to 8 and 1.5 years' imprisonment respectively.⁸ Chairman of the Union of Journalists of Kazakhstan Seitkazy Matayev is currently under house arrest in connection with corruption charges.

Activists and bloggers are sentenced to prison terms for publishing posts and comments on social networks. Ermek Narymbayev and Serikzhan Mambetalin were sentenced to 3 years and 2 years in prison respectively for posts they made on Facebook. Subsequently, they wrote 'statements of repentance' and were released from prison. Now, they are forbidden from engaging in public activities for several years. A 'statement of repentance' also helped activist Bolatbek Blyalov avoid prison; he was sentenced to 3 years of restriction of freedom for his criticism of Russia's policy towards Ukraine. Nazarbayev himself has publicly stated that there would be *'no mercy'* shown to those who are *'wreaking havoc'* in Kazakhstan.⁹

Also, pressure and torture has been exerted on political prisoners, Vladimir Kozlov, Aron Atabek and Vadim Kuramshin in Kazakh prisons for a number of years now. Kazakhstan **has ignored all calls from the EU and the UN to review Kozlov's case.** The Kazakh authorities refused to release Kozlov on parole and they continue to keep him under strict conditions of detention. According to the official position of Kazakhstan, Kozlov *'encouraged protesters'* in Zhanaozen in order to *'violently oppose the authorities'*, acting *'on the instructions'* of opposition politician Mukhtar Ablyazov. Human rights organisations and more than 50 MEPs pointed to the political context of Ablyazov's case.¹⁰

⁴ <https://euobserver.com/foreign/132858>

⁵ <http://en.odfoundation.eu/a/5465,kazakhstan-reform-of-the-criminal-legislation-endangers-human-rights>

⁶ <http://iphronline.org/kazakhstan-report-documents-key-rights-trends-20160317.html>

⁷ <https://www.amnesty.org/en/documents/eur57/3345/2016/en/>

⁸ Due the identified procedural violations, Batyrbekov was released, but was not acquitted.

⁹ <http://en.odfoundation.eu/a/7228,kazakhstan-the-oppression-of-journalists-and-bloggers1>

¹⁰ <http://en.odfoundation.eu/a/6264,international-community-calls-on-france-to-prevent-extradition-of-opposition-politician-mukhtar-ablyazov>

By misusing the INTERPOL system and by conducting Russian and Ukrainian law enforcement agencies, **Kazakhstan is seeking the extradition of Ablyazov and his associates, who have been granted asylum in the EU.** In 2014, on the kazaword.wordpress.com portal, unknown persons posted links to stolen correspondence of Kazakh senior officials. Many European media outlets have promulgated these documents, according to which the representatives of Kazakhstan had orchestrated Ukrainian and Russian investigations into the case of Ablyazov and exerted unlawful influence on the French authorities (as a consequence, French Justice initiated a criminal case against the French prosecutor Solange Legras).¹¹

By neglecting obligations to ensure the rule of law, Kazakhstan has proven to be an unreliable and unpredictable partner of the EU. On 21 December, 2015, **the enhanced partnership and cooperation agreement (EPCA) between the EU and Kazakhstan was signed in Astana.** At the same time, the Kazakh authorities were conducting yet another wave of arrests of Kazakh journalists and activists and unsanctioned searches of their offices and private apartments.

We would like to draw the attention of the European Commission to the fact that **on 9 March, 2016, the European Parliament adopted a resolution** in which it stated that the situation of freedom of speech in Kazakhstan has deteriorated. The resolution notes that the strengthening of economic and political cooperation, in accordance with the agreement between the EU and Kazakhstan *“must be based on shared values and correspond to an active and concrete engagement by Kazakhstan to conduct political and democratic reforms”*.¹²

“Juncker's statements regarding political reforms in Kazakhstan once again confirm that for the EU leadership, economics and geopolitics clearly prevail over human rights, the rule of law and development of democracy in our region”, - a well-known Kazakh human rights activist, Yevgeniy Zhovtis, stated.

Whenever, in spite of the systematic human rights violations, authoritarian regimes receive approval from the EU in exchange for economic contracts, dictators feel encouraged to mete out even harsher oppressive punishments in their countries. Ignoring the actions of authoritarian regimes can lead to the creation of hotbeds of radicalisation and may lead to tragic consequences for future generations.

We hereby urge the European Parliament and the parliaments of the EU member states not to ratify the agreement on cooperation with Kazakhstan until Kazakhstan's authorities fulfill their obligations to protect human rights. Such provisions, on strengthening democracy and respect for human rights and justice in Kazakhstan, have been included in the text of the EPCA and should, therefore, constitute preconditions for the ratification of the agreement. Kazakhstan must cease prosecuting journalists and activists, release political prisoners, ensure the independence of the judiciary as well as annul articles on criminal liability from criminal law which are overtly political in nature.

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¹¹ <http://en.odfoundation.eu/a/7319,report-the-facts-which-confirm-the-fabrication-of-the-case-of-mukhtar-ablyazov-in-russia-tatiana-paraskevich-and-artur-trofimov-prosecution>

¹² <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2016-0337&language=EN>