

22 November 2017

Kazakhstan: Criminal charges against human rights defender Marat Dauletbayev

On 17 November 2017, human rights defender **Marat Dauletbayev** received formal notice of the transfer of his case back to the Prosecutor's Office for further investigation. Kyzylorda Criminal Court ordered further investigation based on its reclassification of charges against the human rights defender from “libel” to the more severe charge of “deliberately false denunciation”. The decision to reclassify the charges against him is final and cannot be appealed.

[Marat Dauletbayev](#) is a human rights defender and Chairman of **Baikonur for Civil Rights**, an organisation founded in 2009 which works on social and economic rights, focusing particularly on the rights of disadvantaged communities in Baikonur. The organisation also provides free legal consultations for vulnerable segments of the population.

On 17 November 2017, Marat Dauletbayev received formal notice of the transfer of his case back to the Prosecutor's Office for further investigation. On 7 November 2017, the Kyzylorda Criminal Court reclassified the charges against him from "libel" under Article 130 of the Criminal Code to the more severe charge of “deliberately false denunciation” under Article 419. The charges against him relate to statements he made concerning employees of “Roscosmos Center for the Operation of Ground-Based Space Infrastructure Facilities” (Roscosmos). In case of conviction, the human rights defender could be sentenced to up to 10 years of imprisonment.

On 21 September 2017, the human rights defender received the decision of the Baikonur City Court of the Kyzylorda region, which initiated a criminal case against him based on a private complaint of Ahmed Eyubov and Sergey Kalnik, employees of Roscosmos. The complaint related to articles which he posted on Facebook regarding corruption and theft at the Baikonur Cosmodrome and discrimination against Kazakhstani citizens by Roscosmos. Marat Dauletbayev’s lawyer appealed the decision to the Kyzylorda Criminal Court by petition within 15 days.

The human rights defender has previously been the subject of defamation charges, having been sentenced on 9 February 2017 for complaints made to Russian President Vladimir Putin and the Russian Prosecutor's Office regarding unlawful land transfers effected by Anatoliy Petrenko, Mayor of Baikonur. He was released on the same day of his sentence due to an amnesty coinciding with the 25th anniversary of Kazakhstan’s independence.

According to the 1995 “Status of Baikonur Agreement” between Kazakhstan and Russia, while Baikonur is an administrative territorial unit of Kazakhstan, it is also a federal city of Russia. Baikonur is rented and administered by the Russian Federation until the expiry of the agreement in 2050. Only Russian laws operate on the territory and citizens of Kazakhstan have the official status of “foreign citizens”.

In December 2016, Baikonur for Civil Rights received a notice from police stating that, in accordance with Russian jurisdiction, their operation within the territory of Baikonur was illegal as the organisation was not registered with Russian authorities. Marat Dauletbayev asserts that prohibiting the work of the organisation directly violates his right to freedom of association

guaranteed by the Constitution of Kazakhstan.

Front Line Defenders is deeply concerned about the lawsuit against Marat Dauletbayev, which it considers to be in retaliation to his exposure of corruption and his peaceful human rights work in Baikonur.

Front Line Defenders urges the authorities in Kazakhstan and the Russian Federation to:

1. Immediately drop all charges against Marat Dauletbayev as Front Line Defenders believes that the human rights defender is being targeted solely because of his peaceful and legitimate work in defence of human rights in Baikonur;
2. Cease all further harassment and targeting of Marat Dauletbayev;
3. Guarantee in all circumstances that all human rights defenders in Baikonur are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.