



**DELEGATION
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE**

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**Statement by the Delegation of the Republic of Kazakhstan to the OSCE
on the trial of Mr. Vladimir Kozlov, Mr. Serik Sapargali and Mr. Akzhanat
Aminov, delivered at the 925th meeting of the OSCE Permanent Council
11 October 2012**

The Delegation of Kazakhstan has taken note of previous statements at the meetings of the Permanent Council in the course of the year concerning the tragic events in Zhanaozen, as a result of which 16 people were killed and about a hundred injured, including law enforcement officials, and over 125 facilities and commercial and administrative buildings were set on fire, damaged and looted.

Our delegation would like to inform the participating States about the results of the trial of Mr. Kozlov, Mr. Aminov and Mr. Sapargali.

On 8 October 2012 the Aktau city court announced the verdict in the criminal case against Vladimir Kozlov, Serik Sapargali and Akzhanat Aminov. The accused were represented by counsel. In the course of the trial, a total of 42 witnesses and eight experts were questioned.

The trial of Kozlov, Aminov and Sapargali was amongst the most recent of the court procedures to have taken place in the past months in connection with the tragic events in Zhanaozen. These have resulted in the following verdicts, among others:

- On 26 May, the Zhanaozen Court sentenced three former managers of the KazMunaiGaz and Munai Ecology state companies to terms of seven and eight years' imprisonment with confiscation of property, for the embezzlement of funds;

- On 28 May, the Aktau Interregional Criminal Court sentenced five high-ranking police officers to terms of five to seven years' imprisonment for exceeding their authority or authorizing the use of excessive force with the use of arms, which had grave consequences during the disturbances in Zhanaozen on 16 December 2011;

- On 4 June, the Aktau City Court announced the verdicts for 37 defendants who had participated in the disturbances: 13 received real sentences of between three and six years' imprisonment, three were acquitted, five were amnestied, and 16 received suspended sentences;

- In September, two former mayors of the town of Zhanaozen, Mr. Zhalgas Babakhanov and Mr. Orak Sarbopeev, were sentenced to two and ten years'

imprisonment respectively, with confiscation of property. The first was found guilty of abuse of power, the latter of having prepared and attempted a crime.

At the latest trial in Aktau, Mr. Kozlov was found guilty of crimes under part 3 of Article 164 (incitement of social hatred), part 2 of Article 170 (calling for the violent overthrow of the government, undermining national security) and part 1 of Article 235 (establishment and management of an organized criminal group) of the Criminal Code of the Republic of Kazakhstan and was sentenced by the court to imprisonment for seven years and six months.

Mr. Aminov and Mr. Sapargali, both of whom pleaded guilty, received suspended sentences of four and five years respectively with three years' probation, and were released from custody in the courtroom.

During the trial, the court ensured the rights guaranteed by the Constitution of Kazakhstan, in particular the rights to defence, to choose and defend positions, to receive qualified legal assistance, to furnish evidence, to take part in investigations, to file petitions, and to give oral or written explanations to the court. Mr. Kozlov, Mr. Sapargali and Mr. Aminov had adequate counsel and were represented by five lawyers. The court also carefully, comprehensively, objectively and impartially considered all the circumstances of the case, and fully ensured fair competition between and equality amongst the parties. The testimony of witnesses in court and numerous examinations conducted during the legal proceedings proved that all three defendants were guilty.

The official authorities of Kazakhstan made every possible effort to hold all the trials in an open and transparent manner. The trials were observed by domestic and international observers, by representatives of the diplomatic corps accredited in Kazakhstan, by members of non-governmental organizations and of the mass media, by public experts including prominent human rights activists, by members of European and national parliaments, and by representatives of international human rights organizations.

It should be noted that Mr. Vladimir Kozlov has been involved in political activities for more than ten years, travelling abroad freely, engaging in political campaigns and openly criticizing the authorities and political system of Kazakhstan, at the OSCE Human Dimension Implementation Meetings and elsewhere. And that Article 20 of the Constitution of the Republic of Kazakhstan guarantees the right to freedom of speech and creative activities.

The defendants were only brought to justice when their actions had brought about incitement to hatred and discord, to the forcible seizure of power, to the undermining of national security and to the forcible change of constitutional order.

Part 3 of Article 20 of the Constitution states: "Propaganda of or agitation for the forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, and advocating war, social, racial, national, religious, class and clannish superiority as well as the cult of cruelty and violence shall not be allowed".

Many members of the Kazakh opposition also visited Zhanaozen, met the oil strikers and talked about their views. However, unlike Mr. Kozlov, Mr. Aminov and Mr. Sapargali, they observed the law, and did not call for violence and the seizure of power by force.

Many democratic countries issue severe punishments for attempts to forcibly change the constitutional order and in so doing to infringe peace, harmony and stability in society. The rule of law implies that every citizen is subject to the law.

No person should be favoured or disfavoured before the law because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. Interference in the course of justice in a lawful state is categorically unacceptable: accordingly, calls from any country or international organization calculated to influence the course of justice undermine these fundamental principles of the rule of law at the very outset.

It should be emphasized that the court's verdict has not come into force yet and may be appealed against by the parties within 15 days, in accordance with fundamental principles of a democratic and rule-of-law State.

Kazakhstan is firmly resolved to continue its efforts to further improve its political system, promote democratic institutions and enhance its legal framework. In doing this we are drawing on European experience in facilitating the conformity of legislative and law enforcement practices with international standards and in guaranteeing domestic tools for the protection of human rights. We are strongly committed to pursuing a steady path of democratization that will ensure the promotion of fundamental freedoms and human rights.

Thank you, Mr. Chairperson.