

**To the Secretary-General
of the human rights organisation 'Amnesty International'
Mr. Salil Shetty**

STATEMENT

AN APPEAL

to recognise Kazakhstan's opposition politician

Vladimir Kozlov as a political prisoner

On 23 January, 2012, members of the National Security Committee (KNB) of the Republic of Kazakhstan arrested an opposition politician, the leader of the People's Party 'Alga!', Vladimir Kozlov. On 8 October, a Kazakh court sentenced him to: 7.5 years imprisonment with confiscation of property. The Appellate Court upheld the sentence.

Representatives of the democratic community of Kazakhstan have no doubt that Vladimir Kozlov's arrest and imprisonment have solely political reasons. But such actions as the deprivation of his liberty prior to the court proceedings, the violation of the laws pertaining to the presumption of innocence, the systemic violation of procedural rules and conditions clearly indicate selectivity and bias on the part of the National Security Committee and the judiciary in relation to one of the leaders of the Kazakh opposition party.

Vladimir Kozlov was subjected to political persecution solely due to his principled position regarding the issues of the need for democratic modernisation of Kazakhstan and the liberalisation of the relationship between government and society. **In this connection, all of his work should be perceived as political, and he, himself - a prisoner of conscience.**

Vladimir Kozlov dedicated more than 10 years to opposing the authoritarian regime of President Nazarbayev. This resistance (by V. Kozlov and his supporters) has always been very legitimate, transparent and non-violent. For more than 5 years, he was the head of the People's Party 'Alga!', whom the Kazakh authorities unjustifiably denied state registration, fearing its participation in the parliamentary election fight. Mr. Kozlov was a regular participant in international conferences, workshops, forums and hearings conducted by the OSCE, the European Parliament, international human rights organisations, the purpose of which was to discuss the situation in the field of democratic rights and freedoms in our country and in the countries of Central Asia. In 2011, he made a statement of intent to run for the next presidential election. Kozlov has been repeatedly brought to administrative responsibility for the organisation of and participation in peaceful protest actions: rallies, meetings and demonstrations. The reason for his imprisonment of 7.5 years, and, in fact, Kozlov's social isolation by Kazakh authorities, was his activist work, consisting of informing the Kazakh and foreign public about the events in Zhanaozen, his desire to draw attention to the problems of striking oil workers and the tragedy that took place on 16-17 December, 2011. Vladimir Kozlov faced a fabricated criminal case, initiated under three charges: the incitement of social hatred, calling for the violent overthrow of the constitutional order as well as the organisation and participation in an organised criminal group. According to independent experts and human rights activists, these allegations are purely politically motivated.

Observers, who monitored the trial, concluded that both the investigation and the court proceedings were conducted with gross violations of due process, and put under serious doubt the

objectivity and impartiality of the sentence issued. So there are reasons to suspect that the evidence of guilt, provided by the prosecution, had been falsified.

In particular, the organization 'Freedom House' which monitored the trial in its entirety, stated in its report: **"There have been the following documented violations:**

- In the final statement, the prosecution presented evidence, which was not included in the trial.**
- Head of the Republic of Kazakhstan made partisan statements.**
- Leaflets, printed on a machine other than the one used by Mr. Kozlov's party, were introduced as evidence.**
- A chain of responsibility was not determined and the safekeeping of the above mentioned leaflets was not ensured.**
- The prosecution witnesses were cross-examined; however, the defence were not provided with an opportunity to question them."**

Lawyers of the Solicitors' International Human Rights Group (SIHRG) noted in their report:

"Despite displaying stamina and intellectual capacity during the trial the Judge reached flawed verdicts. His Judgment included misleading impressions of the evidence. He failed to properly justify the Court's verdicts in law or fact."

After the verdict in the case, Catherine Ashton, EU High Representative for Foreign and Security Policy also made a statement, which said:

"The processes did not provide a clear insight into the investigation of the events, prove the guilt or direct involvement of Mr Kozlov in the violence in Zhanaozen. Therefore, Mr Kozlov's sentence seems disproportionate and, given his political activities, seems to carry political overtones".

President of the OSCE Parliamentary Assembly, Riccardo Migliori, concludes that:

"Mr. Kozlov's conviction followed a non-transparent investigation and a trial that failed to meet international standards. It can only be concluded that this verdict and the harsh sentence are designed to send a message to opponents of the authorities in Kazakhstan. By intimidating the Alga! party's leaders through the sentence of Mr. Kozlov, the authorities are suppressing one of Kazakhstan's few genuine political alternatives".

Major international standards that define the political component in the criminal prosecution, are the use of deprivation of liberty in violation of one of the fundamental rights guaranteed by the European Convention on Human Rights, in particular, freedom of expression, conscience and religion, the right to truthful and reliable information, and freedom of assembly and social activities and also, in terms of deprivation of liberty the result of the trial included apparent violations of due process, being a result of the political motives of the authorities.

The verdict against Vladimir Kozlov, is apparently a way for the regime to deal with its political opponent and to destroy political competition. The confiscation of Kozlov's personal property, including the regional offices of the 'Alga!' party, and recognition of the party as an extremist organization as well as the prohibition of its activity on the territory of Kazakhstan, and the parallel elimination of the independent media outlets suggest that 'Kozlov's case' is of a distinctly political nature. In the "Index of free speech," Kazakhstan fell six places to No. 160 out of 179: **"The country reached a tipping point in 2012. By reinforcing repressive policies, the government of**

President Nursultan Nazarbayev approached an ultra-authoritarian model of its neighbors: Uzbekistan and Turkmenistan", - the report of 'Reporters without borders' stated. "The Kozlov case" became the basis for the escalation of repression of civil rights and freedoms in the Republic of Kazakhstan, the political persecution of dissent as well as an end to any attempts to establish a democratic state and civil society in Kazakhstan.

We believe that international recognition of VLADIMIR KOZLOV as a PRISONER OF CONSCIENCE will be an expression of broad support and solidarity for civil society activists in Kazakhstan, who continue the struggle for the democratization and transformation of the state. Please continue to carefully monitor the situation surrounding Vladimir Kozlov and demand from the Kazakh authorities that he be released and rehabilitated.

Representatives of the Civil Society of the Republic of Kazakhstan:

Mikhail Sizov, president of the 'Arka Suyeu' Civil Foundation
Georgiy Arkhangel'skiy, the Association of Legal Entities 'SPOR'
Bulat Abilov, co-chair of the All-National Social Democratic Party 'Azat'
Gaziz Aldamzharov, chairman of the Communist Party of Kazakhstan
Yevgeniy Zhovtis, Kazakhstani International Bureau for Human Rights and Rule of Law
Amirzhan Kosanov, Secretary-General of the ANSDP 'Azat'
Andrei Sviridov, Kazakhstani International Bureau for Human Rights and Rule of Law
Marianna Gurina, the Civil Foundation 'Ulgatty Zhanuya'
Bakhtyla Tumenova, president of the Civil Foundation 'Aman Saulyk'
Rysbek Sarsenbayev, editor-in-chief of the 'Zhas Alash' newspaper
Mukhtar Tayzhan, president of the Bolathan Tayzhan Foundation
Marzhan Aspandiyarova, presidium member of the ANSDP 'Azat'
Marat Zhanuzakov, NGO 'Aksakaly'
Aliya Turusbekova, Vladimir Kozlov's wife
Nurlan Bakirlanov, the ANSDP 'Azat'
Zhasaral Kuanyshalin, NGO "Zhasa Azattyk"
Aisulu Kadyrbayeva, poetess, member of Authors Union of Kazakhstan
Zauresh Battalova, the Civil Foundation "Foundation for Development of Parliamentary in Kazakhstan"
Paul Lobachev, NGO "Echo", President of International Monitoring Organization "Elections & Democracy"
Dmitry Kozlov, citizen of Russian Federation, brother of Vladimir Kozlov
Ivan Kozlov, citizen of Russian Federation, father of Vladimir Kozlov
Valentina Kozlova, citizen of Russian Federation, mother of Vladimir Kozlov
Daniil Kislov, International Informative Agency "Fergana"
Ramazan Yessergepov, Chairman of the Board NGO "Journalists in trouble"
Yelena Ryabinina, manager of program "Right for a shelter" by Institute of Human Rights, Russian Federation
Sergey Duvanov, journalist
Sagat Zhussip, NGO "Center for support of Democracy"
Igor Vinyavski, editor-in-chief, Newspaper "Vzglyad"
Lyudmyla Kozlovska, Open Dialog Foundation
Tamara Kaleeva, President of International Foundation for protection free speech and discussion "Adil Soz"
Galym Ageleyov Civil Foundation "Liberty"
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Perizat Kassymova, NGO "Center for Protection of Human Rights"
Murat Tungishbayev, Civil Foundation "Liberty"
Sergey Rasov, journalist

Tatyana Trubacheva, journalist
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Nurbek Baymuratov, citizen of Kazakhstan
Olga Kozlova, citizen of Russian Federation
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