

RC.NGO/17/10

1 October 2010

ENGLISH only

Human Rights Without Frontiers

Avenue d'Auderghem 61/16, 1040 Brussels

Phone/ Fax: 32 2 3456145

Email: international.secretariat.brussels@hrwf.net – Website: <http://www.hrwf.net>



Review Conference 2010, Warsaw, 30 September - 08 October 2010

Warsaw, 1 October 2010

Working Session 2: Freedom of Expression

FREEDOM OF EXPRESSION IN KAZAKHSTAN

Human Rights Without Frontiers International

Avenue d'Auderghem 61/16

1040 Brussels, Belgium

Tel./ Fax: +32-2-3456145

Email: international.secretariat.brussels@hrwf.net

Website: <http://www.hrwf.net>

Concerns about freedom of expression in Kazakhstan

Human Rights Without Frontiers is concerned about the low level of freedom that the press can enjoy. In the last few years, the government has repeatedly harassed or shut down independent media outlets. Libel is a criminal offense, and the criminal code prohibits insulting the president; self-censorship is widespread. Most media outlets, including publishing houses, are controlled or influenced by members of the president's family and other powerful groups.

Independent media in 2009 suffered attacks, arrests, and crippling libel judgments. The weeklies *Taszharghan* and *Respublika* faced closure after courts ordered them each to pay fines of \$300,000 to \$400,000 on dubious pretexts. Ramazan Yesergepov, editor of the weekly *Alma-Ata Info*, received a three-year sentence for revealing state secrets while reporting on a corruption investigation. In December, Gennady Pavlyuk, a journalist from Kyrgyzstan, was murdered in Almaty.

The government at times has blocked websites that are critical of the regime, and legislation signed in July 2009 classifies all websites in the ".kz" domain as media outlets and imposes stringent regulations. The independent online outlet *Zonakz* and the website of the weekly *Respublika* suffered multiple cyber attacks in 2009.

In the [2009 Reporters Without Borders press freedom index](#), Kazakhstan was ranked 142nd out of 175 countries

Imprisoned journalist complains to United Nations

Imprisoned journalist **Ramazan Esergepov** has sent a complaint to the United Nations Human Rights Committee about the Kazakh authorities' refusal to grant him a conditional release.

His wife, Raushan Esergepova, handed the complaint to the head of the Kazakhstan Bureau for Human Rights in Almaty on July 28. The bureau has forwarded it the United Nations.

The editor of the weekly *Alma Ata Info*, Esergepov was arrested in January 2009 and was sentenced the following August to three years in prison on a charge of revealing state secrets in a 2008 article. Having served a third of his sentence, he could be paroled but the authorities have refused to release him.

Jailed for publishing an article about alleged influence-trafficking involving a leading businessman and representatives of the National Security Committee (KNB), the KGB's successor, Esergepov is being held in Prison Camp No. 158/2 in the southern city of Taraz – a long way from Almaty, where his family lives.

Esergepov was unjustly convicted for drawing a case involving state officials to the public's attention. He was punished for shedding light on something the authorities would prefer to hide. Not only was his trial marked by irregularities and his initial sentence unjust, but the decision to keep him in prison now shows that his detention is politically-motivated."

Esergepov went on hunger strike from 6 to 11 June to protest against his continuing imprisonment and the OSCE's inability to tackle human rights violations in Kazakhstan. He

has several serious medical conditions including diabetes and hypertension and was transferred to the prison infirmary on 12 July.

Arrested on 6 January 2009, Esergepov was sentenced to three years in prison and a two-year publishing ban on 8 August 2009, at the end of a trial held behind closed doors that was accompanied by serious irregularities. A Taraz court confirmed the sentence on 22 October 2009.

More court rulings violating freedom of expression

On 21 April 2010, a ruling by a court in the western city of Ural ordered a local newspaper, *Uralskaya Nedela* (Ural Week), and one of its reporters, **Lukpan Akhmedyarov**, to pay 20 million tenges (136,000 dollars) in damages to an oil industry company, especially as the size of the award could force the weekly to close.

In an article headlined "Hidden invitations to tender" that was published on 6 August 2009, Akhmedyarov criticised the fact that the company Tengizneftestoy seemed to be so sure of winning a contract that it began assembling equipment and workers before companies had been asked to submit bids.

Tengizneftestoy acknowledged during the trial that it had acted as Akhmedyarov claimed but nonetheless insisted it had been defamed by the article.

Human Rights Without Frontiers is particularly shocked by the size of the damages, even if less than the amount demanded by the company. The court was clearly aware that it would have the almost certain effect of bankrupting the newspaper.

On 23 April 2010, an administrative court in the southern city of Almaty fined **Guljan Ergalyeva**, the editor of newspaper *Svoboda Slova* (Free Expression), 250 dollars for depositing flowers at the independence monument in the city's main square and for talking about the importance of freedom of expression and assembly during a banned demonstration on 17 April by the opposition party Azat after its congress. The court accused her of organising the demonstration. ***Human Rights Without Frontiers*** regards the fine as disproportionate.

Two members of the "For a free Internet" movement appeared in court on 23 April for participating in a "flash-mob" protest against the telecommunications company Kazakhtelecom, which blocked access to websites without having the authority to take such action. **Irina Mednikova** got a warning while **Zhanna Baytelovoy**, the alleged organiser, was fined under article 373 of the administrative code.

The case of Vadim Kuramshin

Vadim Kuramshin, a lawyer currently campaigning for the rights of prisoners, was due to meet Mr Joe Higgins, a member of the European Parliament, in the Premier Hotel in Karaganda on the 30th of August 2010 to inform him about serious human rights violations taking place in the penitentiary establishment ETs 165-25. Unfortunately Vadim never made it to the meeting as he had been arrested in Kochetav as he was preparing to leave for Karaganda on the 28th of August. He was sentenced to 10 days detention on an administrative charge. That is how freedom of expression is also violated in Kazakhstan.