

**Violations of the Right to a Fair Trial of Vladimir Kozlov, Serik Sapargali,  
and Akzhanat Aminov**

Freedom House expresses its grave concerns over the ongoing trial of leader of Kazakhstani opposition party Alga Vladimir Kozlov, opposition activist Serik Sapargali, and labor activist Akzhanat Aminov. In early 2012, the three men were arrested and charged with inciting social hatred against a social group, attempting to overthrow the constitutional order, and creating or participating in an “organized criminal group.” Freedom House has monitored the trial since it began August 16, 2012, and has documented substantial violations of both national and international standards, including those undertaken within the framework of the OSCE. Based on its monitoring, Freedom House believes Mr. Kozlov and his co-defendants are being prosecuted for legitimate, peaceful political activity protected under Kazakhstan’s international commitments.

Freedom House reminds the government of the Republic of Kazakhstan of its good faith commitments to uphold the universal human right to a fair trial, in particular its commitment as participating State of the OSCE to uphold the right “to a fair and public hearing within a reasonable time before an independent and impartial tribunal.”

A full description of the violations that Freedom House has documented may be found in the statement entered into the record, and in the two monitoring reports posted on our website. At this time, I would like to draw attention to one particular aspect of the case.

In the indictment presented by the prosecution, Mr. Kozlov’s participation in the 2011 Human Dimension Implementation Meeting is presented as evidence proving his incitement of social hatred as part of a criminal group. I respectfully ask that the delegations seated here consider the significance of that accusation. An individual who came to Warsaw, who participated in an official OSCE forum – the very forum we are now here sharing – is having his participation used as criminal

evidence against him. Freedom House asks that participating States consider the signal that this sends to the human rights and civil society community in Kazakhstan about the risk they undertake even by speaking in what should be a free and protected space. We call on the government of Kazakhstan to cease its persecution of legitimate political expression and to ensure a fair trial for Mr. Kozlov and his co-defendants.

Violations Freedom House has documented during the trial include:

**Psychological pressure on Mr. Kozlov.** For weeks, the judge has ignored statements made by Mr. Kozlov that the cell where he is being held has been searched repeatedly by persons unknown. These persons brought into the cell materials taken from the Internet containing insulting and defamatory information about Mr. Kozlov and his family. The searches, as well as the "found" materials, may be qualified as psychological pressure, i.e. degrading treatment.

**Incompleteness of the Investigation.** Mukhtar Ablyazov, who is named in the indictment as being the main organizer of the crimes committed by the organized criminal group, has not even been summoned as a witness. A petition filed by Kozlov's lawyer to question Mukhtar Ablyazov via Skype was rejected by the judge, despite the fact that the questioning was the only way for the court to shed light on Mr. Kozlov's actual intentions.

Ablyazov is not the only crucial witness who has not been called in the case. Mr. Kozlov's defense has also petitioned to hear the testimony of Irina Petrusheva, chief editor of the Respublika newspaper, and Igor Vinyavskiy, chief editor of the Vzgl'yad newspaper. These petitions were rejected despite the fact that their names and activities are mentioned numerous times during the proceedings.

**Possible Falsification of Testimony.** During the trial there has also been a case when the supposedly transcribed testimony of two witnesses were found to be

word-for-word identical, which should be impossible. Mr. Kozlov's lawyer filed a petition requesting the appearance of the interrogator who had questioned both witnesses, to determine if their testimony had been falsified. This petition was rejected as well.

**Unexplained Refusal of Defense Requests.** In another instance during the September 5th court proceeding, Mr. Kozlov's defense submitted a petition requesting that the court allow Mr. Kozlov to meet with Markus Loening, the German Human Rights Ombudsman, in the presence of the prosecutor and court bailiffs. This petition was also rejected without explanation.

Indeed, in numerous cases the judge has refused to provide justifications for the rejections of the petitions filed by the defense, which violates the Criminal-Procedural Code of Kazakhstan.

**Possible External Influence on Trial Proceedings.** Throughout the trial, the judge has been receiving notes from court marshals and secretaries, some of which are communicating by cellphone with unknown parties, and has refused to disclose the information contained in these notes.

**Incoherence of Charges.** In the absence of a clear definition in the Criminal Code that would explain what is meant by a social group, the version put forth by the prosecution is that the aim of the organized criminal group was to incite social hatred between two social groups: employers and authorities on the one hand, and workers on the other. According to international standards and international law, the authorities can in no way be considered a social group. To classify the ruling authorities as a social group would be to automatically criminalize all opposition political activity, in violation of the constitution of the Republic of Kazakhstan and of international law.

Freedom House calls on the Republic of Kazakhstan to ensure a fair trial for Mr. Kozlov and his co-defendants. Freedom House also calls on the Republic of

Kazakhstan to heed its obligations under national and international law allowing legitimate political activity, including its OSCE commitments to the importance of pluralism and a clear separation between the State and political parties.

Monitoring Report #1: <http://www.freedomhouse.org/article/second-monitoring-report-documents-further-violations-fair-trial-kozlov-case>

Monitoring Report #2: <http://www.freedomhouse.org/article/first-monitoring-report-documents-violations-kozlov-trial>