

October 2, 2013  
HDM OSCE in Warsaw  
Working session 14: Rule of law I, including:  
– Democratic lawmaking;  
– Independence of the judiciary;  
– Right to a fair trial.

Good afternoon, ladies and gentlemen,

I would like to draw your attention to a very dangerous trend in Kazakhstan, namely, the use of courts and Interpol as a tool employed in political struggle, and the genuine lack of opportunity for lawyers in the country to defend the interests of their clients, especially if the client belongs to the category of dissenters and dissidents.

Lawyers may have their licenses withdrawn at any time by decision of the Ministry of Justice, which both grants and withdraws licences. The report of the Polish Bar Council, submitted in May 2013, describes the mechanism in detail.

The representative of Kazakhstan presented amendments in criminal law as an opportunity for positive change. However, as reported by numerous human rights organisations, both Kazakh and international, expectations with regard to the amendments are not very positive, on the contrary, they are rather pessimistic, and, at the same time, our concerns are well-grounded.

Moreover, we have seen demonstrative trials of the Zhanaozen oil workers, the trial of the opposition leaders, in particular, Vladimir Kozlov, the leader of the banned opposition party 'Alga!' and one of the active participants of the OSCE meetings in Warsaw and public hearings in the European Parliament, as well as the case of Vadim Kuramshin, who was re-arrested upon his return from Warsaw in 2012, and the case of Kharlamov, whose charges of inciting religious and social discord caused great outrage inside and outside Kazakhstan. Also, in recent days, we have observed the case of human rights activist Zinaida Mukhortova from Balkhash, who was forcibly re-confined to a psychiatric hospital and who suffered forceful administration of medication (in particular, her mouth were prised open with a spatula and unknown pills were pushed down her throat); it is yet to be determined what damage the pills caused to her health. She is currently awaiting trial in the Appellate Court, but no observers have any hope for objectivity of the trial.

We witnessed a most successful outcome in Poland, where the detainee Muratbek Ketebayev, who is delivering his speech here today in this room, was released after 24 hours due to the fact that the prosecutor's office considered the charges brought against him as being politically motivated. Unfortunately, not all countries have this level of understanding of the context and realities of life in Kazakhstan and similar countries, such as Russia, Ukraine, Belarus, Uzbekistan, etc.

In Italy, Kazakh officials practically kidnapped the wife and 6-year-old daughter of the opposition leader, Mukhtar Ablyazov.

Also, Alexandr Pavlov, the former security chief of the opposition leader, Mukhtar Ablyazov, and editors of independent media outlets in Kazakhstan, is facing a huge threat of extradition. Without trial or investigation, he was accused of organising terrorist activities, as was the oppositionist, Muratbek Ketebaev. I shall repeat, no trial or investigation into the matter has been conducted in Kazakhstan, but the Spanish court does not take these circumstances into account, as the extradition court considers only whether it is safe to extradite Pavlov to Kazakhstan and takes seriously the assurances offered by the Kazakh authorities, as Spain is the only country which has signed an extradition treaty with Kazakhstan. For this reason, the use of Interpol mechanisms provides an effective and exemplary means of ensuring extradition of dissidents along with their associates to Kazakhstan, which will prevent the desire of anyone within the country to consider seeking asylum in Europe, as they will be found, regardless.

We hereby call on the OSCE to continue the discussion, begun in Istanbul during the OSCE Parliamentary Assembly on the need to reform Interpol mechanisms, and to urge Kazakhstan to comply with the international conventions they have signed. As long as there is no chance of a fair trial in Kazakhstan and similar countries, no one should be extradited from Europe to countries where they may face torture and inhumane treatment.

Unfortunately, in the case of Pavlov and Paraskevich, in addition to the exertion of torture on them, a wide range of journalists and civil society activists, and even their family members will be held criminally liable on politically motivated charges. Let me remind you that all the cases in Kazakhstan relating to terrorism are carried out in closed sessions, and, as a consequence, these people will not have access to a minimum level of legal defence.

We call on the OSCE to monitor the situation regarding the fairness of trials in Kazakhstan closely and to prevent the extradition of persons who may face torture, as well as to counteract the abuse of Interpol by non-democratic regimes and to work out specific recommendations for Interpol.

Thank you for attention.

Lyudmyla Kozlovska,  
The Open Dialog Foundation.