



ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ
ЕҚЫҰ ЖАНЫНДАҒЫ ТҰРАҚТЫ ӨКІЛДІГІ

PERMANENT MISSION
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE

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**Statement by Permanent Representative of the Republic of Kazakhstan to
the OSCE, Ambassador Kairat Abdrakhmanov
at the 772 meeting of the OSCE Permanent Council
3 September 2009**

Current issues

Madame Chair,

I would like to thank the delegation of Sweden for the statement made on behalf of the EU regarding the case of Mr. Ramazan Yesergepov, editor-in-Chief of the weekly “Alma-Ata Info”. As you know this issue was discussed here during the PC’s meetings several times.

It should be mentioned that Mr. Yesergepov, consciously violating Article 2 of the National Law “On mass media”, which prohibits disclosure of state secrets and any other legally protected secret, has placed classified documents on the pages of his newspaper and website in the Internet.

Criminal cases with regard to Mr. Yesergepov and other accused persons were initiated on the legal basis and were carried out with compliance to all criminal and legal proceedings and under an constant procuracy supervision.

Moreover, I would like to inform that 2 days ago the Chairman of the Committee on National Security of Kazakhstan made an unprecedented official statement regarding the case of Mr. Yesergepov. It reads that according to sufficient laws of Kazakhstan neither the Committee on National Security, nor any other governmental bodies, have any rights to intercept or instruct investigators of criminal cases. This is why, the results of inspection made by the prosecutor’s office proved that allegations on the so-called “interference of the corresponding Department of the said Committee into the case of Mr. Yesergepov” are completely irrelevant.

We obviously support the following sentences of the EU statement - "Investigative journalists have a crucial role to play in holding governments to account. By revealing possible wrong-doings of the authorities they serve the development of democracy, the rule of law, human rights and fundamental freedoms." That's why I invite you to have a look at the current content of daily newspapers in my country. There is no actually single zone or person out of their criticism. The journalists are really pushing our society to further progress on its way to a truly civil society stage.

At the same time, there is a solid legislation that my government managed to create. The laws, perhaps, are not perfect – but "dura lex, sed lex". How should we introduce a so highly valued principle of the rule of law without proper implementation of the legislation's relevant provisions (in this particular case – of the legislation on state secrets)?! Moreover, all should be more informed about the details of the criminal case Mr. Yesergepov was involved in. It had nothing to do with freedom of media – I already reported earlier at the PC about the background: tax evasion and some other offences on behalf of businessmen, offences that are so severely prosecuted here in the West.

Mr. Yesergepov has infringed the Law and now takes responsibility for that. The verdict on his guilt was adopted by the Court, not by the Committee on National Security. Judicial scrutiny proved that Mr. Yesergepov has violated the law. Investigation was carried out under the supervision of the prosecutor's office. To be more precise, the change of the classification level of the documents published in the newspaper may not influence the verdict of the Court, for it is impossible because of the provisions of the Law of the Republic of Kazakhstan "On state secrets".

In this regard let me once more repeat that it is absolutely unacceptable when a journalist, being engaged in a purely criminal case, tries to escape from legal prosecution by claiming to be a victim of political pressure.

In conclusion I would like to reiterate that Kazakhstan stands ready to further cooperate with the Office of Mr. Haraszi on the issues of media legislation and practice. Today's statements will be conveyed to the relevant authorities of Kazakhstan.

Thank you, Madame Chair.