



OPEN DIALOG FOUNDATION

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Political prisoner Vladimir Kozlov transferred to a penal colony in close proximity to his place of residence

On 20 March, 2014, the Kazakh political prisoner Vladimir Kozlov was transferred from a remote colony in North-Kazakhstan Province to a colony in close proximity to his place of residence in Almaty Province. Trying to 'save face' in terms of their relations with the West, the Kazakh authorities made minor concessions and eased the conditions of incarceration of the opposition politician.

For nearly 1.5 years, Kazakh authorities held Vladimir Kozlov in North Kazakhstan Province, 1,700 kilometres away from his family, thus blatantly violating Article 68 of the Penal Execution Code, which stipulates that the convicted person must serve his or her sentence in the colony nearest to the place of his or her last place of residence prior to conviction. Due to the long distance, the wife of the political prisoner, Aliya Turusbekova encountered serious difficulties during her visits to the colony. In January 2014, Aliya Turusbekova gave birth to a child, so her opportunities to visit her husband in a remote colony have become even more limited. The ministry of Internal Affairs and the Committee of Crime and the Correctional System have rejected numerous requests to transfer Vladimir Kozlov to a colony close to his place of residence, failing to give legal grounds for the denial. EU officials have repeatedly expressed their concern over Kazakhstan's policy regarding political prisoners.¹ Kazakh authorities have not permitted representatives of the Polish Bar Association and the EU Delegation in Astana to visit Vladimir Kozlov in the colony, in order to monitor the conditions of his detention and the observance of the rights of the prisoner.

Now Vladimir Kozlov will serve his sentence in the village of Zarechniy (Almaty Province) in the LA-155/14 colony. Human rights activist Zhemis Turmagambetova, who has visited Vladimir Kozlov in the colony, stated that the politician feels good and is currently in high spirits. Until 5 April, 2014, Vladimir Kozlov was held in quarantine (a special unit in the colony where all new inmates undergo a medical examination and become familiarised with the internal rules). After the release of the political prisoner from the quarantine unit, he intends to request a long visit from his family. Vladimir's wife, Aliya Turusbekova is looking forward to the moment when he can see his newborn son: "I am concerned about just one thing – they say that in the colony in Zarechny the conditions for a visit are difficult: the waiting room is very small and visitors have to wait outdoors for a long time. I can hardly imagine standing the whole day in the street with a two-month-old".²

Pressure exerted by representatives of the European Union on the Kazakh authorities may save lives and aid the well-being of those prosecuted for political reasons

Over the past few months, the Kazakh authorities in response to the active criticism from the EU and the United States have taken several official steps in order to facilitate the conditions of incarceration of persons who had been convicted or are being prosecuted for political reasons. Thus, on 4 December, 2013, a political prisoner, Aron Atabek was transferred from the colony in Karazhal to Karaganda, where he is currently awaiting transfer to one of the colonies, which is located closer to his family's permanent place of residence.³ On 24 December, 2013, Alma Shalabayeva, the wife of the opposition politician,

¹ http://odfoundation.eu/files/pdf/ODF_Report_Kozlov_Eng.pdf

² <http://www.respublika-kaz.info/news/politics/36013/>

³ http://www.odfoundation.eu/en/publications/1657/political_persecution_against_the_kazakhstan_dissident_aron_atabek

Mukhtar Ablyazov along with their daughter, Alua Ablyazova, was permitted to leave the territory of Kazakhstan.

Kazakh authorities also drew attention to the fate of several oil workers who were convicted in 2012 for organising and participating in mass riots in Zhanaozen. In January 2014, after several months of examination, the court granted the petition of the activist of the strike movement of oil workers, Roza Tuletayeva, requesting a transfer to a colony with less stringent conditions i.e. to an open colony. Roza Tuletayeva had been subjected to severe torture at during investigation; however, the appellate courts ignored these statements and refused to release her. On 24 March, 2014, the convicted oil workers Maksat Dosmagambetov and Naryn Dzharilgasinov were transferred from the penal colony in Uralsk to Aktau (closer to the place of residence of their families).⁴ Two oil workers were released on parole: in January Talgat Saktaganov regained his freedom, and in February, Tanatar Kaliyev was liberated; earlier, he had repeatedly reported having been subjected to torture by police during the investigation into the riots in Zhanaozen.

Such actions of the Kazakh authorities indicate that attempts are being undertaken in order to calm tensions in cooperation with the EU and the U.S., and in particular, with foreign investors. For the Kazakh authorities it is particularly important that the problem surrounding its international image is not exacerbated in the run-up to EXPO -2017 in Astana, and given the plan to create a bank of low-enriched nuclear fuel for nuclear power plants in Kazakhstan, as presented by President Nazarbayev at the Nuclear Security Summit in The Hague.

However, against the backdrop of close economic cooperation with the EU, Kazakh authorities are facing criticism from the West with regard to gross violations of human rights, oppression of activists and mass media, as well as prosecution for political reasons. On 3 February, 2014, the French Geopolitical Centre for the Study of Crime recognised ***Nursultan Nazarbayev by announcing him the winner of 'The dictator of the Year Award'*** (other shortlisted 'finalists' for the anti-award included Zimbabwean President Robert Mugabe and former presidents of Tunisia, Egypt and Haiti: Ben Ali, Hosni Mubarak, Jean-Claude Duvalier).⁵

In its resolution of 13 March, 2014, the European Parliament stated that the human rights situation in Kazakhstan "has further deteriorated after the brutal police oppression of peaceful demonstrators and oil workers, their families and supporters in Zhanaozen on 16 December, 2011". The European Parliament called on Kazakhstan as a member of the Human Rights Council of the United Nations ***"to guarantee the protection of human rights, to repeal Article 164 of the Criminal Code on 'inciting social discord', to put an end to oppression and to remove administrative obstacles which were put in the way of independent media, to release political prisoners, including the counsel of human rights defenders, Vadim Kuramshin, the labour union activist, Roza Tuletayeva and the opposition politician Vladimir Kozlov, as well as to cancel all requests for the extradition of opposition politicians."***⁶

Kazakh authorities are very sensitive to the visits of monitoring missions sent by the European Parliament. Members of the Polish Sejm and the Italian Parliament were present at the trial of Vladimir Kozlov as observers. Observation missions were organised with the support of the Open Dialog Foundation. In response to inconvenient questions regarding the political persecution in the country, Kazakh officials accused the Open Dialog Foundation of 'bias' and 'discrediting the image of Kazakhstan'. Such a reaction only confirms the effectiveness of observation missions, and so the visits of MEPs and pressure exerted on Kazakhstan in the sphere of human rights must continue.

However, according to the reports of civil society activists in Kazakhstan, unfortunately, visits of some European delegations are of a formal nature, or they are openly used to support the image of the

⁴ <https://www.facebook.com/cinemakaz/posts/769767879702466>

⁵ The criteria for the award are: the duration of being in power, the dictator's private financial condition in relation to the average income in the country, the number of detained journalists and an access to offshore companies. - <http://www.unn.com.ua/ru/news/1300536-n-nazarbayev-stav-kraschim-diktatorom-roku>

⁶ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0252&format=XML&language=EN>

Kazakh regime. For example, between 25 March and 29 March, 2014, representatives of the Subcommittee on Human Rights of the European Parliament headed by Elisabeth Jeggle met with Kazakh officials. Official mass media in Kazakhstan widely cited 'positive achievements of Kazakhstan', also in the sphere of human rights, as marked by MEP Jeggle.^{7,8} The deputy had also previously stated that she fully supports President Nazarbayev in his '*quest for peace and stability, the development of civil liberties and the rule of law, and other fundamentals of the country's development*'.⁹

Kazakh officials were happy to 'reassure' their European colleague about their 'desire to improve' the mechanisms used to ensure human rights in Kazakhstan, at the same time they failed to refer to specific examples of political persecution of opposition politicians, activists and independent media outlets.

On 28 March, 2014, at 9.00 p.m., dinner was scheduled with the participation of E. Jeggle and human rights activists and representatives of non-governmental organisations (NGOs). **According to the wife of political prisoner Vladimir Kozlov, Aliya Turusbekova, who attended the meeting, the head of the delegation, Elisabeth Jeggle, did not have a meaningful conversation with Kazakh human rights activists.** Human rights activists made attempts to convey to the European Parliament's delegation information about the repressive policies of Kazakh authorities towards NGOs and activists. However, as reported by Turusbekova, MEP Jeggle did state that "in her country, the government seldom listens to the people and to NGOs (...) and, as a matter of fact, her favourite subject is agriculture and economy (...). By this statement, she made it clear to all that the citizenship rights and freedoms, and political the more so, are outside the sphere of her interests...".¹⁰ Then, citing fatigue, she left the meeting. Given the fact that human rights defenders and activists who are fighting against the Kazakh dictatorship, often risk their freedom and security, defending European democratic values, such behavior on the part of a MEP, representing the delegation of the subcommittee on human rights, is simply unacceptable.

In response to international criticism, Kazakh authorities have made some concessions with regard to those imprisoned and prosecuted for political reasons; in particular, they have improved the conditions of detention of the political prisoner Vladimir Kozlov. However, the statements about Akorda's 'democratic progress' are far from the real state of affairs in terms of ensuring the independence of the judiciary and improving the human rights situation. Kazakh authorities continue to oppress independent media outlets and arrest opposition activists. Religious persecution and violent dispersal of demonstrations have become commonplace in Kazakhstan over the last year.¹¹

At the same time, the European Parliament has effective instruments for exerting pressure on non-democratic regimes, often constituting the last resort for those persecuted on political grounds. The pressure exerted by MEPs made it possible to transfer Vladimir Kozlov to a colony in close proximity to his place of residence, and has previously brought about the release of many activists, human rights defenders and journalists in Kazakhstan.

In light of the above, we hereby appeal to the members of the European Parliament with a request that delegates for human rights missions be more carefully selected. We also request that visits be paid to the correctional institution LA-155/14, where Vladimir Kozlov is currently serving his sentence, and that further pressure be exerted on the Kazakh regime in order to bring about the release of Vladimir Kozlov and other political prisoners in Kazakhstan. We wish to emphasise the need to demand from the competent authorities of the Republic of Kazakhstan that the following actions be undertaken:

⁷ <http://www.inform.kz/rus/article/2643059>

⁸ <http://news.nur.kz/307786.html>

⁹ http://www.khabar.kz/ru/view/obwestvo/page_67857_deputat-evroparlamenta-strategiya-2050-uluchshaet-zhizn-m

¹⁰ https://www.facebook.com/aliya.alga/posts/689086067821868?stream_ref=10

¹¹ http://www.odfoundation.eu/en/publications/1622/kazakh_authorities_violently_suppress_protests_prompted_by_the_devaluation_of_the_national_currency

- **with the assistance of the international community, carry out an objective investigation into the tragic events in Zhanaozen and numerous incidents of torture exerted on defendants and witnesses in the case of the riots in Zhanaozen.¹²**
- **to ensure Vladimir Kozlov's prompt transfer to an open colony in Almaty Province with less restrictive detention conditions, and furthermore, his release from custody and rehabilitation.**
- **to release and rehabilitate the Zhanaozen oil workers who are still in prison: Roza Tuletayeva, Maksat Dosmagambetov, Naryn Dzharilgasinov, Shabdal Utkilov, Kanat Zhusipbayev.**
- **to introduce amendments to Article 164 of the Criminal Code of the Republic of Kazakhstan in order to bring it into line with international standards in the sphere of human rights protection.**

Background information:

Leader of the unregistered opposition party 'Alga!', Vladimir Kozlov, during the strike of oil workers in Zhanaozen in 2011 represented the interests of the strikers in the European Parliament, the European Commission and the OSCE. The Kazakh Prosecutor's Office accused Vladimir Kozlov of establishing an organised criminal group along with the opposition politician Mukhtar Ablyazov in order to support the striking workers and thus provoked the Zhanaozen tragedy of 16-17 December, 2011. On 8 October, 2012, the Mangistau Regional Court sentenced Vladimir Kozlov to 7 years and 6 months of imprisonment with confiscation of property, having convicted him for inciting social hatred (Article 164, section 3 of the Criminal Code of the RK), calls to overthrow the constitutional order (Article 170, section 2 of the Criminal Code of the RK), establishment and leadership of a criminal organisation (Article 235, section 1 of the Criminal Code of the RK). The trial was conducted with gross violations of international standards of fair trial. International human rights organisations and governments of democratic states recognised Vladimir Kozlov as a political prisoner.¹³ On the basis of the court ruling against Vladimir Kozlov, the activities of the opposition party 'Alga!' and 34 non-public media outlets,¹⁴ which had most widely reported the Zhanaozen events, were banned, having been labelled 'extremist'.

On 31 March, 2014, Vladimir Kozlov's letter from the colony was published; in his statement, he elaborates on the latest developments in Ukraine, analyses the integration of the regimes of Kazakhstan, Russia and Belarus within the Customs Union, and also reacts to the widely discussed decision of the Spanish government regarding the extradition of Alexander Pavlov to Kazakhstan. The political prisoner Vladimir Kozlov stated: "Issuance of a decision to extradite a man to a country where torture is the main method of investigation, and violation of the rights and freedoms are common and ubiquitous – is, in fact, tantamount to aiding and abetting political cannibalism. Hidden 'electoral' democracy based on economic interest, which Spain is currently demonstrating, is much worse than the cynical 'managed' democracy proclaimed in the Republic of Kazakhstan, because the latter buys the first, along with its former reputation and clichés 'made in Europe', and venality is a disgraceful quality. The homeland of Cervantes should not become a place where political cannibals are offered the chance to buy their opponents".¹⁵

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¹² http://www.odfoundation.eu/files/pdf/ODF_courts_Zhanaozen_maket_EN_final.pdf

¹³ The European Parliament, the U.S. State Department, Amnesty International, Human Rights Watch, Freedom House, Civic Solidarity, the Norwegian Helsinki Committee, the Polish Bar Association in Poland and EU High Representative for Foreign Affairs and Security Policy Catherine Ashton addressed the Kazakh authorities with stark criticism. - http://odfoundation.eu/files/pdf/ODF_Report_Kozlov_Eng.pdf

¹⁴ The 'Vzglyad' newspaper, the internet video portal Stan.tv, the TV channel 'K+', the 'single media outlet 'Respublika' (8 newspapers and 23 online news websites). - http://odfoundation.eu/files/pdf/ODF_mission_report_Dec2012_EN.pdf

¹⁵ <http://www.respublika-kaz.info/news/politics/36052/>