

Brussels, 19 October, 2017

To: The President of the Republic of Kazakhstan
Nursultan Nazarbayev
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Dear Mr President,

We, Members of the European Parliament, would like to draw your attention to the worrying human rights situation in the Republic of Kazakhstan.

We are well aware of the situation of **Mr Muratkhan Tokmadi**, who was arrested on June 12, 2017 during an operation conducted by Kazakhstani special forces. Mr Tokmadi and the people closest to him, such as relatives and employees, have since undergone mistreatment by governmental and police bodies whose purpose is to obtain false depositions through unlawful means. Such methods have included intimidation and even torture, and are utterly in breach of legitimate judicial procedures and human rights. On 10 October, 2017, Mr Tokmadi was convicted and sentenced to three years' incarceration, and a confiscation order was imposed in the amount of 252 million tenge (600,000 euros).

We are sincerely concerned about the purpose of the actions of Kazakhstani law enforcement agencies towards Mr Tokmadi and his family, whose political persecution is linked to the case of businessman and Kazakh dissident Mr Mukhtar Ablyazov. Mr Tokmadi has been subjected to coercive pressures in a bid to obtain false testimony against Mr Ablyazov. Indeed, Mr Tokmadi was expected to confess to a murder which is alleged to have been committed 13 years ago at the order of Mr Ablyazov. Moreover, the detainee's wife, **Ms Dzhamilya Aimbetova-Tokmadi**, has been a victim of intimidation: as a consequence of her claims of the unlawful treatment of her husband, she was threatened with criminal prosecution. Ms Aimbetova-Tokmadi was thus forced to leave the country in fear for her safety. Another cause of great concern regards **Mr Berik Imankaliyev**, a relative of the Tokmadis, who was a victim of torture and coercion to provide a false confession consisting merely of a verbatim copy of the written charges against Mr Tokmadi.

Furthermore, we consider it unacceptable that Mr Tokmadi's lawyers have been threatened with revocation of their professional license if they do not cease to defend their client. The Kazakhstani prosecutor's office withdrew counsels from the case, as they refused to sign a non-disclosure statement regarding the data of the investigation. In turn, Mr Tokmadi was left without counsel.

We also want to express our concern about the case of jailed **Mr Mukhtar Dzhakishiev**¹, who is currently serving 14 years in prison in retaliation for Mr Ablyazov's opposition activities in your country. In 2009, Kazakhstani authorities instructed Mr Dzhakishiev to 'convince' Mr Ablyazov to cease opposition

¹ <http://en.odfoundation.eu/a/8357,kazakhstan-the-life-of-political-prisoner-mukhtar-dzhakishiev-is-in-danger>

activities and return to Kazakhstan. There are reasons to believe that the criminal prosecution against Mr Dzhakishev is linked with Mr Ablyazov's continued engagement in politics.

What is even more worrying is Mr Dzhakishev's deteriorating health condition. Over eight years of detention, Mr Dzhakishev has developed life-threatening diseases such as arterial hypertension and left ventricular hypertrophy. What is more, Mr Dzhakishev has been repeatedly mistreated and beaten in the detention facility.

We have been informed that Mr Dzhakishev is not receiving the medical care he requires at the detention centre and is in urgent need of hospitalisation. We therefore firmly concur with the UN Human Rights Committee's² demand that the judgment of the Kazakhstani authorities be revoked and Mr Dzhakishev be released from prison. So far, Kazakhstan has refused to comply with the decision of the UN Committee, ignoring its international obligations. We have faith that you will consider the gravity of this issue and safeguard the international credibility of the Republic of Kazakhstan.

We wish to draw attention to the fact that the prosecution of Mr Ablyazov was recognised as politically motivated by a decision of the French State Council in December 2016. For the same reason, in July 2017, the General Secretariat of INTERPOL excluded Mr Ablyazov's name from INTERPOL's Red Notices list.

We also take the opportunity to underline that the protection of human rights is of crucial importance to the European Union and this subject is at the core of the Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan, which will be discussed in the coming months by the European Parliament.

We are persuaded that it is in the best interests of the Republic of Kazakhstan to cease the unlawful prosecution of Kazakhstani citizens and immediately release unjustly detained political prisoners. Therefore, we invite the Republic of Kazakhstan to conduct fair and independent investigations, while fully complying with the respect for human rights and the right to a fair trial.

Yours sincerely,

Members of the European Parliament

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en

CC:

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