



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 Abdрахmanov
at the 747th meeting of the OSCE Permanent Council
22 January 2009**

Current issues

Madame Chair,

I would like to thank delegation of the Czech Republic for a statement made on behalf of the EU and delegation of the USA for a statement regarding the case of Mr. Yesergepov, editor of the weekly 'Alma-Ata Info'. As you know Mr. Harasti has raised this issue earlier before the Kazakhstan authorities.

Let me clarify on the abovementioned case from the available sources – press-releases of the Kazakhstan National Security Committee and its regional offices. On November 21, 2008 Ramazan Yesergepov published in his newspaper and its web edition secret classified documents of the National Security Committee regarding the investigation of the criminal case thus having violated the National Media Law.

These materials relate to the tax evasion committed by the "Taraz" company (in South Kazakhstan) amounted to about 6.7 million US dollars. Owner of the "Taraz" company Mr. Makhmadov, well-known name in business community of Kazakhstan and other post-Soviet area, organized theft of the investigation documents from regional office of the National Security Committee and handed them over to Mr. Yesergepov for further publication. There is a proof that Mr. Yesergepov received a remuneration for publishing these documents. Moreover, the articles sketches with Mr. S.Makhmadov's personal editing marks were found during the search in the newspaper office.

As stated in the press-release, publication of these documents caused serious harm to the interests of investigation. According to the expert' conclusion,

information contained in the publication pertains to the state secrets of Kazakhstan.

This was the reason that on 5th of January the criminal case against Mr. Yesergepov was initiated.

Before that several times, even through the media announcement, he has been invited as a witness to the investigation authorities for interrogation. But he always refused to accept summons. On various reasons he evaded from appearance at the bodies of preliminary investigation though he promised to come. After several attempts to have Mr. Yesergepov to meet the investigator, on January 6, 2009 the decision of his compulsory bringing to the investigation office was taken.

As actions of Mr. Yesergepov were recognized illegal, on 8th of January 2009 the Taraz city court took a decision to keep him under arrest.

We fully agree that OSCE commitments oblige participating States to realize society's right to freely discuss issues of public importance, including, but not limited to, corruption, bureaucratic wrongdoing, nepotism and environmental carelessness. I would like to add that society has the integral right to freely discuss issues of criminal nature, especially those which endanger peace and security in it. But it is absolutely unacceptable when journalist abuses the sacred power of public word and influences on public opinion being engaged into purely criminal action thus trying to escape from legal prosecution and claiming to be a victim of political pressure.

One has full right to guess that a current legislation of Kazakhstan is not perfect. At the same time one should admit that the Kazakh authorities are taking quite robust, persistent and continuous efforts to improve relevant legislation. In this particular case of Mr. Esergepov law enforcement authorities of Kazakhstan are demonstrating unprecedented openness and willingness to cooperate with mass-media in order to provide objective and comprehensive information on this issue.

In this particular case a citizen of Kazakhstan, journalist by profession, was involved into purely criminal action and is trying to escape from legal prosecution 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. Harasti to improve its media legislation and practice.

Thank you, Madame Chair.