



Warsaw, 30 July, 2015

**FOLLOWING HIS RELEASE FROM SOLITARY CONFINEMENT, VLADIMIR KOZLOV HAS BEEN TRANSFERRED TO STRICT REGIME CONDITIONS FOR SIX MONTHS**

The Kazakh authorities misinform the international community in order to avoid criticism for their persecution of political prisoner Vladimir Kozlov. Through the head of the National Preventive Mechanism, Astana disseminated contrived conclusions about the 'justifiability' of the charges of violations, presented to V. Kozlov. The situation surrounding the Kazakh opposition leader is escalating. The prison administration has made a decision to transfer Kozlov, who has recently served an unjustly attributed term in solitary confinement, to more stringent conditions of detention. Thus, they are depriving him of the opportunity to be released on parole.

The Open Dialog Foundation has previously reported that Vladimir Kozlov was penalised after he, being unable to stand an air temperature of approx. 50 degrees Celsius, went to the dormitory of the prison. The political prisoner is suffering from varicose veins and vascular system disorders. On **17 July, 2015**, he was sent to solitary confinement, after which he declared a hunger strike.<sup>1</sup>

On **21 July, 2015**, Vladimir Kozlov was visited by members of the National Preventive Mechanism (NPM) under the direction of **Igor Miroshnichenko**, who, according to journalists, worked as a law enforcement officer and headed the colony in Kostanai province.<sup>2</sup> Miroshnichenko stated that Kozlov was '*cheerful and looked good*', '*had no complaints*' despite his conditions of detention, and that in solitary confinement '*the temperature was comfortable*'.

Miroshnichenko considered the charges presented to Kozlov for violations to be 'justified', including '*cursing, insulting employees of the administration, threatening physical violence, uncomplimentary remarks directed at the president of the country*'. At the same time, Miroshnichenko assumed the impression that Kozlov '*deliberately decided to commit a violation of the regime's regulations in order to attract attention*', and would have avoided the punishment, if he had had '*good relations*' with the administration.<sup>3</sup>

The management of NPM asked Kozlov to cease his hunger strike, which he did on 22 July, 2015. Kozlov was hoping for help from the NPM - the body established on 2 July, 2013, under pressure from the EU and the UN as a mechanism for more effective monitoring of the situation of torture in Kazakhstan. It was after the trials of Vladimir Kozlov and the Zhanaozen oil workers that the EU began to pay closer attention to the necessity to establish the NPM. **However, in a conversation with a lawyer, Kozlov labelled Miroshnichenko's conclusion 'biased': "If I could have predicted that the NPM would do so, I would not have ended the hunger strike".**<sup>4</sup>

The political prisoner underlined that life in solitary confinement was sultry, but, at least, "*one doesn't have to stand on his feet for hours in the sun*". "*I decided to commit the violation only because I began to feel very bad after the prolonged exposure to the sun after taking the medicine 'Detraleks'*" - Kozlov stated. He could not ask for permission to go to the dormitory, as no administration workers were there.

<sup>1</sup> <http://en.odfoundation.eu/a/6706.political-prisoner-vladimir-kozlov-placed-in-solitary-confinement-and-has-gone-on-hunger-strike>

<sup>2</sup> <http://dw.com/p/8Xhy> ; <http://www.respublika-kaz.info/news/politics/42806/>

<sup>3</sup> <http://rus.azattyq.org/content/vladimir-kozlov-pravpzhitniki-npm-igor-miroshnichenko/27147184.html>

<sup>4</sup> <http://www.respublika-kz.info/news/politics/42832/>

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According to Kozlov, the admonition was based on evidence that the administration ‘dictated’ to three prisoners.

The NPM team, under the leadership of Igor Miroshnichenko, included a human rights activist Galym Ageleuov. He stated that, according to the results of the visit, members of the NPM prepared a report with the following recommendations for the Ombudsman: cancel marching drills for prisoners, increase the number of places dedicated for relaxation, objectively consider Kozlov’s complaint regarding the imposed penalties.<sup>5</sup> **Thus, the leader of the NPM group, Igor Miroshnichenko publicly voiced a position that contradicts the actual report of the NPM members and is convenient to Astana.**

In addition, on 20 July, 2015, NPM member Zhemis Turmagambetova visited Vladimir Kozlov on her own initiative. She noted that Kozlov was the only one to be punished, although at that time, there were also other prisoners in the dormitory.<sup>6</sup>

After a visit to the colony, Lawyer Ayman Umarova learned that on **20 July, 2015 and 21 July, 2015, the prison commission adopted a decision on assigning to Kozlov ‘the third negative’ conduct degree and transferred him to severe conditions of detention for six months.** Thus, on **27 July, 2015**, Kozlov was transferred to cell-type premises where phone calls are prohibited, prisoners can only walk for 30 minutes per day, and they are only allowed to see their families three times a year during short visits.<sup>7</sup>

Kozlov fears that the authorities may carry out provocations and ascribe to him some new ‘violations’ in order to extend the period of his stay under stringent conditions, or to send him to the most severe prison in the city of Arkalyk, Kazakhstan, where political prisoner Aron Atabek was placed twice.<sup>8</sup> According to journalist Irina Petrushova, during Vladimir Kozlov’s transfer from solitary confinement to strict conditions of detention, his personal belongings were inspected; as a result, power supplies for an electric shaver and hair clippers were found. The administration identified these things as ‘chargers for mobile phones’ and declared a violation of the regime. It is unknown whether Kozlov will be made to face new counts.

Igor Miroshnichenko’s misinformed conclusions, made on the basis of a visit to Kozlov, and subsequent events serve to confirm the vulnerability of the NPM in Kazakhstan, in particular, the biased nature of conclusions made by the NPM management. **Recognising the importance of the NPM, it should be noted that this mechanism points to the distinct centralisation of the state, and the fact that its management is dependent on the decisions of the Ombudsman and the authorities.** The work of NPM members can be blocked by the leadership. NPM members file complaints of torture to the Ombudsman, who, he being a public servant remains loyal to the state system.<sup>9</sup>

For example, in August 2014, the Ombudsman referred to the conclusions of the prosecutor's office and reported that ‘no violations’ have been committed against Aron Atabek. In March 2015, the Ombudsman's office informed the Open Dialog Foundation that the police had not used torture against oil worker Maksat Dosmagambetov, although Maksat himself reported that during the trial, he had been subjected to torture.

**The Open Dialog Foundation hereby emphasises that Kazakhstan could manipulate the results of government inspections, using NPM representatives, loyal to the authorities. Therefore, it is necessary for diplomatic missions of the EU countries in Kazakhstan, members of the European Parliament, the OSCE and PACE to demand a personal meeting with Vladimir Kozlov and to conduct independent monitoring.**

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<sup>5</sup> <https://www.facebook.com/galym.ageleuov/posts/10207213886008189>

<sup>6</sup> [http://www.bureau.kz/novosti/sobstvennaya\\_informaciya/politiku\\_v\\_kolonii\\_sozdali\\_osoby\\_e\\_usloviya](http://www.bureau.kz/novosti/sobstvennaya_informaciya/politiku_v_kolonii_sozdali_osoby_e_usloviya)

<sup>7</sup> <https://www.facebook.com/ir.petrushova/posts/491754817671809> ; <https://www.facebook.com/ir.petrushova/posts/492288737618417>

<sup>8</sup> <http://en.odfoundation.eu/a/4748,dissident-aron-atabek-is-being-subjected-to-cruel-treatment-in-a-kazakh-prison>

<sup>9</sup> <http://en.odfoundation.eu/a/5622,torture-in-kazakhstan-a-brief-overview-of-the-situation-surrounding-torture-in-kazakhstan-in-2013-and-2014>

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On 29 July, 2015, Chairman of the Committee on Democracy, Human Rights and Humanitarian Issues of the OSCE PA, **Isabel Santos**, who visited Kozlov last year, condemned the reassignment of Kozlov to a more stringent regime of detention and described the conditions of his detention as ‘totally unacceptable’. Ms Santos reminded the Kazakh authorities of the repeated calls to release political prisoners Vladimir Kozlov, Aron Atabek and Vadim Kurashmin.<sup>10</sup>

The need to release Kozlov on the eve of the ratification of the Partnership Agreement between the EU and Kazakhstan was pointed to by ALDE Vice-President Fernando Maura on 12 May, 2015.<sup>11</sup> Vice-Chairman of the European Parliament Committee on Constitutional Affairs, Kazimierz Ujazdowski also pointed to the case of Kozlov on 16 July, 2015, and requested that the European Commission report on how human rights and the rule of law are stipulated in the agreement with Kazakhstan.

**The EU countries must demonstrate their clear positions that the main condition for the signing and ratification of the new Partnership Agreement between the EU and Kazakhstan must be the unconditional release of Vladimir Kozlov and other political prisoners. We hereby demand the fulfillment of the following requirements:**

- Immediately cancel the decision to transfer Vladimir Kozlov to harsh conditions of detention for six months.
- Cease the pressure and provocations against Kozlov; provide him with conditions which are in line with the recommendations of doctors.
- Immediately allow representatives of the European Parliament and EU diplomatic missions to enter the penal colony in order to visit Vladimir Kozlov.
- Cancel the penalties, imposed on Vladimir Kozlov and transfer him to less stringent conditions of detention and, subsequently, release him on parole.

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<sup>10</sup> <http://www.oscepa.org/news-a-media/press-releases/2302-santos-condemns-treatment-of-jailed-kazakhstani-opposition-leader>

<sup>11</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2015-007607+0+DOC+XML+V0//EN&language=en>