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Kazakhstan must release Iskander Yerimbetov and co-defendants

In a case that has perplexed both local and international observers, Kazakh businessman Iskander Yerimbetov was sentenced to seven years imprisonment on bogus charges of large-scale fraud in a politically motivated trial connected to a family member's association with an outspoken regime critic

Norwegian Helsinki Committee

On October 22, 2018 the Almaty City Court sentenced businessman Iskander Yerimbetov to seven years imprisonment on charges of large-scale fraud allegedly committed through the light-aviation company “Sky Service”. The court also sentenced Dmitry Pestov, former head of Sky Service’s Board of Directors, and Vasilina Sokolenko, former member of the Board of Directors – to four years and two months. Mikhail Zorov, former Sky Service President, was handed three years’ probation.

Although no crime was committed and although the actions allegedly carried out by the defendants do not violate any law, the court found the four guilty of fraud by way of charging excessively high prices rendered by Sky Service. According to the formal accusation, Iskander Yerimbetov, an investor in the company, was in control of Sky Service and instructed the company to price its services at a rate six % higher than that of its internal pricing guidelines. With these prices, offering the best bids in the market, Sky Service won a number of contracts with seven state-owned entities. The prosecution maintains that these alleged actions constitute fraud, notwithstanding the fact that the actions in question, even if they were indeed carried out by Yerimbetov and his co-defendants, do not in any way violate the law.

Must be reversed

Professor of Law at the University of Illinois College of law, Peter Maggs, an expert in, among other fields, the law of former Soviet Republics, has issued a detailed analysis of the case concluding that the alleged “crimes” do not constitute “anything more than the ordinary commercial activities of company managers fulfilling their duties to maximize profits and keep trade secrets”.

“The very fact that the alleged actions do not in any way constitute a crime should leave no one in doubt – this entire case is fabricated and appears to be politically motivated,” says Bjørn Engesland, Secretary General of the Norwegian Helsinki Committee.

“The court’s decision to imprison Yerimbetov and his co-defendants is a disgrace and must be reversed”, he states.

With no crime committed the motive behind the prosecution of Yerimbetov appears to lie not in upholding the law, but elsewhere: Yerimbetov’s exiled sister is an associate of Mukhtar Ablyazov – an outspoken critic and *bête noir* of the Kazakh authorities. When authorities initially arrested Yerimbetov on money-laundering charges in November 2017, officers from the security services themselves did indeed reveal the true motivation behind the case when they attempted to pressure him into convincing his sister to return to Kazakhstan, ostensibly in order to testify against Ablyazov. If he would agree to do so, the officers let him know, all charges would be dropped, and he would be a free man.

When he refused to follow their instructions, he was placed in a cell with hardened criminals who subjected him repeatedly to brutal beatings. The NHC met with Yerimbetov’s parents earlier this year and issued a [statement](#) on his case including the grueling torture and pressure and threats towards his family members.

Dropped original charges

Although Yerimbetov did not do as the security services officers instructed him, the original money-laundering charges were indeed dropped – with all likelihood because there was never any evidence of such a crime since Yerimbetov was not involved in money laundering. Having dropped the charges against him, the state in March introduced the fraud charges against Yerimbetov and his co-defendants, of which they were found guilty last week.

“With politically motivated prosecution of innocent men and women, along with torture and threats towards family members, this case is a cluster of serious human rights violations. I call on Kazakhstan’s international partners to pressure Astana to free and fully exonerate Yerimbetov and his co-defendants”, Engesland said.