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**CONTRIBUTION OF REPORTERS WITHOUT BORDERS (RSF)
ABOUT PRESS FREEDOM IN KAZAKHSTAN**

Reporters Without Borders (RSF) is an independent non-governmental, non-profit organization, recognized as being of public interest, endowed with a special consultative status in relation to the United Nations, UNESCO, the Council of Europe, the International Organization of La Francophonie (OIF) and the African Commission on Human and Peoples' Rights (ACHPR). Headquartered in Paris, RSF has bureaux, sections, or representatives in 18 cities (Berlin, Brussels, Dakar, Geneva, Helsinki, Istanbul, Karachi, Kiev, London, Madrid, Mexico, Rio de Janeiro, San Francisco, Stockholm, Taipei, Tunis, Vienna, and Washington), correspondents in 130 countries and some 15 local partner organizations.

The press-freedom situation: an ever-more oppressive atmosphere

Kazakhstan, which ranked 158th of 180 countries in the 2019 World Press Freedom Index published by Reporters Without Borders (RSF), is marked by grave violations of freedom of information. The situation has only worsened since the last Universal Periodic Review, in 2014. The Kazakh authorities responded to that review with denial, affirming that **10 recommendations¹ concerning press freedoms and freedom of expression were already being put into practice in their country, while rejecting the nine most specific recommendations² on that subject.**

The bloody repression of the disturbances in Zhanaozen, in 2011, marked the beginning of a freedom-killing spiral that is heading towards the elimination of any voices that are critical of the government. The eradication of media pluralism, patent since 2013 with the closure of the main national opposition media, is close to being achieved. Despite the government's repeated promises, defamation

¹ 124.22; 124.24; 124.25; 124.26; 124.27; 124.28; 124.29; 124.30; 124.39; 124.47

² 126.35; 126.36; 126.37; 126.38; 126.39; 126.40; 126.42; 126.43; 126.46

and calumny still have not been depenalized. The repression of « extremism » is widely employed to silence news that is critical. Petty administrative infractions have been invoked to justify the suspension, or even the definitive shutting-down, of the few remaining independent media.

In March of 2019, the change of the name of the capital city, after the former Senate president Kassym-Jomart Tokayev was named president of the country, set off demonstrations in the capital, in the course of which one journalist was arrested and other reporters were prevented from doing their work. RSF fears an intensification of the pressure on journalists in this atmosphere of social tension.

Harassment of journalists in various forms and impunity

Independent journalists and bloggers are the targets of harassment that takes various forms: arbitrary convictions have multiplied while the threats and aggressions that they often face are usually carried out with impunity. The authorities don't hesitate to resort to methods worthy of the Soviet era.

- In the South of the country, in Shymkent, the blogger **Ardak Achim** was forcibly put into a psychiatric hospital on March 31 2018, after charges were brought against her for articles that were critical of the authorities. She was taken straight from the police station to the psychiatric facility. Two weeks earlier, Ardak Achim had been questioned and her home had been searched, in the course of an investigation that had been opened against her for “incitement to hatred”. A local judge justified the investigation on the basis of the “articles critical of the authorities” that she had published in Facebook. She was freed on 10 May 2018.
- On 14 May 2017, **Ramazan Eserguepov** was repeatedly punched in the abdomen by two individuals on board a train going from Almaty to the capital, Astana. The well-known journalist and human rights activist, who had come out of prison five years earlier, was travelling to the capital to meet with European diplomats to inform them about the press freedom situation and about the arrest of the journalist **Janbolat Mamay**. He left the country shortly after the attack, which has had lasting ill-effects, and has received political exile in France.
- The journalist **Yaroslav Golyshkin** is presently serving a five-year prison sentence for « blackmail », « extortion », and « corruption of a minor ». He was investigating a case of rape involving the son of the governor of Pavlodar when he was arrested, 14 May 2017. Glyshkin, who is known for his professionalism and integrity, is the editor-in-chief of the local newspaper *Versia*, which is often critical of the regional authorities. When Glyshkin testified as a witness in the case, he had refused to make a false statement against the lieutenant governor, whom the authorities wanted to frame. Following this refusal, the authorities decided to arrest him.

Harassment is particularly evident during demonstrations, which often lead to being questioned by the police, and also takes the form of blocking social media (cf. repressive legislation and controlled internet).

- **Svetlana Glushkova**, a journalist for *Nastoyashee vremya*, a television network accessible through internet that is run by *Radio Free Europe/Radio Liberty* in cooperation with *Voice of*

America, was taken in for questioning by the Kazakh authorities twice in the same day, 22 March 2019, when she was covering a demonstration in the country's capital against its name being changed.

- A wave of arrests of journalists took place 21 May 2016 in connection with demonstrations against the agricultural land reform. A local organization for freedom of expression, *Adilsoz*, has reported that 44 journalists were arrested and that social media were blocked for several hours. Most of those websites were restored, although many had to pay stiff fines for “disturbing the peace”.
- Even foreign journalists are not exempt from arbitrary questioning: the French journalist **Vincent Prado** was arrested on 27 September 2018 while covering the Zhanaozen events, in Aktau, in western Kazakhstan. He was released after paying a fine of 61,000 tenge (about 157 USD) and being forbidden to work in the region again. On appeal, Prado won his case, with a court ruling that his arrest was illegal.

Suppression of the last remaining critical media

The government makes use of different techniques in order to silence its critics in the media, such as investigating and interrogating critical media on administrative pretexts. This policy of blanket repression of independent media and their journalists does grave harm to pluralism in Kazakh media in general.

- At the conclusion of a police investigative intervention on 2 April 2018 in Almaty, part of the equipment belonging to the magazine *Forbes Kazakhstan* and the news website *Ratel.kz* was seized. Access to *Ratel.kz* was blocked for a year and four journalists were taken in for questioning. Both of these media were charged with slander by a Kazakh businessman, Zeynoulla Kakimzhanov, when they investigated cases of corruption in which the former minister and his son were implicated. On 28 May 2018, the editor-in-chief of *Ratel.kz*, **Marat Asipov**, was forbidden to publish news. He was found guilty of irregularities in the registration, use, and distribution of domain names, such as the use of the English and Kazakh languages under a domain name registered in Russian.
- The editor-in-chief of the opposition newspaper *Tribuna / Sayasi Kalam*, **Zhanbolat Mamay**, was arrested on 10 February 2017. The next day, an Almaty court ordered he be held for at least two months awaiting trial. Five of his associates and colleagues, including the deputy editor, **Inga Imanbay**, have also been questioned and their homes have been searched. Their computers, telephones, notebooks, and other tools have been seized. The newspaper's owner was pressured into closing it down and dismissing Zhanbolat Mamay, who was freed on 7 September 2017 but is banned from practicing journalism for three years.
- The news media are at risk of being closed down even for minor bureaucratic reasons: six months after it was launched, the opposition newspaper *ADAM*, founded by the well-known opposition

journalist **Goulzhan Ergalieva**, was suspended for three months on the grounds that it had not published articles in the Kazakh language. Following that, a general in the KNB, the National Security Committee, sued for attacks on his “honor and dignity”. The newspaper declared bankruptcy after being condemned to pay heavy damages. *ADAM* was founded just after the weekly *ADAM bol*, was suspended and ordered to pay substantial fines for minor administrative infractions.

- At the end of 2012, the Kazakh government ordered a search of the offices of *Respublika*, a newspaper whose publication was then suspended because of charges of “inciting social discord” and “disseminating extremism”. The newspaper’s founder, **Irina Petrushova**, went into exile in the United States. The Kazakh authorities doggedly continued to pursue the newspaper, going to American courts to try to force the website’s host to close it down and to seek the identification of the site’s supporters via Facebook.

Repressive legislation and control over internet

The Kazakh government has continued to toughen its legislation restraining freedom of the press and freedom of expression. In 2017, a series of amendments to the media law aimed against investigative journalism and access to public information were passed, even though Kazakh law already included many restrictive measures.

- A 2015 law brought “spreading false information” back into the penal code (article 274), backed by prison terms of up to three years, one year of suspension and hefty fines. Soon after, a series of court decisions have involved the banning of independent media in the application of that law. Some journalists have been sentenced to prison, such as **Guzial Baydalinova** of the website *Nakanune.kz*, who published news about corruption cases. She spent five months in jail awaiting trial before receiving a suspended sentence of a year and a half in prison.
- In 2017, the media law was amended to require journalists to get permission from anyone mentioned in their articles before publishing confidential « personal and family » information. This could apply to ordinary citizens or to public figures, in which case information of general interest might be involved.
- Another amendment to the media law restricts the right of access to state-held information. Officials are now allowed more than twice as much time to respond to questions from journalists, which means the requested information is often out of date or no longer newsworthy by the time it is provided. Officials are also increasingly likely to respond that the requested information is classified.

Similarly, the communications laws have also been amended. As Internet use has become much more extensive thanks to the development of mobile phones and telecommunications in general, the Kazakh authorities have brought this last space for free speech under their control. They are steadily tightening their grip on the Internet by means of legislative reforms that allow the intelligence services to block

websites and suspend access without reference to the courts. Since January 2016, Internet users have also had to install a “national security certificate” that facilitates extensive surveillance of the Internet by the Kazakh intelligence services. This encroachment on their rights, on the grounds of combatting terrorism, chiefly affects social networks, which are the main channels of communication and the last remaining areas for free speech.

- Since January 2017, Kazakh citizens are required by an amendment to the communications law to identify themselves in order to post comments on news websites. Their details are stored for three months.
- Amendments to the July 2004 “means of communication” law took effect in January 2017. They give the National Security Committee (KNB) the right to suspend access to “networks and (or) means of communication” without waiting for a judge’s go-ahead. In practice, this means that the KNB is able to block access not only to social networks such as Facebook and Vkontakte (Russia’s biggest social network) but also to messaging services such as WhatsApp and Viber. These control tools are often used by the authorities, who do not hesitate to block networks during demonstrations and protests, but also block communications in general

Recommendations

RSF urges the Kazakh authorities to:

- Immediately and unconditionally release all professional and non-professional journalists who are being held pending trial or who have been convicted simply for exercising their profession or their right to free speech and the freedom to inform.
- End judicial and administrative harassment of media, journalists and independent bloggers.
- Take all necessary steps to ensure that those responsible for acts of aggression against news and information providers are identified, prosecuted and punished
- Reform the criminal code so as to decriminalize press offences and defamation.
- Amend Internet legislation so as to ensure that no website can be blocked without a court hearing that gives the website an opportunity to defend itself.

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