

We demand condemnation of the actions trampling upon human rights on the part of the state – the future 2010 OSCE Chairman-in-Office

A well-known human rights activist and public figure, YEVGENY ZHOVTIS, was convicted in Kazakhstan in early September. He was sentenced to four years of deprivation of liberty for a violation of road traffic and vehicle operation rules resulting in the death of a man through carelessness. However, we are certain that the guilt of Yevgeny Zhovtis was not proved in court. Moreover, his trial demonstrated that political forces were clearly present in the indictment of a human rights activist and that this pre-determined the prosecutorial bias of the court proceedings. The way the investigation was conducted and the trial was carried out leaves no doubt that the Kazakhstani authorities cynically used this accident as a convenient excuse to do harm to a human rights activist for his principled position in evaluating the human rights situation and standing up for those seen as undesirable by the authorities.

The conclusions of the investigation in the case of Zhovtis were based on untrue and distorted data fabricated by the organs of inquiry, favoring the prosecution's case. In his trial, Zhovtis was completely deprived of the opportunity to provide evidence showing that he was not guilty, the trial was biased, incompetent and lacking in objectivity.

Defenders of Zhovtis, local and foreign observers, representatives of public organizations and journalists present at the trial – everybody – noted flagrant violations of the legislation, made throughout the whole of the trial.

This was manifested

- in the one-sidedness and incompleteness of the court investigation;
- in the fact that the conclusions the court reached in sentencing did not correspond to the factual circumstances of the case
- in the serious breach of criminal procedure law;
- in the incorrect application of criminal law;
- in the fact that the punishment did not fit the offence or the personality of the convicted.

Suffice it to say that there were two different sentences in Zhovtis' case: one read by the judge in court and the other one which his defense lawyers were given after the trial.

All this leaves no doubt that Zhovtis was tried not like someone involved in a road traffic accident but as a human rights activist.

Our certainty about the fact that politics underlies the persecution of Zhovtis is supported by the overall disturbing trend which can be observed in today's

Kazakhstan. Conviction of Zhovtis, a human rights activist, is a logical continuation of the policy of Kazakhstani authorities to restrict the rights and freedoms of citizens, to retreat from democratic standards of fair trial, gross disregard of law, disrespect towards basic principles of law, stamping out any dissent and freedom of expression. This also shows itself in putting ongoing pressure upon the independent mass media, defense lawyers, religious and public organizations; in political assassinations of opposition leaders; in adoption of the law regulating the Internet; in court proceedings against such opposition leaders as Bulat Abilov, Asylbek Kozhakhmetov and Tolen Tokhtasynov; in the flagrant violation of the right to defence in the case of Moukhtar Dzhakishev, former head of Kazatomprom, which is being investigated at present; as well as in the recent conviction of journalists Ramazan Yesergepov and Tokhniyaz Kouchukov.

And all this is happening at a time when Kazakhstan is preparing to become the OSCE Chairman-in-Office. The fact that next year the position of the OSCE Chairman in Office will be taken by the country which demonstratively violates the principles of this organization, is, in our opinion, a direct challenge to the OSCE and its fundamental values.

In this connection we strongly request OSCE member-states to condemn the actions of Kazakhstani authorities regarding the restrictions of rights and freedoms, and political persecution of journalists and human rights activists, and to consider the issue of incompatibility of the said actions of Kazakhstani authorities with the principles and standards of this Organization.

Public Committee in support of Evgeniy Zhovtis