

LEGACIES, BRIBES OR CULTURE?
PROSECUTING LARGE-SCALE DRUG-TRAFFICKING IN KAZAKHSTAN

МҰРА: ПАРАҚОРЛЫҚ ПА, ӘЛДЕ МӘДЕНИЕТ ПЕ?
ҚАЗАҚСТАНДАҒЫ АСА ІРІ КӨЛЕМДІ ЕСІРТКІ ТАСЫМАЛЫНА ҚЫЛМЫСТЫҚ
ҚУДАЛАУ

НАСЛЕДИЕ, ВЗЯТКИ ИЛИ КУЛЬТУРА?
УГОЛОВНОЕ ПРЕСЛЕДОВАНИЕ КРУПНОГО НАРКОТРАФИКА В КАЗАХСТАНЕ

by

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List of Abbreviations

- GP General Procuracy of the Republic of Kazakhstan
- KNB Committee of National Security of the Republic of Kazakhstan
- MVD Ministry of Internal Affairs of the Republic of Kazakhstan
- RK Republic of Kazakhstan

Abstract

Several recent criminal cases against high-ranking Kazakhstani Ministry of Internal Affairs officials who had been charged with organizing drug dealing groups of 30 to 50 members within their departments have exposed sophisticated criminal operations involving significant flows of cash, narcotics, and corrupt influence. Some of these officers have been convicted and sent to prison right away, others have been initially released only to find themselves convicted and sentenced to imprisonment a few years later, yet others escaped the punishment. How can we explain this mixed, successful yet protracted criminal prosecution of corrupt police officers who have been protecting drug dealing groups in what many view as corrupt political system?

Drawing on the evidence gained from the analysis of mass media reports on drug-related topics, Kazakhstani criminal legislation and court records, from interviews with the law-enforcement officials dealing with drug-trafficking (detectives, investigators, judges, lawyers, criminals, etc.), and from participant observation of criminal trials of police officers in Kostanay, I argue that the structure of internal and external incentives accounts for both police involvement in organized crime and the mixed success in combatting it. Strong internal incentives arise from Soviet legacies such as formal statistical evaluation of police officers' performance and from informal subculture within these law-enforcement agencies. Meanwhile, weaker external incentives arise from imperfect legislation, pressure from politicians, an inter-agency competition and highly developed practices of corruption, all of which weakens law enforcement's the ability to prosecute both organized crime and corrupt officials. I conclude that modern Central Asian states are too weak to prosecute a relatively new type of transnational crime such a drug trafficking. More broadly, this helps advance our theoretical understanding of how formal and informal political institutions interact in different political orders.

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The beginning of any process is always the most challenging task for many people. However, in this research project the most challenging task was a continuous prolongation and interpretation of the massive and sometimes contradictory data. In all sincerity, there were periods, when no possible solutions had been imagined by me. During that periods of incredible pressure I was supported by my advisers Alexei Trochev, Barbara Junisbai, and Gavin Slade. Their significant personal and academic contribution made possible the accomplishment of this project and my personal development as a scientist and individual. Besides that, their constant support, understanding and personal experiences sharing had helped me shape the initial ideas on this project, inspired me to finish it and showed me how to turn available resources into contribution into existing research. I am grateful them for that. The many lessons and hours devoted by you to me had made possible these many changes I experience today. Thank you very much for helping to make a right choice.

My special thanks to those many of the bravest Kazakhstani law enforcement officers who had shared their professional experiences and challenges with me. As this Thesis shows even sharing the information might become a dangerous action for those who still remain parts of this system. I remember how desperate they were to be listened. I will never forget how deeply concerned they were with the existing status quo. Despite the commonly accepted view, there are many most honest and intelligent people who forced to make choices abusing not only existing legislation and but their personal values as well. I respect and protect their choice to remain anonymous. Still, your contribution was of utmost importance.

I am very thankful to my family. I am grateful to my Grandfather for reminding that the price of any reform in the sphere of law enforcement might be paid tremendous. Many careers, life and families had been broken as a result of wrong policy choices. I am very grateful for my Grandmother who had constantly supported me in this battle with many

personal and professional challenges I faced during this research project. These people had devoted their lives to law enforcement with all loyalty as many modern police officers do. The mistakes of certain individuals should never be generalized to every member of this institution. Thank you for showing me that. Thank you very much for a vivid representation of loyalty, patriotism and hope for the better time.

Without such a support and guidance no accomplishment is ever possible.

Chapter 1 Making Sense of Police Corruption in Kazakhstan

Research puzzle and questions

On January 2014, a criminal sentence had been pronounced in a high-profile case about a drug mafia in the city of Kostanay. There were 16 people, ten of them were the former police detectives from the Department of the fight against drug trafficking, who patronized drug dealers. They received between two and 16 years of imprisonment with confiscation of property and deprivation of ranks. Drug dealers, namely six women patronized by the convicted police officers, were sentenced to terms from eight to 20 years for a large-scale heroin trade operation with daily revenue of 1 million tenge (Gribovskaya 2014). Initially, more than 20 people were brought into the courtrooms. However, as a result of prosecution inability to prove their guilt those people were able to avoid legal responsibility. In May 2014, the General Prosecutor criticized the Ministry of Internal Affairs for its inability to fight international drug-trafficking groups functioning on Kazakhstani territory (Ak Orda, 2013). Nevertheless, in the context of newly discovered evidence the Committee of National Security has reinitiated this scandalous criminal case in 2015. This time it is approximately 30 people are put into charge of cooperation and support of illicit drug trading crime groups. The case is ongoing. In particular, in December 2015 were prosecuted the head and a superior detective of city anti-drug police department both of whom have been able to escape from criminal responsibility in 2014 (Kovalskaya 2015, Stepanova 2015). But this is not an isolated criminal case. Several other cases against high-ranking MVD officials who had created criminal groups within their departments have been published in mass media on regular basis. The size of such criminal groups is estimated to range between 30 and 50 active members, which means that these are sophisticated criminal operations involving significant flows of cash and influence.

How can we explain this mixed record: successful yet protracted criminal prosecution of some (but not other) corrupt police officers who have been protecting organized crime groups in what many view as corrupt political system? Who really fights organized crime and who protects it? What motivates some law-enforcement officers to engage in organized crime while other law-enforcement officers to go after their colleagues using criminal justice system? What is the role of legal rules, if they are both subverted by corrupt officials and followed by honest officials, even if these rules may hinder successful prosecution? What are the barriers against combatting both corruption and transnational drug trafficking in modern Kazakhstan? What does it mean to say that police in Kazakhstan are involved in the drug trade? What constitutes this involvement?

By addressing these empirical questions, we could learn more about how and why combatting organized crime works or does not work in authoritarian and corrupt regimes. More broadly, why are some institutions (formal and informal) more influential and effective than others? Therefore, we could advance our theoretical understanding of the relationship between law and politics in non-democracies.

Theoretical Framework

To address the above-mentioned questions in a comprehensive manner, I analyze the state of existing research in three areas: studies of politics and government in Kazakhstan and other post-Soviet states, comparative criminal justice studies of police corruption and discretion, and criminological analysis of organized crime with the focus on corrupt networks and illegal drug trade. Observers of post-Soviet politics tend to explain corrupt networks of officials and their prosecution through the mismatch between formal and informal rules, incentives, institutions, and practices. Some scholars claim that underlying problem is the ineffectiveness of formal rules and institutions that were created to enhance capacity of law

enforcement. Some political scientists who focus on the functioning of political institutions in transitional regimes have reached consensus that if formal political institutions are ineffective, there must be some informal political institution substituting them (Crawford and Ostrom 1995, Ledeneva 2001, Lazarini 2004). Informal institutions arise when formal institutions fail to solve some kind of a problem. Moreover, “the distinct mechanisms of informal institutional influence ought to be distinguished from the outcomes of such interactions: formal institutions might be weakened or reinforced by informal rules, but the effectiveness of formal institutions is an outcome, not a prediction, of formal-informal interactions. In transitional settings, formal institutions are at least partially influenced by informal rules, and their effectiveness cannot be assumed” (Grzymala-Busse 2010, 331).

Where does this mismatch come from? Several authors argue that this mismatch – dominance of informal practices over formal rules – is the product of Soviet legacies (Arnold 2015, Kupatadze 2015, Ledeneva 2013, Taylor 2011). Lysova and Shchitov (2012) argued that police had vast investigative and punitive powers yet it was punished for unsolved crimes, lacked human and financial resources, and as a result post-Soviet police has become even more corrupt than its Soviet-era predecessor. Other scholars argue that as a result of strong top-down Communist Party control before 1991 many parts of law enforcement system developed strategies to help them meet requirements of the Communist Party Apparatus, not aspirations to achieve the rule of law, as declared in many post-Soviet constitutions (Lysova and Shchitov 2015, Solomon 2015). For example, Solomon (2015) argued that Russia and Ukraine were not able to overcome roots of the excessive power of investigators and deficiency of judges as a result of inability to adapt to democratic standards after the Soviet Union collapse. Moreover, Soviet legacies help explain why the Committee of National Security (KNB), the successor of the Soviet Union’s KGB, which enjoyed a superior status in the Soviet law-enforcement system was capable to investigate and

prosecute MVD officials (Taylor 2011). Indeed, as I will argue in my thesis, these strategies still dominate in Kazakhstan and other post-Soviet states. Thus, the legacies argument helps partly explain the existing state of affairs in Kazakhstan's law-enforcement system. Legacies alone do not fully explain this outcome, since there were parts of the former Soviet Union, which were able to overcome them. So, there must be some deeper reasons conditioning such a prolonged influence.

Indeed, some scholars find that criminal prosecution of law enforcement officials is a result of pursuing the interests of political elites, including elites connected with organized crime groups (Ceccarelli 2007, Cheloukhine 2008, Corridi 2007). These explanations would view any successful prosecutions of corrupt police and organized crime groups as an extension of inter-elite struggles. In fact, "a peculiarity of Kazakhstan's political elite is that it was never an internally consistent monolith, but consisted of different groups, subgroups, and key personalities, whose level of influence directly depended on their degree of proximity to the main center of political decision making—the country's president" (Satpayev 2007, 288). Moreover, "certain corrupt practices and other violations of the law may signal the absence of a Western bureaucracy, but do not necessarily imply absence of or weakness of administrative hierarchy... Graft creates novel opportunities for leaders to exert informal pressure on their formal subordinates" (Darden 2008, 38-42). According to this view, we should not see any protracted criminal prosecutions or dropped criminal charges because the law would not matter, only elite interests would. Since, for example, in Kyrgyzstan "law enforcement bodies were formidable tools for amassing resources. According to an Akayev-era colonel in the security service, the presidential family destroyed the national law enforcement system and replaced it with a corrupt law enforcement clan. The highest leaders of law enforcement agencies were appointed by Akayev to protect the interests of the presidential family and its entourage" (Engvall 2011, 131). Bribes or threats

from above could quickly solve any problems instead of lengthy legal proceedings. Shelley (2002) argues that corruption, imperfect legislation (a product of corrupt decision-makers), conflicts between different corrupt law-enforcement agencies, and widely disseminated informal practices do not allow to seriously fight transnational crime. Moreover, “strategic interactions between corrupt officials affect the level of corruption - bidding down bribes if they compete against one another, and increasing bribes if multiple bribes are required and officials are resilient: over time they adapt to changes in their environments, in some cases offsetting anti-corruption policies with new agencies for seeking out rents” (Olken and Pande 2011, 37). However, the “inter-elite struggles” argument does not completely explain why both legal rules and attention to judicial scrutiny of evidence mattered in the first Kostanay case, why the KNB investigators spent so much effort on seeking for evidence for the subsequent cases, and why in every case prosecutors often lessened charges if they believed that the evidence was weak. For example, Wilson (2012) claimed that there were some deviance from entirely autocratic behavior in the Russian courts and law enforcement. As a result of remoteness from the central regions, elites cannot seriously affect decisions made by judges, who might have a broader room to maneuver and be motivated by their legal consciousness, not raw power considerations (Wilson 2012). In short, explanations centered on Soviet legacies, bureaucratic politics, or inter-elite struggles are incomplete: the first two overemphasize continuity (corrupt yet inefficient police) while the third one overemphasizes change (swift punishment of supporters of the losing elite).

One possible explanation, which emphasizes ideas rather than interests, to explain why some law-enforcement officials cooperate with their colleagues in protecting organizing crime or while others prosecute their colleagues can be found in the theory of *Esprit de'Corps* among law enforcement officials. The key argument is that corruption among law-enforcement agencies and its prosecution depends on the nature and level of corporate culture

and mutual trust between agencies (Juncos and Pomorska 2014). Such an approach would shed a light on why some institutions are less effective than others (i.e. comparisons among Ministry of Internal Affairs, Procuracy, and the KNB and competition/cooperation among them). For example, “police departments can be overwhelmingly determined by a homogenous occupational subculture, subculture shaped by the nature of the job itself and marked by paranoia, insularity, and intolerance. These beliefs tend to lessen the effectiveness of departments” (Sklansky 2006, 1213). Given that, it is obvious that law enforcement ineffectiveness may be resulted from the disincentive and underpaid police officers. Also, it is critically important to take into consideration multidimensionality of the military and police professional. In fact, “at the interpersonal level, military profession is based upon experience, responsibility, and uniform group behavior. At the interpersonal and extra-personal level, it must be defined in relation to its background. Still in the military institution most of functions more or less commanded by officers” (Sørensen 1994, 613). This peculiarity leads to the idea that such a corporate culture may have positive effect on the fight against crime, but at the same time serve as a fertile ground for corruption and cooperation with organized crime groups. Moreover, participation in crime influence individual values (Walters 2015). Consequently, when certain group of police officers participate in corrupt practices it may result in emergence of organization values substitution and establishment of cooperation code and corrupt actions coverage in order to save the reputation of the whole agency (Wood 2000). In short, organizational culture could be both the cause and effect of both inter-agency cooperation, which is necessary for combatting any complex crimes, including drug trafficking, and inter-agency competition, which is necessary for monitoring corruption. These, however, are necessary conditions but not sufficient ones for making police more or less corrupt and more or less effective.

There is an alternative explanation of the individual police officers motivations and effectiveness while serving their public duty and crime consequences elimination. “In circumstances where the police believe that a community does not deserve services, the community gets a lower level of services from the police... Current organizational reward policies and practices are not effective instruments in motivating its members to be more responsive. Possible causes of this might be the perception of officers that rewards are not distributed according to fair procedures of that higher responsiveness does not necessarily lead to obtaining organizational rewards” (Tasdoven and Kapucu 2013, 525-539). Moreover, police “legitimacy is not just granted... to the police as a whole, but is granted variably to individuals and groups within the police” (Harkin 2015, 604). Even in democracies undercover police operations and secrecy may make the public skeptical of their activities and as a result harm both public and officers (Joh 2009). Meanwhile, in non-democratic regimes criminal justice system in general might be severely discredited as a result of unbalanced power structure and weak rule of law (Hu and Dai 2014). Also, Harkin (2015) had argued that historical legacy may influence the social relationship between police and public, but this factor was overlooked by many other scholars. These arguments lead to an idea that individual and systemic ideas influence police motivations and capabilities while fighting transnational crime.

Finally, there is a literature that modern states alone are too weak to combat transnational organized crime, like drug trafficking. Combatting it effectively would require elimination of unemployment, poverty and transitional nature of economy (Mohapatra 2007); overcoming of corruption and exploitation of state structure for criminal business (Morris 2012, Paoli 2007); and destruction of borders’ penetrability and cooperation between drug-traffickers and terroristic groups (Paoli 2002). This means that to effectively address the research question is impossible without taking into consideration of higher-level politics,

rather than simply focusing on formal state's institutional structure. For example, some argue that negative performance of Russian police is not result of corruption, but rather of imperfect legislation, which makes police incapable of addressing and prosecuting new types of crimes such as transnational crime (McCarthy, 2010). I have analyzed many newspaper reports and interviews with key law enforcement officials which provide various estimates of drug trade in Central Asia. In fact, Kazakhstani, Kyrgyzstani and Tajikistani officials were blaming geographic proximity, widely-disseminated corruption, natural growth of drug-containing plants and huge volume of heroin manufactured in Afghanistan.

Related to the "weakness of post-Soviet state" argument is the idea advanced by several Russian and Post-Soviet criminologists that post-Soviet societies have a widely disseminated and strongly established informal criminal culture, something that does not exist in the West (Shemyakina 2010, Romanova 2013, Taibakov 2011). Shemyakina (2010) argued that due to massive repressive imprisonment requested by Communist Party and inhumane character of the Soviet Criminal Code many people had served their terms in prison. After release from prison, their life style had been seriously affected by so-called "prison legislation" or informal prison norms. The main purpose of this prison legislation remains to increase authority of high-ranking criminals and to establish the discipline among criminals. As a result of economic crisis and undeveloped civil society people stick with rules which are clearer than contradictory state policies. Also, more and more teenagers prefer to follow rules of criminal world. There are many schools and even cities, where people prefer to obey rules of criminal world instead of formal political institutions (Taibakov 2011). As far as older population groups are concerned, there is a pattern that released people usually collect money and send them to the prisons in order to support those criminals who don't have any connections outside of prisons. Consequently, it makes a perception that this informal criminal culture had substituted drawbacks of post-soviet states' transitional politics

and now recognized by society as more trustworthy than official politics of the state. More surprisingly, even high-ranking politicians such as Vladimir Putin and other several city mayors have been affected by the influence of criminal culture. They were using the criminal language in the official press-releases and their approval rankings became higher (Khanipov 2008, Taibakov 2011). So, today these criminal culture dominates in many social spheres in Russia. However, how do carriers of this criminal culture operate, recruit and cooperate with other public and private actors? Initially, they adapt to the drawbacks of individuals and social system. Its followers may sometimes provide socially unprotected individuals with profits and give them a feeling of confidence and belonging (Taibakov 2011). In fact, certain feeling of inner integrity is forming as a result of constant interaction between criminal group members. Also, they are developing certain organizational identity and risk-minimizing strategies. Some groups were including members of law enforcements agencies in order to maximize profits of illicit business and to receive their protection (Romanova 2013). Such a trend would partly explain the reason of strong cooperation in the criminal world. However, despite the fact that “many forms of organized crime are financially attractive, they are not equally accessible for everyone, nor are they accessible in all stages of life” (Kleemans 2012, 624). Kleemans (2012) also argued that economic models of organized crime overlook very important factors such as loyalty, fear and violence. Besides that, these types of legacies are still influential, it is important to highlight that “Cops, Chekists, and prosecutors are shaped not just by the past, but also by general pressures faced by law enforcement officials everywhere, and by broader social and institutional environment that is a complicated mix of old and new. Attention to these cross-national institutional similarities and to how a changing environment leads to institutional change gives us a more nuanced but ultimately more compelling understanding of legacies” (Taylor 2011, 148). In short, the nature of organized crime with its own culture, resources and hierarchy, may make its prosecution difficult and its appeal to police attractive. The less explored issue is how exactly this appeal works in an

authoritarian context where law-enforcement officials are expected to be loyal to the elites or to their relatives, not to drug dealers.

I argue that understanding police corruption is an exercise of police discretion that depends on the combination of short-term incentives and organizational culture. Therefore, I develop hypotheses about police corruption as a collective practice, which take into account calculations of personal enrichment and career advancement in the context of engrained organizational norms, values and beliefs. Given that police corruption based on the proceeds of the illegal drug trade allows quick and significant enrichment, short-term incentives tend to dominate over broader concerns of harms of drug dealing. Thus, police faces **vertical internal, vertical external, horizontal internal, and horizontal external factors, which lead to the choices police officers make when facing a vibrant and growing illegal drug trade.**

By vertical incentives I mean signals, inducements and threats that police officers receive from above. Statistical requirements and influence of police bosses on the involvement of their subordinates may encourage corrupt actions of police subordinates. Lower level officials are supposed to follow these signals due to their formal employment obligations and informal career pressures. As interview data had shown, the implementation of these incentives is very different from the picture represented by the official reports and speeches of police bosses. Vertical incentives will be sub-divided into vertical internal and external factors. **By vertical internal factors** I will mean the existence of factors which influence corrupt behavior of police officers from the higher levels of power. However, their influence is arise initially from the MVD itself. On the other hand, there are obviously similar factors influencing the police performance from the outside such as the interest of the country's leadership (or Ak-Orda) in the effectiveness of the anti-corruption campaign. These

factors will be categorized as vertical external ones because they are signals from outside of the MVD.

Horizontal incentives are signals, rewards and threats, which police officers receive from everyone else besides their political superiors and MVD supervisors. These signals may come from drug dealers and their lawyers, the KNB investigators and prosecutors participating in anti-corruption campaigns against police officers, judges handling drug-related cases, and journalists covering the crime stories. **Horizontal internal** incentives figure prominently in the daily routine of police officers. They include expectations of mutual cover-up or “krugovaya poruka” and strong loyalty to the peers, of sharing information about the drug trade, and public image protection, and so on. Importantly, police learn about these incentives while they are being trained in the Police Academies. In contrast, **horizontal external** incentives consist of the formal rules of the Criminal Code and Criminal Procedural Code as applied by judges and competition among law enforcement agencies such as Procurator Office and the Committee of National Security. These two agencies possess different professional obligations and subcultures from the MVD. And they have formal powers and informal levers to influence the performance of police in the sphere of illicit drug trade through broad investigative, oversight, and prosecutorial powers. These incentives become meaningful once police learns about the high probability of being punished for corruption and cooperation with drug dealers. These incentives may also include signals from mass media that covers crime and corruption stories. Finally, the proliferation of the illegal drug marketplace sends a clear wealth-generating signal to police officers. I treat this incentives as horizontal external because police officers and drug dealers become like business partners yet both sides maintain a significant relational distance.

Four Hypotheses

Based on this framework, I propose the following four hypotheses explaining discretion of law-enforcement officials, and, more precisely, their choice to cooperate with or to punish drug dealers.

Hypothesis 1 (Legacies + bureaucratic politics = decision to cooperate with drug dealers):

Internal incentives may make police fake criminal statistics and not focus on serious drug trafficking.

Hypothesis 2 (Interests + financial and career benefits = decision to cooperate with drug

dealers): Informal expectations of police bosses as well as external incentives from drug dealers may encourage police to cooperate with drug dealers.

Hypothesis 3: (Organizational culture + financial and career benefits = decision to cooperate

with drug dealers): Police may cooperate with drug dealers because of shared culture of prison underworld: values, norms and practices.

Hypothesis 4: External incentives from other government agencies (risk of criminal

prosecution = decision to punish drug dealers), human rights NGOs and mass media (public exposure of fake criminal cases and of police corruption = decision to punish drug dealers) may discourage collusion between police and drug dealers.

Key Concepts

Let me specify the key concepts, which I use in my thesis: legacies, bureaucratic incentives, corruption, esprit de corps, organizational culture, law enforcement officer, drug dealer, drug-dealing, elites, and organized crime.

To begin with, I will apply definition of legacy given by Taylor (2011). He argued that “the notion of legacy suggests something retained from the past. Legacies in this sense should be present everywhere, yet we most often hear the word legacy in cases such as “post-colonial legacies” and “post-communist legacies.” Thus, it appears that the term applies primarily after major historical breaks. These legacies could exist both at the formal level, in terms of laws and organizations, and at the informal level, in terms of culture and everyday practice (Taylor 2011, 1). Such legacies are usually include selective law enforcement, statistical evaluation of officers’ performance, inter-agency competitions (Ledeneva 2013, McCarthy 2015, Taylor 2011).

International non-governmental organization Transparency International (2015) defines corruption as “the abuse of entrusted power for private gain” and classifies it as “grand, petty and political, depending on the amounts of money lost and the sector where it occurs.” In my research project I will use this definition because law enforcement officials had exploited power given to relevant agencies in order to satisfy their personal needs.

Elites are “minority groups, each with its inner group of leaders, which attempt to exert some influence, legitimate or otherwise, over the allocation of values in a society” (Parry 2005, 13). In Kazakhstan, elites are sometimes top members of clans, but they also consist of oligarchs and members of the president’s circle would be considered as elites (Satpayev 2007; Schatz 2004; Olcott 2010). The KNB and MVD chiefs as well as the Procurator-General and the Supreme Court Chairman are considered to be members of the elite. During the time of these prosecution there had been administrative apparatus of the MVD and the KNB. In fact, in February 2012 General Matkenov became a head of the Kostanay Oblast Police Department and in March 2013 General Mizanbayev became a head of the Kostanay Oblast KNB. Previously, General Mizanbayev was a deputy head of the Kazakhstan’s KNB, while General Matkenov led the Akmolinskaya Oblast Police

Department in the city of Kokshetau, which is considerably closer to Astana than Kostanay is.

Unlike the concepts above, police officer's definition is clearer. Taking into consideration the fact that in this research project mainly investigates Kazakhstani law enforcement, police officer is defined as a "a citizen of the Republic of Kazakhstan who is actively employed law enforcement agency and has been awarded a special rank, class rank or a set of qualification class" (The Law of Republic of Kazakhstan about Law Enforcement Service 2011). More precisely, as it has been specified in the "Law about operational-search activities of the Republic of Kazakhstan", police detective is a police officer conducting series of disclosed and undisclosed actives in order to protect rights, freedoms and interests of state and individuals.

Drug dealing is a complicated activity of illegal drug distribution. There is a hierarchy among drug dealers. The second category of drug dealers are those who package drugs in small doses, which runners sell or deliver police officers. Unlike runners, the packagers hide from police and frequently change their location to avoid being either busted by honest police and KNB or raided by corrupt cops extorting cash and/or drugs. The third category are drug lords - high-level drug distributors, who control less important ones and buy heroin in portions considerably more than 1 kg. Besides that, these group had an access to higher level police officers and could threaten lower level police officers.

Drug-trafficking is "a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws" (UNODC, 2015). The 1997 Criminal Code of the Republic of Kazakhstan, under which the Kostanay police officers have been prosecuted, had specified the punishment for illicit drug trade: "illegal acquisition, transportation or storage for the purposes of marketing, manufacture, processing, shipment or selling of narcotic substances or psychotropic substances committed: a) by a group of persons on a prior collusion; b) several times; c) in relation to narcotic

substances or psychotropic substances in a large quantity, - shall be punished with deprivation of freedom for a period from seven to twelve years with confiscation of property” (Art. 259); “Illegal purchase, transportation or storage for the purposes of marketing, manufacture, processing, shipment or selling of narcotic substances or psychotropic substances, committed: a) by an organized group or a criminal community (criminal organization); b) in relation to narcotic substances or psychotropic substances in especially-large quantity, - shall be punished with deprivation of freedom for a period from ten to fifteen years with confiscation of property” (Art. 260). In the 2015 Criminal Code, in the article 297, the punishment for this crime is more severe ranging between five and 25 years of deprivation of freedom depending on the number of people and amount of drugs involved.

Finally, Esprit de Corps as a key element of police organizational culture means “feeling of solidarity...of belonging to a club” (Nuttall 2000, 272) and “shared beliefs and values among the individuals within a group and a desire among those individuals ... to achieve a common goal” (Juncos 2014, 305). These shared feelings, beliefs and values among police detectives emerge through socialization and interaction with other police officers and with drug dealers.

Research Design

Kazakhstan is an ideal case for testing these hypotheses because we observe change in law-enforcement while no change in drug trafficking. Also, deeper evaluation of the arguments resulted from analysis of:

- 1) Two case studies of prosecutions of drug dealers and police officers in Kostanay. I used participant observation of court hearings and conducted 35 in-depth semi-structured interviews with individuals who are directly involved in the illicit drug trade sphere (investigators, detectives, defense attorneys, and the accused). This data collection

techniques allowed me to determine how and why police interacts with drug dealers and how and why decisions to prosecute corrupt police officers were made and implemented

2) Interviewing government officials involved in the fight against the illicit drug trade was essential, since it has been publicly pronounced several times by the General Prosecutors office that most of available statistical data is unreliable. So, to obtain more accurate data about bureaucratic politics in the law-enforcement system I had to discuss problem with those who have built their careers in relevant spheres. As for criminals, interviews with this group had allowed me to gain insights into the culture and choices made by the police officers.

3) Dataset of drug-trafficking criminal cases (crime registration, criminal sentence and damage caused by them in tenge) in Kazakhstan in the past 3 years from the web-site of Information Service of the Committee for Legal Statistics and Special Accounts of the Prosecutor General Office of the Republic of Kazakhstan (“Pravstat.kz”) was included to show nationwide patterns and more specifically in Kostanay. As a secondary method I used Inclusion of different archival materials from Prosecutors Office, Courts and Ministry of Internal Affairs, Mass media reports about prosecution drug-trafficking criminal cases. These reports had allowed me to show nationwide patters and provided several hypotheses with supporting evidences. In particular, audio transcribes from court proceeding had recovered many names, strategies and techniques covered by corrupt police. In particular, 8 audio transcribes each of more than 3000 pages of court hearing stenographic report were evaluated in order to collect and identify significant amount of evidence.

4) Dataset of 150 mass media articles about drug crimes and police corruption in Kazakhstan. Analyzing coverage of these issues in the newspaper articles allowed me to

compare police practices of joining organized crime and investigating it across the country in order to assess the uniqueness of the Kostanay criminal cases as well to analyze the relationship between police and the public. Also, I have relied on the published interviews with the law-enforcement officials in Kazakhstan and other post-Soviet countries to examine the degree to which these practices and relationships exist in the post-Soviet region.

5) Dataset of 57 criminal cases from the court archives helped me to understand the exact mechanism of prosecution of drug dealers and corrupt police and how agencies had acted during the investigation process.

Research Ethics

All names and cities of residence of interviewed persons was coded. List of codes, as well as the coding schema will be destroyed in one month after the research project's termination. No identifying information about respondents had been mentioned in the research. Moreover, any audio-recording was destroyed right after coding of the conversation into written form within a three day period. These measures had assure that all the data is confidential. I have received Nazarbayev University Institutional Research Ethics Committee Approval for this research and I am taking a full responsibility to secure the anonymity of the interviewees.

Needed Evidence

Hypothesis 1: Internal incentives may make police fake criminal statistics and not focus on serious drug trafficking.

A considerable amount of literature about the Soviet Legacies in Post-Communist states and their influence on police operation had been carefully analyzed to find some evidence on structural incentives. Comparative evaluation of Soviet legislation helped me to find which formal institutions had conditioned an emergence of such practices. On the next stage, I developed series of interview questions to see whether practitioner experience their influence. Also, I analyzed drug-related criminal justice statistics. Low frequency of cases against groups with large amounts of drugs had indicated one key element of legacy: police lacks incentives to detect and investigate large-scale operations. High numbers of cases, which did not reach the courts, had indicated fake cases. As in Soviet period, official anti-corruption pronouncements from the top have little or no impact on behavior of street-level police officers. This had been displayed in the high level of criticism of police officers of the Criminal Code and of the Criminal Procedure Code, and official directives from the top. On 30 January 2013 the General Prosecutor of the Republic of Kazakhstan strongly criticized the activities of various law enforcement agencies during official meeting of the president and heads of various law enforcement agencies. According to him, the agencies were not able to meet and overcome the danger of transnational crime as a result of high levels of corruption and the professional incapacity of police officers. President Nazarbayev took this criticism into consideration and decided to organize a wide recertification of law enforcement employees (Ak Orda 2013). However, this recertification may have been conducted in the Soviet bureaucratized way and protected relatives and cronies instead of encouraging serious cleansing of police force.

Hypothesis 2: Informal expectations of police bosses as well as external incentives from drug dealers may encourage police to cooperate with drug dealers.

The confirmation of this hypothesis required to find answers for following questions. Have police officers been hired on merit or because of bribes/connections? How much does police

appointment cost and who keeps the bribe? Engvall (2011) argued that in Kyrgyzstan “In 2004, a ranking official in the Ministry of Internal Affairs commented on the dynamic at the top level of the system to international media: “If you want to become the deputy head of a district police department in the capital, it is enough to pay 10,000 dollars. And the post of deputy head of Bishkek’s internal affairs department costs 20,000 dollars.” Ranks are also up for sale. On the basis of these accounts, a distinction can be made between prospective officials who have some meritocratic and professional capacities to substantiate their claim on an office, as well as those who are completely unqualified and whose claim solely rests on personal contacts and the possession of money. In the former case, a candidate might be recommended for office on his merits, but the system of purchases means that the candidate is often required to back up his merits with cash (Engvall 2011, 118-119). Due to numerous common historical legacies, regional interdependence and other wide range of similarities between Central Asian states similar practices might had been observed in Kazakhstani police.

As long as police bosses are probably at the top of any organization it might have been challenging to learn about their connections and influence on the organized crime groups. However, I had collected evidence about Central Asian states with an obvious domination of the police bosses in the illicit drug trade. I had also collected evidence of Kazakhization to show kin connections as well as the police academy’s learning about corruption and familial obligations. After that, media reports and questions covering elites’ involvement and strategies had been included into interview questionnaire. I needed to show if the law-enforcement elite has remained stable during the past five years: if yes, then inter-elite struggle argument was weak; if its membership had changed, then the Kostanay cases might have been the outcomes of inter-elite struggles. To trace the influence of police bosses, the key indicator of elite interests’ presence have been a command of major law enforcement

personnel to prosecute corrupted officials, so-called ‘komanda sverkhu’ what is in fact an order from top. I needed evidence of who issued the order, who was appointed in place of prosecuted police officers and what had happened with former department’s head.

Hypothesis 3: Police may cooperate with drug dealers because of shared culture of prison underworld: values, norms and practices.

Collecting money and sending money to the top is similar to the prison practice called “obshchak” which means criminals collect money and send it to the criminal bosses who are in prison. Police culture may be shaped by the opinion of general public and of peers in other government agencies. Kazakhstani police remains mistrusted not only by ordinary citizens, but by government officials as well. As it has been previously mentioned Askhat Daulbayev (General Procurator of the Republic of Kazakhstan) had pronounced numerous public criticism towards MVD officials. Meanwhile, in Court archives I found a great variety of criminal cases, where the exact mechanism of prosecution were described. So, it will be possible to trace how agencies had acted during the investigation process. I analyzed these cases in attempt to find when the presence or absence of certain type of subculture had influenced an outcome of the investigation. Meanwhile, interviews helped me to find out what officers think about the importance of the Esprit de Corps, such as salaries, legal protections, professional pride and job satisfaction and so on, and the ways of improving it within these agencies will be included. It will allow me to recognize to what extent subculture has an impact on the quality of investigation and prosecution of drug criminals. Loyalty and honor can be different for different people but may be similar to police detectives who interact with criminals on a daily basis. Mutual protection and cover-up (*krugovaya poruka*), blackmailing, provocations (*kontrol'naya zakupka*), transferring money to higher police officials in order to buy positions are all processes impossible to hide unless there is some of intention to cover illicit actions of each other. Consequently, there is a

probability that law enforcement officials may perceive and exploit these definitions in a manner advantageous for them and, as a result, may become even more corrupted. I had interview corrupted officials and their lawyers to find a presence of such a manipulated understanding of Esprit de Corps and its influence on the investigation process.

Hypothesis 4: External incentives from other government agencies, human rights NGOs and mass media may discourage collusion between police and drug dealers.

Evidence that higher risk of criminal prosecution of police corruption on by KNB, Procuracy and judges is likely to motivate police punishing drug dealers is likely to be obtained from both formal sources, like speeches, meetings, court records and mass media articles, and informal sources, such as interviews and participant observation of criminal trials. This risk may be increased by the actual anti-corruption drive of the country's leadership and by increased inter-agency rivalries, which may in part be cultivated by different organizational cultures and practices. Also, public exposure of fake criminal cases and police corruption by human rights NGOs would encourage police to punish drug dealers, not to cooperate with them.

Context: Criminal Prosecutions against Corrupt Police Officers

The massive anti-corruption campaign in Kazakhstan became more active during previous five years. For several political reasons president Nazarbayev administration has decided to improve the quality of state service (Ak Orda 2013). As a result, strictly controlled mass media sources were publishing reports sharing the light on various mechanisms implied by corrupted officials from nearly each department and ministry on the monthly basis. The scale of this corruption campaign is in fact dramatic. Day by day it continues to grow. However, what remains surprising is that political institutions remain corrupted and public trust is declining in the same manner as it was before a beginning of the national program devoted to

the fight against corruption. As it has been already mentioned nearly each Ministry was affected by this campaign.

However, one of them deserves our particular attention. It is the Ministry of Internal Affairs. By definition, MVD supposed to protect ordinary citizens from criminals and in case a criminal act will take place they are those who are obliged to take actions in order to fulfill the justice and maintain the rule of law. Not surprisingly, as in many post-soviet states concepts of rule of law and justice are understood in a very peculiar manner. That is why sometimes complaint may turn into criminal case and vice versa depending on the decision made by police officer. Their mood is easily affected by charitable bribes, the amount of those changing as often as the devaluation of national currency takes place. That is how the normal operation of the MVD looks like from the first glance. Despite the fact that nearly each citizen had adapted to these quite comfortable legal practices compared to the contradictory legislation, the criminal prosecutions of corrupted police offices had eventually took place. In this chapter I am going to provide a reader with a detailed description of high-scale criminal prosecutions against police officers involved into illicit drug trade. These cases will be also compared to the less significant but nevertheless scandalous criminal prosecutions of the officers participating in organized crime as drug gang members. In such circumstances the reader should remember that the distinctive line between honest and corrupt police officer is sometimes very thin. That is why the description of their activities will be followed by an analysis of structural pre-conditions of such a disappointing outcome. Finally, analysis of two contradictory, but still interrelated subcultures in the face of police culture and informal criminal culture will be represented in this paper.

Chapter 2 Internal Incentives and External Incentives from Drug Dealers May Encourage Police Corruption and Collusion with the Organized Crime

My exploration of corrupt police practices had proven that the scale of power abuse is, in fact, massive and depends on formal and informal internal incentives as well as external signals and rewards from drug dealers. Police officers from several agencies and departments were involved into illicit activities in the same manner and regularity as ordinary criminals. The only thing which had protected them from externally produced legal responsibility were limited capabilities of judges, prosecution and the decisions of criminals-fellow police officers (internal horizontal incentives) acting as main witnesses not to reveal the names of all police officers who had been colluding with the drug dealers. So, the mere structure of Law Enforcement system in Kazakhstan may encourage some police officers to participate in illegal drug trade that allows for quick and significant enrichment (external horizontal incentives).

To recap, vertical incentives are signals, threats and rewards that police officers receive from above. Statistical requirements and influence of police bosses on the involvement of their subordinates may encourage corrupt actions of police subordinates. Lower level officials are supposed to follow these signals due to their formal employment obligations and informal career pressures. By vertical internal factors I will mean the existence of factors which influence corrupt behavior of police officers from the higher levels of power. However, their influence is arise initially from the MVD itself. These practices appear prominently in the daily routine of police officers. They include expectations of mutual cover-up or strong interdependence between officers, sharing information about the drug trade, and public image protection, and so on. Importantly, police learn about these incentives while they are being trained in the Police Academy or during first years of actual field work experiences.

Finally, the proliferation of the illegal drug marketplace sends a clear wealth-generating signal to police officers. I treat this incentives as **horizontal external** because police officers and drug dealers become business partners yet both sides maintain a significant relational distance with police officers carrying a threat of punishing drug dealers. Drug dealers like Ms. Asylbaeva had used corrupt MVD officials in return for systematic transfer of heroin and money to them through distributors. Also, heroin was delivered at the request of police officers and drug addicted individuals supervised by them. The size of these bribes varied from one to 350 thousand tenge. Also, with her approval and permission, police officers were given heroin in large sizes as illegal remuneration for the suppression of crime measures stipulated by the law, assistance in ensuring the activity of an organized group by other members of this criminal gang. Moreover, traditional system allowed certain police officers to introduce themselves to drug dealers in order to ask for monthly and occasional payments. On average, each police officer has its own price that depends on their officer rank and departmental position they hold. However, despite the fact that they had monthly duty-payment from drug dealers the situation when they call dealers without any previous agreement demanding for more money was not rare. Different types of personal expenditures of police officers were sponsored by drug dealers. In fact, weddings, daily expenses on food, gasoline and so on, were generously paid by criminals.

Faking Crimes, Statistics and Witnesses

As many post-Soviet states, Kazakhstan still uses formal statistical evaluation of police job performance (Taylor 2011). In reality, this system does not represent an actual amount of effort and time spent by police officer. Departmental statistical indicators are not even capable to reflect the professional capacity of the officers. In most general terms there is specified amount crimes needed to be investigated by the police. The scale and the overall

damage of crime are less relevant in this situations. These statistical key figures are supposed to be met and improved each month. Departments, which fail to meet the previous year's quotas, are strongly criticized by the MVD leadership. Most often, the department heads face a real risk of demotion while their subordinates receive written reprimands for ineffectiveness. The race to meet departmental statistical quotas encourages police to fabricate criminal cases. All that the police officer needs is a fact of committed crime, something that can be fabricated easily. For this purpose police officers had developed different strategies to meet these required quotas. In fact, scandals in the sphere of fabricated criminal cases are observed regularly across Kazakhstan. The story below is typical.

In October 2014, police officer, Anuarbek Bakhmanov, came from Astana to Zhambylskaya oblast' in order to find a channel of marihuana contraband trafficking from Kazakhstan to Russia. He had intelligence data to the relevant case, but was not able to find suspects. So, he had decided to find an alternative solution. He had asked for help his colleague who was working with former drug addicts, but nevertheless, police agents. One of them was Stanislav Kharlampidi. Bakhmanov had asked him to find a person who will be able to bring 10 kilogram of marihuana across the Russian border. The first portion deliverer was supposed to left in Kurgan, and the second one in Yekaterinburg. In each case the person would be paid 3000 US dollars. Each step of this strategy Kharlampidi was supposed to explain to agreed person, except one sufficient detail. This person would be captured on the crime scene in Yekaterinburg. Most probably this scenario would succeed. However, Kharlampidi was a double agent. At the same time he was involved into operation organized by the Zhambyl Oblast KNB. So, when Bakhmanov was transferring bag with drugs to Kharlampidi he was captured by the KNB for falsification of intelligence data, power abuse and transportation and storage of illicit drug substances (Vybornova 2015).

In this case we do observe that the situation is risky in itself. No individual is protected in the system which allows servants of justice to implement strategies similar to

above mentioned one. On the other hand, there are even more sufficient aspect. Scandals regarding falsification of criminal cases have occurred in other regions as well. This fact have lead us to idea, that most probably these were not decisions of several dishonest police officers, but rather the whole operating in entirely wrong manner. So, let's analyze several similar criminal court proceedings with police officers faking criminal statistics. The race to comply with formal statistical indicators is not limited to criminal cases alone. For example, in Karaganda 2015 two police officers were prosecuted for abuse of power and falsification of administrative cases. In fact, this case describes in a quite detailed manner which measures are available for police officers willing to show to their bosses effectiveness and professionalism. However, anti-corruption agency had released recently that Seitkaliyev had falsified one administrative case, while Khaipova had faked nearly 13 administrative cases. Despite undeniable evidence, these police officers do not agree with charges filed against them. Most surprisingly, in this criminal cases were found results of different forensic examinations and nonexistent evidences (Moskovka 2015).

Even though the above mentioned case is not relevant to the illicit distribution of drugs, it clearly shows the initiatives police officers experience while serving their duty. In reality, nearly each officers is supposed to improve their statistical data regularly. So, there is growing perception that the system in itself forces them to employ their imagination and abuse power just to save their jobs. While collecting more data for my thesis I discovered this practice of fabricated evidence have been developed long ago before the official prosecution and media press releases took place. The following story illustrates how police trades drugs in exchange for fulfilling departmental statistical quotas.

In 2009, Deputy Manager of "Kyzyl Zhar" customs station in Severno-Kazakhstanskaya oblast' so desperately wanted to improve statistical indexes of crime detection rate so he decided organize illicit trafficking of heroin through his own station.

Later on, members of this crime group were supposed to be captured by him. According to the criminal case, he had immediately begun search of drug addicts who would agree to provide him with drug delivery men in return for small heroin doses, estimating nearly 0,2 gram. Also, in case drug delivery men would be provided on regular basis, he would pay assistance 1,000 US dollars monthly. However, he had no idea that all this time he was controlled by the KNB, while heroin doses given by him were transferred to the agents from the KNB (Miroshnichenko 2009).

Despite the fact that occasional prosecutions were taking place, police supervisors continue to tolerate such an outstandingly comfortable measure of investigation. Similarly, police officers in Kostanay had developed their own way to increase effectiveness of the fight against criminals in return for heroin doses. Several witnesses had testified that police officers were bargaining and faking criminal statistics in various ways. According to the trial court record:

“Interrogated as a witness Mr. Eisenach had stated that he had met Nauryzbaev when he was arrested for theft and robbery. On the regular basis he was confessing in several crimes commitment, in return they gave him heroin. He does not remember how many times they called him. But quite often he was given heroin in return for confession (Criminal case number 1-1/2014). In fact, Nauryzbaev took him to the runners twice. Also, heroin was given to him by Sasha, who is runner wearing glasses. Usually Nauryzbaev was leaving out of the car, telling something to a runner. They immediately gave heroine without taking money from him. Sometimes he was put into prison for 24 hours, then they called to the runners and had a chance to inject heroin. Later, he had met with Dzhambul. For bringing a stolen purse, they gave him 2 half-doses of heroin and agreed to meet on the next day. With Mukhamedzhanov they work in a very different manner. He was not afraid to go to the jail, since they said that everything will be fine” (Criminal case number 1-1/2014).

All faked criminal cases usually ended up in the reconciliation with the victim during the trial in the courtroom, which resulted in his release every time. At the very beginning, several police officers had suggested: "Let's work in terms of disclosure of crimes, we will give you drugs and in return you confess to us." Eisenach agreed to with this offer. As a result, he has been repeatedly convicted by the Kostanay city court for thefts of wallets at different bus stations. On the regular basis he was confessing and later released on the basis of reconciliation with the victims of his thefts (Criminal case number 1-1/2014).

Such a shocking interrogation methods are usually denied by the officials claiming that these were isolated incidents. However, during this scandalous criminal proceeding the KNB had found a significant number of witnesses to uncover all horrible truth about real activities of police officers in Kostanay. One of these witnesses had shed more light on the "classified operational data." In fact, a witness Kupreev had stated police officers did not catch runners, because they took money for living from them. He was not touched as well by them, because when he was committing a crime stealing something, for example, this case could remain unsolved. So, his part of agreement was to steal something and come to police officer saying where he had committed a crime and locate the stolen property. Gazizulin and Mnyadarov confiscating these stolen goods, and in return he was given heroin and money (Criminal case number 1-1/2014). Mnyadarov told him to contact him even and without committed crime episodes, he would give him heroin if it was needed. At that time he did not commit crimes, Mnyadarov had his interest in him. In fact, they came to him, when there was a theft and in return for previously given heroin, we must take on this theft and confess in the crime he did not commit. They said: "You confess and victims will choose reconciliation, while we will square our accounts with you." Later on, a tape recorder was stolen near one popular shopping mall (Criminal case number 1-1/2014). He didn't know, who had stolen it. However, in the car he was shown this recorder by these officers and was compelled to confess. He had agreed, criminal case was opened against him and in the court, as it was

promised he had reconciled with the victims (Criminal case number 1-1/2014). Besides that, once when he was transferring 40,000 tenge to police officer named Kuanysh, there was another man present. They said that they would periodically contact him to appoint the place where he will have to stand up. After one of the addicts will buy heroin from him, they will arrest such an unlucky consumer. That was needed for their own personal job performance index (Criminal case number 1-1/2014). *They needed that for statistical requirements.* They said that everything will be fine, he should not have worried and work peacefully, no one will touch him. Later on, they called on his cell phone saying where I had to sell drugs. As they instructed “You stay here, we won’t be far away from you. When someone will take more heroin, approximately 5-6 doses of heroin, make a phone call with one dial tone and hang up (*mayakuesh*) and we detain that person” (Criminal case number 1-1/2014). The conclusion is quite obvious: there is a practice of cooperation between criminals and police officers in falsifying criminal statistics. Even though this practice did result in capturing actual drug-buyers, in reality, allowing some criminals to sell heroin in order capture their buyers is the least expected outcome in the increased effectiveness of the law enforcement.

Another practice that relates to the falsification of statistical indicators is planting drugs to fabricate easily solvable criminal cases and to extort cash from the victims of this practice. There were numerous scandals when police officers were tossing in drugs to ordinary people in many regions of Kazakhstan. In fact, the situation when low quality of criminal prosecution against drug related crimes had led to conviction of more resemble to innocent one rather than to the well-experienced drug distributor. Moreover, planting drugs also allows police to extort cash or illegal favors from the victims (another corrupt practice). In fact, I had found nearly ten scandals related to heroin tossing and following extortion of money from individuals. The summary of the newspaper article below describes this practice in Pavlodar, a city in North-Central Kazakhstan.

For nearly two years Pavlodar city's judges were trying to receive more or less real evidences confirming the guilt of Mr. Yuri Kukshin from procurators and police officers. He had spent approximately 20 months in the pretrial detention center. According to the charge-sheet, on the 2nd of June 2012, one especially responsible woman came to the police. At the same day, police officers, after assigning to this woman a nickname "Sidorova", have begun their operation. They had given to her money, drop off till the house of drug dealer and remained waiting in the car. After a while, according to police version, Sidorova came back with package of heroin, which was given to detectives (Voronko 2014). On the 15th of June, Kukshin was apprehended with the heroin in his pocket at the same yard. Everything seemed clear, there were two video recordings. The court proceedings were supposed to be fast. However, the defense had looked closely to this video recording. The video camera was shaking from one side to another, capturing surrounding yards and houses. Periodically, this camera is capable to get an immediate arrest process, while on the 15th second it becomes possible to distinguish a hand of man dressed in civilian clothing holding an item very resemble to the heroin recovered from the suspect's pocket (Voronko 2014). It has been found later, that this man in civilian dress was a detective from Pavlodar anti-drug department, police captain, named Murat Kozhanov. However, the second, a detailed recording one had somehow disappeared. Kozhanov explained that during the arrest he helped three riot policemen clap handcuffs on Kukshin that is why he appeared in the video recording. Due to the customs existing in their police department they have to share a single video camera by 8 people (Voronko 2014). That is why detailed video recording with the arrest of Kukshin was substituted with a different recording. Sure, they had to be more responsible and use empty videotapes, but that time the arrest was immediate. So, his colleagues did not have a chance to see that there is already recorded movie in this camera. However, the judged had given a word to the witness Galina Chirikova, who had closely observed this arrest process (Voronko 2014). As she stated, there was a guy dressed in light-

colored clothes. He was not resisting to them, while they had struck him down on the ground and begun beating him. “I came to them and ask them to be more carefully, not to abuse power so publicly. There was also one, dressed in black T-shirt. This man inclined above the suspect and put into his pocket something. I began talking to them. What are you doing? Are not you ashamed doing that? So many people are watching! Then, he replied to me. Go away, grandmother, go away. I came to another man dressed in the police uniform and begun asking him to stop it. He also replied to me. Where you were going, grandmother? To buy some bread. If so, go there then. I felt so bad after his words” (Voronko 2014). The judge was surprised that police officers did not take samples of drug test, even though the suspect insisted on them in order to prove that he did not touch the found package of heroin. After this court proceedings nearly one year and half had passed, prosecutor had retired, the investigators had been transferred to the prosecution office, while Kukshin still remains a suspect (Voronko, 2014). The court is constantly sending this case on an additional investigation, while police is still not able to find eight attesting witness mentioned in the criminal case. While recently the third judge on this scandalous criminal case Anuarbek Ospanov, called into question the convicting evidences. The reason was quite straightforward, he was able to observe heroin in the only available video recording submitted with the criminal case (Voronko 2014). This video was watched sharply during the very first court proceeding, however the defense was not allowed to repeat and reevaluate this movie. On this movie, Sidorova giving to police officers, not wrinkled package heroin made from welding paper. This package was absolutely empty. Few seconds later this bought heroin package is captured few second before the beginning of chemical expert evaluation. More surprisingly, the signature of detective Seitakhmetova, confirming the withdrawal of the evidence was moving easily from one place to another (Voronko 2014). The thing is that, on the very first photo, her signature was found on the exact place on the stamp, while on the second document written down before chemical evaluation of this package, her signature was

found on a very distant place compared to the first one. Completely confused judge had collected a group meeting with all participant of this case and instead of acquiring a prisoner had decided to give law enforcement one more chance (Voronko 2014). So, judge sent the case for supplementary investigation. If this time investigation was able to prove the guilt of suspect and explained absence the heroin in the video recording, but its presence in the chemical expertise, then it would mean that Kukshin had spent nearly 20 months in prison for a reason (Voronko 2014).

What this Pavlodar story shows is how unprotected civilians are not only from criminals, but from these type of criminals in police uniforms. More importantly, I have found even more scandalous case covered in mass media with the implication of more sophisticated bribe extortion strategies.

In the late evening of the 4th September 2007, around 23:00, Elena Kuznetsova went out to buy a dose of heroin and, as a result, was caught *in flagrante* by two young police lieutenants. They arrested Kuznetsova, and she confessed that she had begun injecting heroin in August and that she had found this particular heroin package at the intersection. She had picked it up and tasted it. When she realized that it was heroin, she decided to keep it. After that she was immediately captured by police officers. By a strange coincidence on the same street intersection there were two cute girls, who had agreed to become attesting witnesses and to follow all judicial formal procedures in order to capture a so-called drug dealer and to help police officers to fulfill their duty (Benditskii 2007). That was an official description of the events in the police documents.

In turn, local journalists acting at the request of relatives of Ms. Kuznetsova conducted their own investigation. Journalists were surprised by a very strange manner of heroin identification by this young lady and by the fact that this 21-year-old had been positively and warmly characterized by her neighbors, relatives and friends, none of whom suspected her in the drug addiction (Benditskii 2007). Ms. Kuznetsova's eye vision was -4, which made

searching for heroin on the dark streets a very challenging task for her. She had graduated from the high school with honor and earned the first honor degree at the University. So, it was difficult to connect the dots in this criminal case. The journalistic investigation had shed a light on many more facts in this strange criminal case. After being captured by police officers, this young lady had voluntarily declined the services of both free and paid lawyer (Benditskii 2007). In her testimony, she had stated that it was not connected in any way with her financial circumstances. In such a manner, all initial investigative procedures, in which she had admitted her drug addiction were conducted without a real defense attorney. Besides that, two ladies signed up as attesting witnesses in this criminal case, were not random strangers, as required by the Criminal Procedure Code. The first of them was an intern in one of the police departments, while the second one came to the romantic date with one young police officer (Benditskii 2007). Finally, there were two individuals who had not been mentioned in the criminal case file - the taxi driver and a close friend of the arrested lady. The most interesting piece of evidence in this criminal case is that forensic chemical examination did not reveal traces of drugs either in her blood or her body. Nor has she been registered as a drug addict in the local drug addiction clinic. So, with exception of her confessing testimony she was innocent without question. What became known later is the fact that the initiator of this trip was her friend. Journalists had found out that this friend Madina used to inject heroin for a long period of time and has been registered at the drug addiction clinic (Benditskii 2007). Besides that, she was criminally prosecuted for the storage of illicit drug substances. This Madina was inducing naive Kuznetsova several days to accompany her in this trip. When Kuznetsova had finally agreed and hailed a cab, the taxi driver was changing the route several times. Finally, Madina asked the driver to stop. At that moment, she had thrust money, coins and some strange piece of paper in Kuznetsova's hands. Then, she had immediately left the car claiming that she urgently needed to go to the hospital (Benditskii 2007). Few seconds later, police officer had arrested Kuznetsova and told the taxi driver to

leave unless he was prepared to be charged as an accomplice to drug dealing. Madina was released. After these unwanted witnesses were send away, police officers took Kuznetsova, came to her house and invited her mother by a phone call for a negotiations. They demanded 5000 USD for peaceful release of her daughter (Benditskii 2007). When she had told them that she did not have such an outstanding amount of money, they reduced price to 3000 USD. Kuznetsova's mother did not have this amount. So, then this girl was transferred to other police officers and then the criminal investigation was initiated by completely different officers who found attesting witnesses, recorded the offense and launched investigation (Benditskii 2007). Fortunately, several people observed these falsifications, sent their testimonies into the department of internal security of the MVD. As a result, this department had initiated a criminal case against unknown (!) police officers abusing national interest and legal interests of Kuznetsova (Benditskii 2007).

In this terrifying case, I had observed not only intention and attempts to falsify criminal statistics and extort bribes, but also the presence of one more variable interfering in dishonest police activities. In this case, the involvement of mass media actors and conduct of journalistic investigation provided **horizontal external incentives** influencing the corrupt activities of police. Unfortunately, the availability of this practice to the public did not make a significant difference in the police practices. The example of abuse of power resulting in heroin trade by police officers had been revealed less than a year later. In February 2008, the Committee of National Security (KNB) had organized two operations against corrupt police officers in Almaty. The head of the police departments in South East Internal Affairs Department on the transport, a police captain, with his senior sergeant have been passing heroin in the pockets of ordinary citizens and then extorting money from them for withdrawal of charge and understanding of the situation (Kuchyukov 2008). These police officers were absolutely confident in their safety that is they were always bringing heroin with them. The huge portion was peacefully stored in their car. They were arrested by the use of a straw

buyer, who had recently purchased from them several doses of heroin. While investigating this criminal case, the KNB has also uncovered their accomplice. All three of them were arrested (Kuchyukov 2008).

Finally, police uses the so-called “witness no. 100” (*sotyi svidetel'*) practice of abusing the secrecy of witnesses to improve their job performance statistics in terms of the number of solved cases, not the amount of drugs seized. The name of this practice derives from the Article 100 of the then Criminal Procedure Code. But before describing this practice let me explain the following. In most of developed state the effectiveness of the fight against illicit drug trafficking is estimated in the amount of drugs seized by the police. As one bright police investigator told me:

“When I was sent to Hungary in order to improve my professionalism, I was surprised. Every time they talk about drug-trafficking they talk about dozens of kilos at least. In our department we usually work a considerably smaller portions. For example, the maximum amount was 2 kg of heroin only, while our routine usually looks like collecting and sending to the court cases involving doses between 1 and 10 grams... This is how our statistics works” (Respondent 1, July 2015).

The criminal liability of heroin distribution is specified in the Criminal Code of the Republic of Kazakhstan. Since 1991 this code has been changed several times. However, one thing remained the same. The gradation of drug distribution is still represented as distribution in small, large, and extra-large amount. This classification is specified in the separate document named Law of the Republic of Kazakhstan No. 279-I, dated July 10, 1998, “On narcotic substances, psychotropic substances, precursors and countermeasures for their illicit trafficking and abuse.” This classifications depends severely on the exact type of drugs which are distributed. As we see from the table heroin distribution is classified as 0-0.01

gram - small amount; 0.01 – 1.0 gram - large amount; and more than 1.0 gram – extra-large amount. This makes no distinction between portion of 1 gram and 1 kilograms in this type of evaluation. As a result, police is entirely captured in the fulfilling of statistical requirements and prefers to focus on the heroin distribution in the amounts slightly higher than 1 gram. This choice allows detectives to perform well from the bureaucratic point of view but does little to counteract medium-sized drug dealing.

This drawback in the formal institutional arrangements had led to the emergence of the “witness no. 100” practice. As you can see from point 2 of Article 100 of the then Criminal Procedure Code below, it allows various law enforcements agencies to limit access to the information identifying witnesses, including to the biographic data of testifying witness. In theory, this article is supposed to protect citizens who are willing to contribute to report crimes by sharing information and protect them from retaliation by criminals. In reality, its implementation had been transforming into one more repressive institution of post-soviet criminal justice.

Article 100. Security Measures with Regard to Victims, Witnesses, Suspects, Accused individuals and the Other Person who Participate in a Criminal Procedure (as amended by the Law of the Republic of Kazakhstan of 7 April 2009 No. 149-IV)

1. The following shall be applied as procedural security measures with regard to witnesses, suspects, accused individuals and other persons participating in criminal proceedings, their family members and immediate relatives:

- 1) the passing of an official warning of possible criminal prosecution by the body conducting the criminal procedure to the person from whom the threat of violence or other acts prohibited by criminal law emanate;
- 2) restriction of access to information concerning the person being defended;
- 3) ensuring his personal security;

4) with regard to the accused (suspect) selection of the measure of restraint that excludes any opportunity to use (organize the use) violence or commission (organization of commission) of other criminal acts with regard to participants of the criminal procedure.

2. The warning passed by the body conducting the criminal procedure shall be announced to the person against receipt.

3. Restriction of access to information concerning the person being defended shall consist in the seizure of information concerning questionnaire information of the person from materials of the criminal case and their storage separately from the main proceeding, and in the use of pseudonym by that person. The materials separated from the principal proceeding may be accessible for the review only to the body that conducts the criminal procedure. Other participants of the proceedings may become familiar with them only with a permit of the body that conducts the criminal procedure when giving the recognizance not to disclose the said information.

Procedural acts with the participation of the person being defended may be performed under conditions which exclude his identification.

4. The procedure for ensuring personal security of witnesses, suspects, accused individuals and other persons who participate in a criminal proceeding and their immediate relatives shall be defined by law.

5. Irrespective of the adoption of security measures, the criminal prosecution body shall be obliged to institute a criminal case, when there are sufficient reasons for it, due to the discovered threat of commission of an act prohibited by the criminal law with regard to a victim, witness, the accused, and any other person who participates in the criminal proceedings.

6. Security measures shall be abolished by a motivated resolution of the body that conducts the criminal procedure when the need in their application disappears. A

person being defended must be immediately notified of the abolition of security measures with regard to him or disclosure of information about that person to persons who participate in the proceedings on a case. Filing a complaint on decision of the body conducting the criminal procedure on the abolition of security measures to a court or to a prosecutor by the person being defended shall suspend the execution of the appealed decision.

The cover provided by this Article 100 allows police officers to improve statistical performance in drug-related crimes by sending a person protected by this article to buy heroin in small amounts from dealer. Strong criticism of this practice is related to the fact that police itself poking people to commit one of the most serious crimes. As one judge had complained to me in the interview:

“Today, they do not capture real drug distributors. In reality, they put into prison people who are in the very strong need of treatment. These so-called distributors buy nearly 5-10 grams of heroin in order to lessen the price of drugs. However, on the paper they look like a highly influential drug distributors”
(Respondent 11, August, 2015).

As many witnesses testified during the trial in Kostanay, each detective supervises several seriously drug addicted individuals, who are supposed to inform police about planned heroin purchase. Not surprisingly, each of this 100-article witnesses is put into dependence on police officers. That is why the mere emergence of this practice leads to abuse of several principles of criminal justice at the same time. In fact, one scandalous criminal case took place in the northern Kazakhstan demonstrates clearly the horrible consequence and complexity of these undercover activities.

In October 2015, classified witness on criminal case about drug distribution was hiding from police being terrified for his life. This man had told the journalist such outstanding secrets of investigation about which interested people would choose not talk. This time in the

courtroom was prosecuted Denis Yaroshenko for illicit drug trade in particularly great sizes. However, the prosecution was stacked since the main witness did come to the court (Kiselyev 2015). In the criminal case this witness is signed up as some Kubeev. Usually these classified witnesses are covered from the public eye, their appearance remains unknown, the voice is changed, and real name is not allowed to be pronounced. However, that day the main witness has decided to break all this secrecy in order to protect the destiny of one illegally accused man (Kiselyev, 2015).

“When I realized that Denis is going to be zagruzit’ po polnoi (criminal jargon - to exhibit a full criminal charge) I have decided not allow this to happen. He is prosecuted for podstava (criminal jargon - fabricated criminal case), since I was supposed to provoke him to commit this crime.” As he continued to uncover the dirty truth about cover police operation, in the spring he was taken by police officers and interrogated in the car. Not surprisingly, they reminded him about his drug addiction and previous record of conviction. However, after that they offered him a cooperation. They told me: “You are a drug addict, and you walk on very shaky ground. So, anyway you will need our support one day, but you have to help us. I agreed, and had written at their dictation the statement that purportedly I was interested to help voluntarily and uncover the drug dealer. I did not know who is this drug dealer would be” (Kiselyev 2015).

He was formalized as a secret agent and given a pseudonym. Then, few days later his first undercover operation begun. He was ordered to call Denis Yaroshenko and to ask him about heroin purchase. They knew each other since they were taking rehabilitation course at the same clinic. In this manner, this newly created undercover agent had asked Yaroshenko for a meeting and then supplied with recording equipment he began his so-called undercover mission (Kiselyev 2015). “That time Yaroshenko told me that he didn’t know how to help me. I was insisting on my need. Drug addict will always understand another drug addict.

Narcotic shakes are horrible. So, he left his house and gave some drugs. I don't know, may be had shared with me his own insufficient supplies" (Kiselyev 2015). What was interesting in this case, is that Yaroshenko was not arrested immediately. Kim had just delivered drugs to them and the mission was accomplished. His arrest took place way later. Why did that happen? It is still unclear. Search of his dwelling produced no traces of drugs. After that, Kim was suffering for a terrible remorse. When he was informed that Yaroshenko had been arrested and what would happen to him soon, he had decided that come what may, but he had to tell the truth to the court (Kiselyev 2015). However, he clearly understood how dangerous this act of protection could be. "I and really scared that after I had drop my mask they will revenge me. That is why on the last week I had sent a letter to the prosecution office. In this letter I had described this situation in details" (Kiselyev 2015). Later on, in order to increase the chances of his own safety and to prevent police from hiding this fake accusation, he had decided to contact the newspaper. So, today this man still doesn't know when he will be able to appear at the court and tell the truth without any risks for him. At this stage the only one is clear, if he comes to police hands again, the price for his life will be negligible (Kiselyev 2015).

Several days later Yuri Kim's lawyer had stated that the following court proceedings organization is impossible. However, the judge Asylbek Jumagulov had disagreed with him and insisted on personal attendance and independent testimony of Yuri Kim. "If everything what he said is true, then Yaroshenko will be proven to be innocent and involved police officers will become objects of criminal prosecution." In other words, Kim became a visible threat to the 'siloviki' (Kiselyev 2015). So what about them? Five of them were interrogated in the courtroom. As it follows from this interrogation, they tell the same story from the side of public prosecution. Simultaneously, it becomes evident that none of them had been present at the actual crime scene. So, they could not testify on the legality of committed investigative

activities. At that time, the prosecution office continued to evaluate letter send by Kim, as a result this latter has been transferred to the court (Kiselyev 2015).

Few days later, Kim was able to come into the court. As he testified in the courtrooms, police officers came to him by themselves and asked to talk. “That time I was under investigation; that is why I had agreed to meet them. They were driving me somewhere for a long period of time, while asking me to help with their work. Also, they told me that they could detain me,” Kim said (Kiselyev 2015). I was scared, since I clearly remember how the heroin was dumped off to me in 2008. As a result I had spent three years in prison. He also stated that all investigation actions were taking place in some house outside of the city, while they were supposed to be organized in the official building of the police department according to the national legislation. Kim did not hold valid any of his signatures in that scandalous criminal case. Most probably, somebody had fabricated them. In the reference of the above mentioned circumstance, his lawyer Snezhana Kim had told that territory around the court building is constantly surfaced by police detectives (Kiselyev 2015). This raises serious concerns about life and safety of Yuri Kim. “I had asked the court to assure his personal security.” As it follow, the court had obliged the prosecution office to provide security. However, at that period of time it was unclear which agency was going to protect Kim either the KNB or the National Anti-Corruption Bureau (Kiselyev 2015).

During data analysis I had found several huge scandals relevant to the institutional of such a quasi-democratic practice. As a result of this practice, one side fights crime, but the other leads to repression of people who are involved into these criminal cases. In fact, informant had no choice other than to share information, police officers have to implement this practice as a result of strong pressure of statistical requirements, and finally the drug seller possesses no more than 15 grams of heroin for sale.

Using Drugs for Fabricating Criminal Cases and for Receiving Illegal Income from Below

Police subculture in Central Asia has quite a peculiar character. Engvall (2011) analyzes it in the cases of Kyrgyzstan as a pyramid structure where the greatest opportunities of extortion and corruption are allowed to high level police officers. He shows that in order to become a member of such an elite police significant amount of money had to be invested (Engvall 2011). “In 2004, a ranking official in the Ministry of Internal Affairs commented on the dynamic at the top level of the system to international media: “If you want to become the deputy head of a district police department in the capital, it is enough to pay 10,000 dollars. And the post of deputy head of Bishkek’s internal affairs department costs 20,000 dollars.” Ranks are also up for sale” (Engvall 2011, 118). “The use of money does not mean that meritocratic criteria and formal procedures are eliminated. The right to purchase an office is embedded in formal meritocratic procedures, including educational achievements...The sale of offices, on the other hand, is surrounded by informal personal contacts. Put differently, a prospective official does not bring a bag of money to a particular ministry and inquire whom to pay in order to be employed” (Engvall 2011, 128).

Obviously, the presence of similar practices would mean significantly more challenges as a result of pressure of vertical external factors that became more powerful during the recent years. So, there must have been emerged some informal agreement protecting bonds of loyalty among dishonest police. These informal agreements must have been protecting police officers for a period of time needed to develop these illicit practices. “Given the danger that hierarchies may depend on networks more than networks depend on hierarchies, sistema’s governance model preserves the weakness of the rule of law, so that the application of formal rules can be selective and allow manipulation of the balance between hierarchies and network resources” (Ledeneva 2013, 44). Ledeneva drawing on evidence from Russia had also stressed the importance of verbal agreement between police bosses and their subordinates. Following an oral command without proper written documentation of action, is perceived as

a sign of indisputable loyalty (Ledeneva 2013). That is why, even when the prosecution in Kostanay took place, only low and middle level were prosecuted despite names and positions of high level police officers have been mentioned during the trials:

“Question from the public prosecutor Yergaliyev: Describe briefly others police officers, their nicknames. What amounts of money had been paid to them?

Answer: 100 000 tenge – Anya Bol’shaya, 100 000 tenge – Anya Malen’kaya, 100 000 tenge - Katya Bol’shaya, 80 000 tenge –Kosolapyi, 80 000 –100 000 Inzhiner, 50 000 tenge –Pechenka.

Question: Which administrative positions did they hold?

Answer: As I know, Anya Malen’kaya it is Aslan, their boss, who is Boss of Kuanysh from city police department. I was giving money through them, when they demanded. It was their condition. I had no idea, who is Anya Bolshaya, but I suggest that it was Abay from DVD. Among us we supposed that it were them. I was also transferring money for Kosolapyi through Asylbayeva and Petrenko. I don’t know what his duty position is. Petrenko just called me that there is a police officer who is employed in Knizhka (nickname of the Oblast MVD headquarters). Later he called me and ask, whether I was buying heroin from her. I confirmed and told him that I will transfer him money through her. So, was sending him 80 000 tenge every time. As for Pechenka, I knew him personally, but I was obliged to him money through Rezida, it was his condition. The same was with others, but I don’t know who Katya is. Later on, I had realized that most probably it was Kuanysh Kabyldin from city police department.

Question: So, you paid to higher police authorities through Rezida?

Answer: Yes, through her. But money for Kosolapyi were sent through Alevtina Petrenko.

Question: Who is “Kosolapyi”?

Answer: He worked in knizhka, in DVD, I mean. He was a head of some department. As I understood it was Department against Organized Crime. I was not introduced to him. So, I can be mistaken. However, by their request, I was sending money to him each month” (Criminal case number 1-1/2014, 606).

The rules of this system are quite straightforward: “There are no exit terms and conditions: at the stage of recruitment to system, people are meant to remain loyal for life, dependent on handouts from systems and satisfied with systems’s status games (Ledeneva 2013, 112). So, this agreement had been fulfilled by the middle level police officers. In the absence of testimonies from them clearly showing who was participating and organizing drug gang covering among police elites, the ability of prosecution office and the KNB were bounded by recent attempt to democratize legal system and organize criminal processes in accordance with a principle of legality.

This tolerance of the street-level police corruption in exchange for meeting statistical quotas and gaining income from below provides support for Hypothesis 2. My research revealed the following patterns of this vertical internal incentive: police chiefs routinely request or demand cash from police subordinates and protect drug dealers and drug distributors – all in order to guarantee continuous cash inflows. Moreover, as the court records indicate, the oblast-level police chiefs do not figure as the accused by being protected by their own higher-ups. The quote below belongs to the small-scale drug dealer who testified in the Kostanay court: “I just know that Anya Malen’kaya is a Boss of Kuanysh... We did not pay to high-ranking in person. Rezida did it by herself” (Criminal case number 1-1/2014, 503). Such a specification in the payments was organized by criminals, but it is still unclear who had developed it. So, this may lead to the argument that bribes of 100 000 tenge and more were given to various heads of departments. Furthermore, witness Orazova testified in that case: “I do observe **only low-ranking officers. There are no high officers, since I also know all of them.** They used to talk me to go to the runners, since they were providing

me with heroin” (Criminal case number 1-1/2014). These quotes made by the drug dealers in the court proceedings clearly showed the protective mechanisms of the high-ranking police. Moreover, the higher the status of drug dealer testifying in the courtroom was, the better they were able to explain the corrupt schemes and mechanisms, as the Kostanay court hearing record shows:

“Question: You told, that Csoi was paid 40 000 tenge each month, while Mukhamedzhanov was given 100 000? What had conditioned this difference?

Answer: I don’t know why. Later on, I realized that if the person calls and asks 6000-7000 tenge, then maybe these big amounts of money were not for him, but his boss. If had received 100 000 tenge, what would be a reason to ask 6000 tenge later?

Question from the Judge: You told, that you were giving 100 000 tenge. Through whom have you been sending this money to high police authorities?

Answer: Through Asylbayeva and Petrenko. I didn’t know them personally since it was their demand” (Criminal case number 1-1/2014, 608).

It has been described in the indictment statement that lower level police officers were asking for money even for their bosses’ weddings. Not surprisingly, drug dealers were sending amounts of money exceeding 100,000 tenge (Criminal case number 1-1/2014). Naturally, “Police officers were receiving monthly payments on return for protection, closing their eyes, relieving of the runners, providing information about planned operations etc. The payment had **regular character**. For example, every 15th of each month “Engineer” was paid nearly 150 000 - 200 000 tenge. I know that **there were more important people**. For example, when “Daddy” was calling, even Rezida was terrified. She took Petrenko and they began talking with him behind closed doors” (Criminal case number 1-1/2014). All these quotes clearly indicate a close working relationship between drug wholesalers and police chiefs, a constant and routine flow of cash from drug wholesalers to police chiefs, and the impunity of the latter from criminal prosecution.

The structure and culture of the law enforcement agencies “have an important impact on their ability and willingness to pursue certain types of criminal cases. Agents are socialized into a strict, militaristic hierarchy, in which subordination to the chain command trumps all other considerations, thereby limiting officers’ ability to be creative and take initiative” (McCarthy, 2015, 95). This argument made McCarthy in the Russian context fully applies to Kazakhstani law enforcement agencies. Given that Russian, Kazakhstani and most of other post-Soviet law enforcement agencies do not carry dramatically from each other, this argument finds an empirical support in the forensic examination of phone conversations results of which have been revealed during the trial court proceedings in Kostanay. For example, in the conversation of the 10th of June 2012, at 13:24 Asylbayeva was asking to Petrenko to “contribute 100 000 tenge to the police employee called Katya” (Criminal case number 1-1/2014). In another phone conversation on 25 June 2012, at 18:26 between Chebunina and Almagambetov, he told her that he had negotiated with other colleagues that they would not interrupt their drug dealing anymore. In return, police officer demanded inconsiderable amount of money as usual. That was their manner to ask for so-called help. Chebunina had answered him that it was not appropriate manner to ask for help and also insisted that she would inform their bosses about this incident. In the end, money were transferred, but criminals had warned non-local police officers that in case they will repeat their actions their leader (Asylbayeva) will contact higher authorities (Criminal case number 1-1/2014). On 27 June, 2012 at 15:53, during the phone conversation between Almagambetov and Chebunina, the latter was informed that her runners were captured by unknowns and that they demand her to come to the distant Mall. He had also asked her whether she had called Aslan, Kuanysh and Murat (presumably high authorities in the police department). She replied that she had called to all numbers left by Asylbayeva in case of very emergent situation will take place (Criminal case number 1-1/2014). He had stressed again that she should contact Aslan, explicitly stating that: “Aslan, who is our chief”. He had

recommended her to immediately contact Rezida and not to come to this place (Criminal case number 1-1/2014).

In this case, I can trace that in relatively challenging situation there was a need to contact higher authorities. These authorities had covered mobile phone numbers available for criminals only in a very dangerous situations. I can make an additional conclusion that only high-level criminals leaders came to the crime scene only after the contact with high police authorities. So, the principle of relative subordination and equality can be implemented to characterize the culture of existing relationship within this organized crime group. For example, Chadov, had claimed that on the 27 of June he was captured by unknown police officers at their normal drug-selling place.

“During the drive they had told me to call my boss. They demanded her to come immediately, otherwise they threatened her that I will go to prison. Later on, she called back and replied that she can’t come. Then, they told me to call my police officers and ask them to come and release me. At that point I had realized that they want money for my release. I had called Almagambetov, he came immediately, took me and begun talking to them. When he came back he told me that they want 25 000 tenge and that they were high authorities from the Oblast Department and the KNB. He had also highlighted that we must stop trade that today. This accident was very strange. He told that it was like a framing a fabricated case against him” (Criminal case number 1-1/2014).

Few days later Almagambetov had a conflict with Chebunina, which did not delivered money in time. He told her that his bosses gave an order (komanda) to collect money and he as his subordinate had to obey it. Their chef was angry, since everyone else had already brought money (skinulis - to collect money, terminology of criminal jargon) and he needed to go on vacation. So, he urged them, if the boss would give an order to catch them, they should not be

angry on them. Chebunina replied to him that she had contacted Asylbayeva several times already. But Asylbayeva was going to contact their boss personally as a drug gang's leader (Criminal case number 1-1/2014).

As it should be clear by now, drug dealers provided police officials with almost everything they needed. In fact, Seredenkova provided Gizazulin with cash, when the former demanded money to buy foodstuff for the head of city police station. He had stated that they collectively collected money for a very important boss. So, she had sent runner with money for him (Criminal case number 1-1/2014).

Court testimonies of drug dealers show that there were no high-ranking officers among prosecuted police officers. They also show that police bosses were receiving more significant bribes compared to the middle-level police officers. Also, drug dealers preferred to solve more serious and risky situations with the involvement of police chiefs. Interview data also confirmed that every month police bosses had demanded a specified amount of cash from nearly every subordinate. If police officer disagrees to bring money, the reasons to fire him were found easily. Being captured by systemic rules of loyalty to bosses, the need to extort money in order to become promoted, a strong pressure to fulfill statistical requirements and many other incentives, turned an ordinary police officer into the corrupt one.

In short, formal statistical requirements discourage police to focus on hard and complex drug-trafficking cases, while informal demands from police chiefs strongly encourage cooperation with drug dealers. This structure of incentives discourages police from organizing cover operations to infiltrate drug gangs since they are long-term and risky operations which may be effectively sabotaged by corrupt police supervisors and result in unsolved crimes, thus, hurting both formal career prospects and their reputation within the police ranks. Moreover, if all illicit commands of superiors are be given in oral form, then middle level police has no alternative other than obeying in order to prove his/her loyalty.

Otherwise, the suspicion in non-participation will lead to the considerable informal punishments and dangers.

How do police officers learn about these incentives? In order to become police officers many applicants choose to apply to specialized Police Academies situated in several Kazakhstani regions. As a result of semi-structured interview many police officers among my respondents had graduated from these specialized schools. So, I had an opportunity to trace where tolerance towards corruption, *krugovaya poruka* and selective enforcement are developing. Probably this tolerance is established before becoming attested police officer and existing practices force new police officers to adapt to these rules. In this regard, one KNB officer told me in the interview that:

“They are admitted into the police academy already fully prepared to these informal rules. In fact, admission, evaluation, education and even career promotion depends on money. As a result, we receive an uncompetitive police officers, who need to bribe his bosses in order to stay on his position. In this hierarchy, superiors are not interested in the nature of these money. *Inevitably, they have no choice rather than to pay for their professional incompetence. So, that is why we do observe corrupt practices, lost forensics and other shameful things.*” (Respondent 18, October 2015)

This claim had been made at the initial stage and had changed all future interviews. So, I had decided to ask my respondents from the police about admissions process into Police Academies. Many of them avoided answering this question, others begun talking that they were accepted fairly, according to rules specified in the relevant law. However, today acceptance became a mess (“*bardak*”). For example, one interviewed police officer admitted: “In order to be accepted into Police Academy graduate school you have to pay 5000 US dollars. Otherwise, no previous merits and years of experience are useful. They basically don’t care how good you are as a police officer. All you need is money or very strong personal connections in the admissions committee.... You know, promotion is always

complicated. If you graduate from this school most probably and very soon you will be provided with leading position and you will spend two years without this routine pressure... You don't have to pay tuition fee, your salary remains the same and years in grade are still accumulating... So, it is quite a good bargain... The problem is that honest ones do not have such money...As a result most corrupted officers become most educated and promoted ones..."(Interview 11, November, 2015).

There were even more shocking evidence was collected during internship in the anti-drug trafficking department. As it follows from my interview:

"Respondent 18: When we were graduating we heard that there were some corrupted actives somewhere. We were terrified to ask something inappropriate or give something to high command. However, today newly recruited and trained youth is completely different. Do you know that they pass professional and physical examination at the Departmental building, which is here? It was implemented in order to lessen the probability of corruption... Stupidity...If they want to give, they will find whom they can give... So, once I was outside my office. That day new recruits were passing exams, and I heard the conversation between of them. Most shocking was phrase 'Interesting, when I will be able to extort my money back... So, they give bribes to receive a position and then bring invested money back from bribes. You are very naïve'." (Interview 20, January, 2016).

In short, evidence contained in this chapter clearly supports all three hypotheses that Soviet legacies and post-Soviet bureaucratic incentives provide fertile ground for police corruption and quick personal enrichment through collusion with drug dealers.

Chapter 3 External Incentives from Government Agencies, NGOs and the Mass Media May Discourage Police Corruption

The preceding chapter paints a gloomy picture of deeply rooted and widespread police corruption fueled by the growing illegal drug trade. However, as many interview respondents had stated, both massive public outcry (horizontal external incentive) and the latest anti-corruption campaign (vertical external incentive) make this perverse policing practice less widespread. For a better understanding of externally imposed constraints on police behavior, an exploration of practices of other Kazakhstani law enforcement agencies such as General Procuracy (GP) and the Committee of National Security (KNB) is necessary because it helps illuminate horizontal external signals and threats faced by corrupt police. Importantly, I argue that these two agencies have somewhat different incentives and practices than the Ministry of Internal Affairs (MVD) has. But even if we assume that they are as corrupt as MVD or that it is difficult to distinguish an honest law-enforcer from the corrupt one, the nature of inter-agency rivalries pushes both agencies to detect and prosecute police corruption via legal procedures. This assertion is in line with the growing comparative research on the functions of law in monitoring and enforcing bureaucratic discipline in authoritarian regimes (Ginsburg and Moustafa 2008).

Most recent official records were requiring oblation police departments to increase effectiveness in the fight against illicit drug trade. However, there were numerous statements and criticism made by the General Procuracy that the routine work of the MVD should abandon a very strong dependence on the statistical evaluation. This all reminds me an ancient Persian proverb: the dogs bark, but the caravans move on.

General Procuracy: Overseeing Criminal Prosecutions of Corrupt Police

According to the Law on the Prosecutor's office of the Republic of Kazakhstan, it is the central law enforcement agency accountable to the President of Republic Kazakhstan. This agency supervises exact and uniform application of laws and other standard legal acts in Kazakhstan. It also supervises the legality of operative-search activity, inquiry, and criminal investigation, and has the powers to eliminate any infringements of legality and carry out criminal prosecution (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995, arts. 1 and 4).

Official powers of prosecutors are massive. For example, "in case of default in instructions of the prosecutor, he has the right to take out the decision about compulsory execution of requirements of the prosecutor... and to send this for execution to the higher state authorities. These authorized state authorities are obliged immediately take measures to execute it." Meanwhile, it is worth mentioning that the actions of prosecutor can be appealed against him with reference to the higher authority of the prosecution. However, the appeal of requirements does not stop its execution (Law on the Prosecutor's office of the Republic of Kazakhstan, 1995, art. 26-1).

With regard to the drug related and any other type of crime, the procurators are allowed to enter any premises, to receive data on financial operations and accounts, demand any actions from organizations conducting operative-search activities and evaluate their results. They also have a power to receive necessary documents, materials, statistics and other data (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995). They conduct check-ups of employees from other law enforcement authorities. They can appoint examinations and carry out other verifications. In order to perform their tasks and exercise these rights they bring protests, give instructions for infringements of rights elimination; take out decisions about excitation of criminal case, disciplinary or administrative offenses. More importantly,

they can cancel or remove the measures of forbidding or restrictive character imposed by other state agencies in order address them in court for national interest protection (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995, art. 29)

Powers of the prosecutor (attorney) on assurance (supporting) of legality of inquiry and a preliminary investigation include a very wide range of legal opportunities. Not surprisingly, their power is incomparable to other agencies. While carrying out supervision the legality of inquiry and investigation, the prosecutor (attorney) receives criminal cases, documents, materials and other data on committed crimes, a direction of operatively-search activity, inquiry and preliminary investigation (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995). So, they could check the law abidance of authorities that directly implying inquiry and preliminary investigation. When the illicit accusation takes place, the procurator is obliged to cancel illegal decisions of inspectors. Moreover, if infringements of the citizens' rights or illegal methods of investigation have been admitted, he raises a question on the responsibility of guilty persons. Besides that, when illicit actions had been established during the investigation and inquiries, then the procurator returns criminal case on additional investigation or stops it in full volume (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995). Procurator is supposed to check legality at reception, registration, the permission of statements about committed or preparing crimes. He must also support or refuse in the petition of criminal prosecution for arrest and holding in custody of the suspect. They can raise criminal cases by themselves and give written instructions on procedure of investigation of crimes. Besides that they can demand police bosses to check out their subordinates and organize full disclosure of crime. Instructions of the prosecutor are given in written form and are obligatory for the person making inquiry and preliminary investigation (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995, art. 38).

The legal protection of employees of authorities of the Prosecutor's office also matters. For example, encroachment for a life or threat of violence to the prosecutor related to his

office activity and any other actions interfering performance of the prosecutor in its official duties will lead to the legal responsibility. Besides that, any check on the fact of the legal offense made by the prosecutor, is carried out with participation of representatives of authorities of the Prosecutor's office. While prosecutor is on duty no administrative detention, personal inspection of, examination of its things and transport used by him is possible (Law on the Prosecutor's Office of the Republic of Kazakhstan, 1995, art. 50).

Numerous legal norms and documents would suggest that the prosecution office can become a safe haven from corruption of different law enforcement agencies. However, the reality of Post-Soviet states had taught us to double check the actual performance of any legal document, especially if the document allows someone to use political and legal power. Many respondents had stressed that formal legal documents can be reinterpreted easily just to reach personal or organizational goals. The same situation is here. In this regard, several respondents had been strongly criticizing the widening authority of procurator office. In fact, one MVD detective told me in the interview that:

“Respondent 23: You know, they used to work on materials collected by us. So, they hardly ever informed with a real fight against crime. That is why they are constantly criticizing us. It is very easy to criticize us while not being realizing what it means to find, catch and interrogate a criminal. All these statements about our ineffectiveness and the need for democratization are widely proclaimed by them. In reality, drug dealers are not candy shop sellers. They do have high qualified lawyers and protectors from many law enforcements agencies. They informed with criminal legislation even better than young detectives. It does not mean that the younger generation is stupid, it just means that each police officers has its own purpose...

Me: How so? The same document regulates all criminal procedures and investigation procedures. I mean, Criminal Procedural Code...

Respondent 23: (laughing)... These codes.... Well, there is a difference between detective and investigator. Detective is focused on collection of information. He is like a spy, he have to maintain report with criminals sometimes. They collect information and establish connection between suspects etc....As for investigators, they are basically preparing all documents in an appropriate manner. This is also very important task. It is like an art. Sometimes absence or presence of relevant paragraph or a signature changes the decision to be made by judge.

Me: Do procurators realize this difference?

Respondent 23: Theoretically yes, they claim that that they do. In reality, new Criminal Code and Criminal Procedural Codes were drafted by them and after we begun working on the ground nearly everyone in the Ministry began suspecting that these codes were created to please criminals. They were given widening opportunities and rights, while we were deprived ours. Can you imagine, ordinary police officers is terrified now to be prosecuted for corruption or abuse of power even more than the drug dealer to be captured into the prison? Is that a normal thing for your foreigners?

Me: Democratization process may take some time. All of this done to make us more law abiding and increase public trust.

Respondent 23: No, how can people trust us when they publish any type of violation made by police officer? Have you ever heard about any prosecution of procurator abusing power?

Me: ... (silence)....

Respondent 23: Well, I will tell you the story then... Once the whole anti-drug department was working on the gypsy clan distributing and trafficking drugs, the case promised to be very resonant. We had spent nearly year to find evidence and establish the fact of their illicit actives. Several departments were involved - us, guys

from organized crime department and many others from different agencies. And you know what happened after we submitted the file to procurators? One of them begun criticizing each single letter of it, each single signature in the materials. He was postponing this case for years. Every time with different excuses. Finally, the case was annulled because terms of investigation had inspired. But, everything looks perfectly legal. They have unprofessional police officers to blame, while procurator looks as a highly moral and legal abiding officer following democratization politics. We just agreed with that, since new crimes were committed, new dealers appeared, we can't fight for a one single case, while hundreds more are committed. It becomes normal to listen their criticism. Whatever is wrong, police is to be blamed. Later on we were informed from our informant from this gypsy clan. This highly qualified procurator was given money in order to protect their interest. So, the picture is simple, if they can't bribe us, they will go higher. Correspondingly, prices are higher, but it's not the point. The point is that all their propaganda about the rule of law worth nothing.

Me: But the presence of one corrupted procurator doesn't mean that the whole office acts like that... or?

Respondent 23: As I said that they are trying to maintain nice public image. Even these games with new Codes. In reality, they failed to establish more effective legislation. They began all this because elites demanded a change. To please them they promptly copied the Code from other states and nothing from our practice was taken into consideration. These codes do not reflect our reality and no one is saying that... Moreover, how can they accept criticism after they had submitted drafts to President? "You know, Mr., President we had worsened the situation with these new draft Codes. We were not able to create a reliable piece of legislation. All our reports

were written in order to accumulate as much authority as possible.” That would be unimaginable for them, but that is what nation in fact needs.” (Respondent 23, January 2016)

Such a bold statement deserved a particular attention and a check through triangulation of evidence if possible. So, during all following interview I was asking lawyers, detectives, investigators on the potential capabilities of prosecutors. These answers varied, but in most of them the major criticism was directed against growing influence of prosecution office. As it follows from the interview conducted in order to organize data triangulation:

“Respondent 17 (lawyer): As my professional experience tells me, the prosecution office knows nothing about adversary nature of the judicial process. They basically accumulating more power year by year. They had ‘podmyali pod sebya’ (take over themselves) courts and preliminary investigation. They dictate their own rules of judicial processes each stage. So, no one is interested to act against them. Even for judge challenging the procurator will mean a significant career problems.

Me: Was it always the same?

Respondent 17 (lawyer): no, when I was a judge, we had some independency... Respect... Judicial robe meant something important. Then, it begun changing gradually. Today it is becoming messy. You know, during my last years as a judge I constantly kept noticing that judges became afraid for their offices. There was established some kind of practice making judges not only accountable, but also bounded by their decision. They can't chose the punishment by simply referring to certain legal acts and personal values, as it is supposed to be by legislation. In reality, if the sentence made by judge will be challenged, then there is a big risk to come. If the sentence given by you will be fewer than the judicial commission decides, you will receive admonition. If the number of these admonitions reaches five, the judge will be discharged for professional inaptitude. So, they are trying to give as severe sentences as possible. Is not it a sign of growing influence of

the prosecution? The longer period of time is sentenced, the better job was done by the prosecutors. Ironic, doesn't it?

Me: It looks like hypocrisy. On the one hand, they demand severe punishment. On the other, they proclaim democratization?

Respondent 17 (lawyer): Democratization? By procurators? (laughing). They are always pretending to establish the rule of law.... You know, that scandalous criminal case about police corruption? Initially, when the court proceedings were organized, our clients were telling names, positions at various stages of judicial process. They wanted to lessen their punishment in return for information that was needed by prosecution, if they ever were interested in the rule of law and fight against corruption. These names were written nowhere. Nobody opened criminal cases, while having tremendous legal opportunities. Surprising fact, isn't it? Besides that, all real job is done by the bodies of preliminary investigation, while the prosecution is doing literally nothing, except 'tychet paltsem' (perk their finger into) professional incapacity of others. If anything, they want prestige. Everything else like justice, rule of law, accountability. I strongly doubt, they ever were interested in them. Put it simply, what is lacking is not new legislation, but rather an understanding of public responsibility. Their colleagues usually confuse organizational and legal authority with their personal one.

Me: So, it is not about organizational politics?

Respondent 17 (lawyer): I don't even know... I used to think that these were young and too ambitious young inexperienced procurators to be blamed. In fact, it is always about an individual implementing the rules established by organization. They can close their eyes or set unrealistic goals for a preliminary investigation body..." (Respondent 8, November, 2015).

Consequently, there is a growing feeling, that law enforcement system was taken away its normal practices and not given democratic ones. One particular agency begun accumulation unprecedented amount of power. In fact, larger political reasons had conditioned this outcome. President Nazarbayev met with the heads of the Committee of National Security, MVD, financial police, the customs service, and the General Procuracy. This interdepartmental meeting had revealed numerous confrontations between different law enforcement agencies. As many journalists had mentioned, strong criticism of the General Procurator had discredited the reputation and official reputation of several police generals. In his criticism he had stated that other agencies do nothing, while the General Procuracy operated flawlessly. President Nazarbayev agreed with this criticism and warned law enforcement chiefs that potential responsibility for disobedience is about to come (Ak Orda, 2013).

The Committee of National Security: Catching Corrupt Police

“The National Security Committee of the Republic of Kazakhstan is a special state body, which is under their jurisdictional authority securing human and society, constitutional system, state sovereignty, territorial integrity, economical and scientific-technical and defense potential of the country.” (KNB, 2015) The fight against corruption and illicit drug trade is also a significant part of their activities. Naturally, participation in the law enforcement system KNB by being an heir of KGB creates an image of secret police service with extremely wide opportunities and treating leaders’ order higher than legal norms. Therefore, everyone would suspect the exploitation of their unprecedentedly wide opportunities and quite a political reputation for their own benefit. In reality, the opposite turned out to be true at least in the sphere of illicit drug trade. In contrast to police, many official documents from General Procuracy, MVD, and journalistic reports were showing

facts representing the effectiveness of this agency. In fact, it is incomparable to others. One of my respondents during my interview had shared a quite interesting and challenging idea about the roots of illicit drug trade in Kazakhstan:

“It’s corruption. And it is not as simple as it seems. The MVD is only part of the problem, but in reality there is a more complicated structure. To simplify, drugs are somehow crossing Kazakhstani border. So, it is not only those who extort money from drug dealers are responsible, but also those who allow drugs to come into our country. Obviously, the beginning of the problem is border guard troops”

(Respondent 31, January 2016).

Even if that is so and border guard troops can potentially allow heroin to pass the border, their overall performance is impressive. According to the mass media reports and press releases made by the KNB, the amount of drugs seized and destroyed by agency is fantastic.

In 2006, along the line of the fight against corruption were initiated and investigated criminal cases against state officials, including many law enforcement officials. Among investigated criminal cases of corruption were handed down 63 convictions against 73 officials (1/3 are MVD employees). As far as the illicit drug trade is concerned, KNB had liquidated 23 drug channels and 10 drug groups, identified 250 drug-related crimes, confiscated about 3.2 tons of narcotics and psychotropic substances, including over 875 kg of opium and heroin (62% of heroin and 92% of opium seized in the country that year) (The Committee of National Security, 2007).

These fantastic figures show quite an effective performance. However, in autocratic states mass media reports can be biased. So, if these fantastic figures to be true, they had to be replicated every year. In 2012, KNB stopped 63 international drug channels and 24 drug groups and confiscated the total of 290.5 kg of heroin and 4.09 tons of other drugs valued at 1.9 billion tenge (The Committee of National Security, 2012).

In 2013, the Almaty KNB department had caught 7 international drug trafficking channels and intercepted 14 facts of illicit drug turnover, which resulted in 30 criminal cases against 16 persons caught with 408 kg of drugs. On December 12, 2013, the KNB officers has once again destroyed 220 kg of heroin confiscated from illegal turnover in Almaty. This portion of drugs had included 405 kg of heroin and 3 kg of amphetamine (the Committee of National Security, 2014). Besides that, in 2015, the Astana KNB department seized and destroyed more than 390 kg of drugs in total, initiated 25 criminal cases against 10 persons for distributing drugs on a large scale, and had them convicted (Mikoyan, 2015).

On the organizational level the effectiveness of their activities is represented by strict figures, while on the individual level the situation looks different. In the audio transcripts of court proceedings against scandalous Kostanay police officers, there was a case characterizing the difference between the KNB and the MVD officials. Even if a solitary case does not give us the right to generalize, due to the closeness we should represent the following example as well.

Within the framework of the criminal case on September 17, 2012 during the search for the place of residence in the house of the drug lord Osennikova, whose nickname was Marzhanikha, after the discovery and seizure of narcotic drug - heroin on a large scale with a total weight 1002 grams, Osennikova tried to give a bribe to the deputy chief of department of the Kostanay KNB and the chief of the department of the Kostanay KNB. She had offered a bribe in the form of cash in the amount of 30,000 US dollars. Namely, for the release of her and her partner-in-crime Petrenko from criminal prosecution for the illegal acquisition, storage and transportation with intent to sell drug on a large scale (Criminal case number 1-1/2014).

During the search Osennikova appealed to the KNB officers and offered a bribe to release her and Petrenko. The offer came from her, she had specified the amount. So, they only recorded what she had said. They asked her, whether she understood that she acted

against the law. Yet she continued to insist. The KNB officer reported to the leadership and decided to imitate criminal behavior, trying to provoke her to bribe them. Therefore, he did not immediately refuse, but took a waiting position, giving the whole initiative to Osennikova. He was reporting this situation to his superiors by phone (Criminal case number 1-1/2014).

He had immediately received the approval for documenting these criminal acts and wrote a report. After Osennikova offered a bribe of about 30,000 dollars, all negotiations between Osennikova and the KNB officer were documented on tape (Criminal case number 1-1/2014). Then, Petrenko's daughter brought the money, spoke to Osennikova and went into the knitting room, there was the KNB officer, he announced that there would be a crime scene examination. In the presence of the whole group they started, all the money was counted, have been twenty-eight thousand eight hundred dollars to something. Everything was recorded on audio and used against both drug lords (Criminal case number 1-1/2014).

On the other hand, two MVD respondents offered the following criticism of KNB:

“Of course, they are also participate (*varyatsya*) in all these illicit activities. I had many situations when I had prepared documents and led the investigation, but was forced to release a criminal. I was called and asked to leave him. I did that. It is quite risky to challenge them. They do collect compromising data (*kopayut*) on everyone, there is no guarantee that they won't begin collection on you. Now, all law enforcement service is the same. None of us, of them deserves trust today”

(Respondent 2, August 2015).

Several police officers stated in their interviews with me that ineffectiveness in the fight of the illicit drug trade was the outcome of the failure of Border Guard Troops, who are part of KNB: “Somehow illicit drugs cross the border. Do you really believe that it is possible without cooperation with officials?” (Respondent 17, January 2015). Similarly, it has been stated that: “In fact, after special scanners had been installed on the Russian border incredibly

high amount of heroin had been captured. But this is only for Russian border. Do you understand what I mean? In order to come to the Russian border Afghan heroin had to cross Southern border. Their officials are constantly criticized in many official reports. In response, they usually state that the border is overloaded. They state that they are fiscally unable to check each particular car crossing the border. It doesn't mean that they are corrupted, but rather that they are neglectfully serve their duty. I don't even know what is worse” (Respondent 11, October 2015).

In this sense, it looks like there is no entirely corrupted agency, neither no entirely honest agency. As in every organization there are institutional politics and individuals implementing them. So, the effectiveness of this institution depends on the type of individuals selected to serve criminal justice. Their individual values influence their job performance and as a result effectiveness of the whole agency. So, this selection procedure would be better explained after analysis of external factors conditioning shameful performance of the MVD.

Non-Governmental Organizations: Exposing and Shaming Corrupt Police

There is also a growing influence of non-governmental organizations in the fight against illicit police activities in Kazakhstan. Their influence had been characterized as an **external horizontal incentive** as a result of their ability to expose the issues of human rights abuse and fabricated criminal cases made by police officers. In previous years their activities begun exposure of dishonest police behavior in mass media reports and in complaints to the higher levels of government. Human rights NGOs also criticize the low quality of criminal investigation of drug related crimes by Kazakhstani police. As it follows, the Chair of non-governmental organization PRI and Chair of Organization monitoring respect of prisoners' rights in the penal institutions Svetlana Kovlyagina argued that:

‘in the drug-related criminal cases evidence proving guilt is usually absent.

During arrest the attesting witness usually covered behind the corner, cannot see anything and as a result cannot confirm anything. In fact, while a suspect is under the stage where data about criminal activities is collected, they are not able to find out where he purchases and stores drugs (Voronko, 2014). So, these imitators of crime is only one trump card available to the investigation body. However, who are these imitators? As investigation argues, these highly moral people, usually decide to demonstrate their civil responsibility. In reality, this type of criminal cases usually initiated with the help of people who under investigation themselves. One such a civil activist on average is involved in 10-15 similar criminal cases about voluntary disclosure of drug dealers. They regularly change their pseudonyms, national legislation allows them doing that (Voronko, 2014). Their real names are classified. But why is the police doing that? The main reason is that this so-called “civil active” imitator is usually an individual with criminal conviction or recently released one. So, he is fully dependent on men in uniform. Moreover, some of them are trading these drugs and between their main criminal activities and they cooperate with police” (Voronko, 2014).

This statement shows that non-governmental organizations are well informed and prepared actors in the national law enforcement system. However, their effectiveness is still questionable. As any new institution their development will take some time before they will be able to provide community with something more than mass media releases.

Chapter 4 From Incentives to Actual Behavior: Categorization of Police Corruption in Kostanay

As previous chapter made clear, police faces a set of contradictory incentives when facing drug dealers. Yet facing these incentives does not necessarily mean that police officers will act upon these incentives. For example, police could do nothing: not to fake criminal statistics, not to accept bribes and drugs from the drug dealers, and not to give bribes to supervisors. However, evidence clearly shows that police did act on these incentives. Let's begin by analyzing crime statistics based on the official reports of the Kostanay Oblast' Police Department in the past six years (see Table 1 below), the period, in which the Kostanay police had experienced a scandalous and shameful prosecution of dishonest police officers, as described at the beginning of my thesis. Most surprisingly, the official data supports my argument about faking criminal statistics in the drug-related crimes.

Table 1 Activities of the Kostanay Oblast' Anti-drug Department, 2010-2015

Year	All crimes	Distribution of drugs	Amount of heroin seized, grams
2010	717	300	554.9
2011	411	299	939.591
2012	362	217	2763
2013	318	179	3342
2014	306	174	2557.7
2015	320	188	2217.2

Source: General Procuracy

Note: New Criminal Code and Criminal Procedure Code entered in force on January 1, 2015.

Table 1 clearly shows that, according to official figures, when this police mafia had operated in Kostanay, it solved many more drug-related crimes. Yet, following the

prosecution of police mafia, the lower amount of destroyed drugs and solved drug-related crimes means that police actually begun operate in a real manner without attempts to misrepresent crime statistics in order to obtain better public image. This means that police did act on the external horizontal incentives – being afraid of criminal prosecution by the Committee of National Security and public shaming by the mass media and non-governmental organizations.

The nationwide statistics on drug-related crimes represent a clear pattern that nearly half of the initiated cases in drug-related crimes do not reach courtroom (see Table 2). The informal practices, which possibly condition such an inefficient and shameful outcome, will be explored below using the examples from the police drug mafia in Kostanay. Besides that,

Table 2 Crimes of the Illicit Distribution, Storage and Transportation of the Illicit Drug Substances in Kazakhstan, 2010-2015

Year	All initiated criminal cases	Criminal cases sent to court
2010	9343	5839
2011	4744	3525
2012	4066	2947
2013	4032	1704
2014	3909	1811
2015	6899	5268

Source: General Procuracy

Note: New Criminal Code and Criminal Procedure Code entered in force on January 1, 2015.

in these examples I specify amounts of money that were taken as bribes from drug dealers. These figures will be given in order to compare them with the official salaries of police officers (see Table 3). This is necessary to show the attractiveness of the horizontal external incentives supplied by the drug dealers and the pressure from the vertical internal incentives supplied by the police chiefs expecting income from their subordinates. The existence of

police mafia must have had influenced the functionality of the anti-drug department, even if its influence is unobservable for quantitative analysis. What type of practices and strategies does this mafia engage in Kostanay? Based on the analysis of my interview data, observation and court documents, it is clear that many more police officers acted on these incentives and engaged in various illegal activities, which I categorize below. The range of activities

Table 3 Police Officers' Salaries

Year	Investigator, Captain	Detective, Major
2010	65 768 tenge (196.43 \$)	65 768 tenge (196.43 \$)
2013	117 733 tenge (351.76 \$)	142 397 tenge (425.3 \$)

Source: Ministry of Justice 2011, Ministry of Internal Affairs, 2013.

practiced by corrupt police in Kostanay had included, in addition to extorting cash and drugs, different types of maintenance services ranging from offering protection of drug dealers from both other criminals and the public to directly recruiting the new drug distributors.

Activity 1. Obtaining Cash from Drug Dealers

It was clearly stated during the trial in Kostanay that higher members of drug distributing network provided large amounts of cash to police. As Ms. Chebunina, one of the drug lords, testified in court, she had supervised packaging of heroin, the process that took place in the apartments rented for 2 or 3 days. In this manner this practice was nearly institutionalized.

“It was impossible to sell from the house, during a day nearly 60 police officers were coming to her, the amount of drug addicts was less. We needed to change apartments, because they were not giving us to sell. These police officers used to find us and then burst into flats demanding more money. Sometimes, we were

renting apartment just for one night. The need to cover our activities was clear, no payments can guarantee completely the safety of drug dealers. So, even when the bribes were given we preferred to hide” (Criminal case number 1-1/2014).

She paid for her safety, she knew exactly what she was doing. Police officers sometimes called her requesting extra cash. She could not refuse. Sometimes other leading members of this criminal gang were transferring money to police officers through her (Criminal case number 1-1/2014).

Low-ranking police officers did not have any specified payment rate. On average, they were taking between 2,000 and 4,000 tenge for everyday expenses on lunches and gasoline (*na hod nog*, as they called it). If the payments were made on time, then police did not capture the street-level drug distributors (runners) and did not interfere into their trade. However, when it came to high-ranking officers, cash amounts were much higher. The notebook seized from one drug packing woman specified these amounts on the monthly basis (Criminal case number 1-1/2014). Rezida, the drug lord, told her that Dima Koreets wanted to meet her and that she should pay 40,000 tenge at this meeting. However, she brought only 20 000 tenge to this meeting because her drug trade turnover was less than Rezida’s. After this meeting, she was obliged to pay the police officer 10,000 tenge every week (Criminal case number 1-1/2014).

Another police officer Mr. Almagambetov was asking cash from drug lords for many purposes. In fact, they were collecting money for weddings of their bosses, for various presents, even for the job certification (Criminal case number 1-1/2014). In some cases, drug lords complained to police chiefs that their subordinates extort too much cash. Ms. Seredenkova, one of the drug lords, had been blaming one police officer, who wanted introduce himself to her in order to extort cash. She told Almagambetov that this police officer had demanded 10,000 tenge from her in exchange for returning mobile phones and

drugs, which he had earlier taken from her runners. She had insisted that Almagambetov showed him his place. She threatened Almagambetov that she would complain to his boss in order to pressure this police officer. This threat worked. A few hours later Almagambetov called her back and told her that he had informed his boss about this police officer. The boss promised to punish this police officer (Criminal case number 1-1/2014).

In some cases, drug dealers threatened to contact police bosses when police from other police stations extorted too much. On June 25, 2012, drug lord Chebunina received a phone call from an unknown police officer who told her that he had captured her runners. After his phone call, she had immediately contacted Almagambetov for help. He had suggested that it might be a police officer from another police station and promised to find him. Then, Almagambetov called her that this police officer would release her runners in exchange for an insignificant amount of money and recommended to contact one of his bosses nicknamed “Mamul’ka” about this incident. Chebunina replied that it was inappropriate manner to ask for help, and that she would contact his boss if this police officer comes back. She gave him not more than 4,000 tenge after these phone conversations (Criminal case number 1-1/2014).

Finally, some police officers asked for cash not for themselves but for gasoline and/or heroin for drug users working for them (Criminal case number 1-1/2014). Paradoxically, collusion with drug dealers helped police officers to fake criminal statistics, which showed impressive results shown in the Table 1 above.

In short, these cash flows from drug packagers and dealers were a continuous and significant source of revenue for low-ranking police officers and their superiors, even though it took place in the complicated web of negotiations, trust and distrust, threats and compromises, and hierarchical relationships within and across drug distribution networks and police force.

Activity 2. Recruiting Street-Level Drug Sellers

It is difficult to estimate how many runners to sell drugs on the streets police actually recruited in Kostanay. Police officers surely knew numerous drug users among whom they could select the runners. As Mr. Nevezhin, one of the street-level drug sellers, testified in the Kostanay trial:

“I began using heroin in 1996. In 2010, I was detained by police officers for the purchase of heroin. We had settled all with them immediately in order not to initiate criminal proceedings. So that I had not been imprisoned. There was Serik, I don’t know his surname. I did know that he worked in the Anti-Drug City Police Department. Serik offered me to work for Rezida Asylbaeva, to help her. I agreed. In 2011, approximately, in September or October, I was brought to Asylbaeva for a conversation. They had introduced me, I said that I will be ‘runner’. My work included distribution of heroin, since then, I began to work for Asylbaeva Rezida” (Criminal case number 1-1/2014, 97).

Activity 3. Protecting to Street Drug Sellers from Other Police Officers

Having helped recruiting the runners, police also provided protection to them. One runner, Mr. Boronchuk, testified in court that he had met police officers at the time when he worked for the drug lord Asylbaeva. He had to know them in person. They helped him as soon as he used to leave the rented apartment. For this purpose, they drove their car as his security guards. Even drug users always laughed, saying, “...you ride with a guard constantly.” They did not pursue him, but created a “green corridor,” in order to allow him to move quietly, without incidents in the city (Criminal case number 1-1/2014). When he was arrested by patrol police, he called Rezida. She had immediately called someone in the police. While he

was talking to patrol police staff in order to buy time, they put him in their patrol car and have taken heroin and money away from him. Very soon, another police car arrived. Police officers came out of this car and negotiated with the agreed with the Patrol police, returned him seized heroin, and took him with them (Criminal case number 1-1/2014). He also gave to police officers information on the drug users. Police officers were paid from drug sales, so that they did not detain drug users who wanted buy from him heroin (Criminal case number 1-1/2014).

According to this runner, "I was captured by four police officers in August 2012 while selling heroin. My partner had left immediately. However, they wanted to catch him as well. They began asking me where he was. I told them that I didn't know. Then, they told me that they will throw on more heroin into my pocket, if won't cooperate with them. I was detained for nearly half an hour. After that time Rezida came with their chief. They had a conversation and I was left easily" (Criminal case number 1-1/2014). Another runner, Mr. Zizhko, also testified in court, that on July 1, 2012, he had been detained by the beat cop. Zizhko managed to call police officer Almagambetov, who quickly arrived to the scene, took this beat cop aside and negotiated Zizhko's release.

However, despite the perception that drug dealers were capable to serve a whole law enforcement system for their purposes, there were situations when the contact with honest police officers lead to significant difficulties for them. These difficulties were solved by their friend in the police uniform. The example of troubled cooperation was found in the testimony of one runner, Mr. Shefer. On July 8, 2012, he was stopped by patrol police service (Criminal case number 1-1/2014). Being assured by Gizazulin, a corrupted police officer, that nothing would happen to him, Shefer decided not to run from them. Patrol police searched Shefer and seized 6 small doses of heroin with him. They immediately began preparing the criminal case file to continue the prosecution procedures. Even through Gizazulin tried to negotiate the problem with investigator, he had sent Shefer to the police station in order to open the

criminal case (Criminal case number 1-1/2014). Then, Gizazulin had changed his tactics and took Shefer and the heroin into his car. While driving to the police station Gizazulin himself had substituted heroin with disintegrated candies. This process had assured that the forensic examination will fail to find illicit narcotic substance in Shefer's packages. Also, on the way to police station, Gizazulin instructed Shefer to tell the investigation that he had found these packages and was going to bring them voluntarily to police (Criminal case number 1-1/2014). Having arrived at the police station, Gizazulin gave these packages to the investigator. A few minutes later Shefer was interrogated and released. Gizazulin asked Shefer for 10,000 tenge to give to the investigator in return for documenting that the heroin was not sold, but instead that it was voluntary brought to the police station (Criminal case number 1-1/2014).

Finally, another drug lord testified that police officer Almagambetov had recommended her to expand her drug trade to a neighboring small city. He told her "I coordinate drug issues there, nothing will happen to you. Don't be afraid" (Criminal case number 1-1/2014).

Activity 4. Lessening the Criminal Charges

When protection from other police officers fails, corrupt police officers protect street level drug sellers by lessening the charges against the latter. As one runner testified in court, "I bought drugs from the Nevezhina's runner from 2 to 10 doses. Then police officers have found 9 "halves" of heroin. I would have received nearly 15 years of imprisonment for this amount of drugs. However, defendant Shupov N.M. issued only 1 "half" and the remaining 8 returned for him. So, in the end I had spent only 15 days in prison" (Criminal case number 1-1/2014). Another runner, Gabur, testified:

"In the end of June I went to buy heroin from Misha "Jew". I bought nearly 10 grams, when I was coming I was captured by police officers nearly Berezka shop.

They had seized heroin from me, despite the fact that there were no witnesses to the

search. They had put me into their car, began blackmailing, threatening and intimidating me. Then they had offered me to cooperate with them and work for a woman called Polina (Criminal case number 1-1/2014). If I were to disagree they would launch criminal prosecution against me. In case money or drugs will be lost, they told me that they will find me. Also, they had assured me that if I will go somewhere to inform higher authorities about their actions, then I should feel nervous for my future. Not surprisingly, I had agreed. Later on, they took my phone number and told me that I won't be penalized for heroin distribution, since they would assure my safety issues. Afterwards, I was captured by other police officers several times. However, those police officers who had protected me were always on time. For example, once I was captured by police patrol. That time amount of police officers was massive, even SWAT was there. I had called guys as we agreed before. They came in 10-15 minutes on the official car with government license plates...They went directly to senior officers, they stand aside from others and negotiations begun. Then Almagambetov took money and heroin from the car, came to us and told: Everything is fine, the operational group is coming, they would take care of everything. In fact, this group came very soon and had written fake report that we had nothing, no heroin and no money with us. ...Almagambetov put us into his car, recovered money and heroin, except 15 000 tenge, which he had given to the senior officers, as he said. They actually helped us very often we could call them whenever in need, they talked to other police officers by phone and then we were free to go" (Criminal case number 1-1/2014).

Activity 5. Protecting Street-Level Drug Sellers from Drug Addicts

As one runner testified in court, a police officer named Samat helped him when the former had a problem with drug addicts in early August 2012. One addict attacked him in the area of

“green” bazaar in order to take heroin from him and extra money from him on a regular basis (*otmechatsya*). He complained to Samat. And at the next time when this drug addict called him, he told Samat where he was. Samat arrived quickly, took this man and talked to him. After that no drug addicts disturbed his drug sale. In return, this runner paid Samat around 5,000 tenge and gave 3 or 4 heroin doses, as was specified by the drug lord Polina. Also, this runner passed heroin to Samat 4 or 5 times through a drug addict named Alexander (Criminal case number 1-1/2014).

Activity 7. Protecting Drug Dealers from the General Public in the Neighborhood

Kostanay anti-drug department also tried to calm down the population suspecting that the illicit drug trade in their neighborhood. As the runner Zhizhko testified: “Once they were trying to release us from the Patrol Police, as usual they needed to call higher authorities. So, the negotiation was intense. Once the problem was solved and patrol officers had left them, an ordinary man dressed in a simple manner appeared and became demanding from Sidorov to search us. “I saw those selling drugs. I had observed that staying on my balcony!” As a result his supervisor came and took us into the car and told him that they will clarify everything in the police station. After that we were delivered to our rented flat by him in person” (Criminal case number 1-1/2014).

Activity 8. Protecting Drug Dealers from Other Criminals

The analysis of phone conversations between criminals and police officers had proven the information sharing and search of so-called suspects had in fact took place. Moreover, several police officers were involved in the operation funded by the drug dealers. In fact, when runners were attacked once, drug lord Chebunina had been describing people she suspected to the operational police officer Yermagambetov. He assured her that his people had already

begun looking for them and that there would also be a check of runners just trying to steal money and drugs by pretending to be attacked” (Criminal case number 1-1/2014). On the same day, Chebunina had contacted officer Almagambetov and asked him to search for stolen mobile phones and possible attackers. The importance of these mobile phones had been stressed, since they had phone numbers of drug users. Losing these phone numbers would hurt the drug trade. He promised her to find them, in return he had immediately received drugs in exchange for having delivered several drug addicts - suspects in the participation of that attack (Criminal case number 1-1/2014).

On August 3, 2012, unknown persons robbed two runners: nearly 100,000 tenge and drugs were taken from them, and their car was severely damaged. Drug lord Asylbayeva had immediately contacted officers Almagambetov and Junusov. Almagambetov visited her on the same day and brought 26,000 tenge. He told her that they had found attackers with 30,000 tenge but no heroin. In return, she gave him 10,000 tenge. During this conversation, they had decided that they would need to recruit a new runner (Criminal case number 1-1/2014). Few days later, he brought to her a young sportsman willing to work with them as a security guard. Then, the drug dealing ring began operate in a normal manner. As the court specified, none of the runners had officially came to the police with the statement, so police officers began search on their own. This fact was very important for prosecution to prove the presence of corrupt actions taken by police officers.

Activity 9. Regular Monitoring the Drug Trade

Acting as supervisors in an average corporation, police higher-ups regularly checked and evaluated the conduct of the heroin trade, including security of street drug sellers, in Kostanay. According to the court records, on July 1, 2012, officer Almagambetov phoned drug lord Chebunina and asked whether everything was fine, how the business was going,

and whether anyone threatened her drug dealers. At the end of conversation, he thanked her for helping him with drugs delivery on the previous day (Criminal case number 1-1/2014). Monitoring drug trade also took a form of consultation. Corrupt police chiefs contacted drug dealers with recommendations on when to change mobile phone numbers, not to sell drugs in certain places, and so on.

To conclude, police corruption in Kostanay ranged from extorting cash and narcotics to recruiting drug dealers to protecting illegal drug trade to opening new drug marketplaces. These functions were clearly based on the routine exchange of cash, drugs, threats and favors among police chiefs and drug leaders and runners. Once up and running, this illegal trade produced a mutual dependence among corrupt police and drug dealers, as both sides benefitted from growing sales of heroin.

Conclusion

Kazakhstani police has been involved in the growing illicit drug trade with significant amount of drugs and money exchanged between members of criminal community and police brotherhood for a long period of time. As I have shown, several types of incentives had conditioned this illegal business relationship in Kostanay. The structure of law enforcement as a system of vertical internal incentives in Kazakhstan had, in fact, encouraged some police officers to participate in illegal drug trade, which, in turn, allowed them to accumulate significant amount of financial and political power. In this system, individual police officers are strongly encouraged to make choices beneficial for the superiors and to display loyalty to the higher-ups, and those who dare to challenge their chiefs might be swiftly punished. The Kostanay drug mafia prosecutions punished only low level and mid-level police officers, while senior officers had escaped criminal responsibility. Moreover, Soviet legacy of closed bureaucratic policing with its own statistical evaluation discourages detection and prosecution of the large-scale drug trafficking. Acting on these internal incentives, as I have shown in the preceding chapter, police officers engaged in routine predatory policing and daily business interactions with drug dealers. These police officers felt protected by their superiors and attracted by the possibility of quick enrichment through illegal drug dealing, a strong external horizontal incentive provided by the drug dealers. However, other external horizontal factors such as rivalry with the Committee of National Security and the General Procuracy, public exposure by the mass media, and shaming by non-governmental organizations, have sometimes been capable of challenging the existing system of police collusion with drug dealers. All this shows that police reform must change the system of internal and external incentives in the law enforcement agencies in order to get rid of police corruption and to tackle the large-scale drug-trafficking. Currently, prosecution of corrupt police officers only worsens the situation by victimizing the 'pawns' in the system, who had been forced to participate in the illicit activities, while being toothless in both counteracting

corruption in the higher rungs of the law-enforcement system and punishing large-scale drug-trafficking.

My thesis helps improve our understanding of political institutions' operation in states transitioning from authoritarian legacy of the Soviet Union. My deep examination of these highly resonant court proceedings against law enforcement agents shows us why and how police interacts with drug dealers the way it does, and why and how the police anti-corruption campaign is implemented in Kazakhstan. Despite the fact that scholars (Hale 2005; Olcott 2010) characterize Kazakhstan as authoritarian political regime, in which law enforcement agencies are granted wider opportunities to abuse the system in return for their non-negotiable obligation to maintain existing regime, successful prosecution of corrupt police officers does take place (Engvall 2011). Addressing this empirical problem helps observe motivations of corrupted and non-corrupted political actors participating in the fight against international illicit drug trade and anti-corruption campaign. Learning seriously about illicit police behavior, selective enforcement of law, falsification of criminal statistics, informal money extortion among police officers themselves and elite's influence in the sphere of illicit drug trade addresses the gap in the studies of post-soviet formal institutions (criminal law, criminal procedure, and statistical indicators of police performance) and informal practices (Soviet legacies, business relationships between police and drug dealers, and *Esprit de Corps*). This sharpens our understanding of post-soviet elite struggles and strategies various elite members use to accumulate more power and organize power coalitions. Moreover, my thesis sheds the light on the activities and strategies of organized crime groups flourishing in authoritarian regimes. More precisely, it contributes to comparative criminology by offering a precise explanation of why capabilities and nature of organized crime are more powerful than the law-enforcement agenda of the government of Kazakhstan. Finally, it contributes to comparative criminal justice system as a result of explanation how interaction of corruption, *Esprit de Corps* and inter departmental rivalries and cooperation in these departments shape

the quality of law enforcement performance on the regional, national and international levels. In other words, allows us to see how exactly the interplay between formal institutions and informal practices weakens the ability of Kazakhstan fulfill its international obligations in combating transnational drug trafficking.

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