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Draft law in Kazakhstan could seriously restrict NGO activities to promote freedom of the media, OSCE Representative says

OSCE.org (19.10.2015) - <http://www.osce.org/fom/192946> - OSCE Representative on Freedom of the Media Dunja Mijatović today warned of new legislation in Kazakhstan that could limit the activities of NGOs, including media NGOs.

“Introducing legislation that would put NGOs under strict governmental supervision, including the control of foreign grants, is worrying for civil society actors in general,” Mijatović said. “As the bill also introduces possibilities for the government to limit the priorities of the NGOs and exclude freedom of the media from their area of work, it could pose a clear threat to free media in the country.”

On 23 September the lower chamber (the Majilis) of the Parliament adopted a draft law that would allow the government to have operational control over foreign grants. Furthermore, the bill allows for the government to identify priority areas for the NGOs, restricting it to a limited number of social programmes and projects only. The list of priorities does not include media freedom.

On 8 October the draft was approved by the Senate of the Parliament in the first reading.

“I call on the members of the Senate to carefully review the provisions of the bill, in close co-operation with civil society, in order to avoid its arbitrary application and ensure an enabling legal, regulatory and policy environment for NGO activities, including those working on free media matters,” Mijatović said.

“Free media play an essential role in any society to promote and protect the freedom of expression, which is a fundamental right and a vital precondition for the implementation of other civil rights and freedoms, as well as for the democratic development of the states.”

Kazakh university accused of firing professor over lecture on Ukraine

Academic claims he is being removed from post after Russian diplomat complained talk would 'introduce falsehoods into students' minds'.

The Guardian (26.08.2015) –

<http://www.theguardian.com/world/2015/aug/26/kazakhstan-nazarbayev-university-marcel-de-haas> - When Kazakhstan opened the doors of the Nazarbayev University in 2010, the institution was hailed as a promising new bastion of academic freedom in an educational system still hobbled by strict Soviet standards.

But a row brewing at the university threatens to dent those aspirations and expose the limits of this freedom of expression..

On Monday, Professor Marcel de Haas went public with allegations that he has been squeezed out of his post at the state-funded university over a lecture on the conflict in Ukraine, due to take place last year, which the institution cancelled because it was deemed "politically sensitive".

He says his dismissal will be effective from November, but the class he was supposed to start teaching this week has been cancelled too.

De Haas, 54, a retired Dutch military officer with an extensive body of work on security issues across the former Soviet Union, claimed the initial impetus to prevent the talk came from the Russian embassy.

"This Russian interference puts Kazakhstan's independence in doubt," De Haas said in a statement outlining his allegations against the institution. "How does [Nazarbayev University] think it can ever reach the level of world-class universities if a basic principle as academic freedom is not warranted and people that go against that are dismissed?"

The institution's press office and numerous management staff were contacted for comment, but none had replied by the time of publication.

Introducing 'falsehoods'

De Haas said his differences with the institution's administration were exposed last year when his scheduled talk on the conflict in Ukraine was suddenly scrapped.

The cancellation followed a complaint to the university by Ruslan Kuznetsov, the defence attache at the Russian Embassy in Astana, De Haas said.

The Russian diplomat's letter, sent to the university's administrative staff and copied to an official at Kazakhstan's Defence Ministry, warned that De Haas's proposed lecture, titled The Russian-Ukrainian Conflict, would "introduce falsehoods into the minds of students".

Kuznetsov's letter went on to describe what he saw as a more appropriate description of events in Ukraine, a version he said would better educate the university's students.

"What is operating in Ukraine is a US-controlled ultra-nationalist regime that aims to destabilise the situation in south-east Europe, broaden the market for American goods and services, and gain control over the energy infrastructure of Ukraine," Kuznetsov wrote.

Kuznetsov argued that attempts by the Ukrainian authorities to divide the country along religious and linguistic lines were leading to bloodshed. The letter also proposed sharing with students the theory that the Malaysia Airlines passenger jet MH17 that was shot down over east Ukraine was intentionally redirected by Ukrainian air traffic controllers over a dangerous area as part of a Western plot to discredit Russia.

Kuznetsov failed to respond to requests for clarifications on whether he was attempting to influence Nazarbayev University's academic policies.

The diplomat's correspondence was followed by an email to De Haas from Nazarbayev University vice president for student affairs, Kadisha Dairova, warning him against pursuing the issue further.

"I learned from Arman [Zhumazhanov, head of Nazarbayev University's Department of International Cooperation] that you are still planning to hold a lecture on the Russian-Ukrainian [sic] relations. I do strongly urge you NOT to do this at Nazarbayev University or elsewhere as a faculty member of this University," Dairova wrote.

Dairova did not respond to requests for comment.

Her position, however, appears to contravene the ethos conveyed by the Nazarbayev University graduate school of public policy's dean, Neil Collins, in his message on the institution's website, which informs aspiring students that they stand to "receive an education that emphasises critical thinking and analytical capacity."

De Haas said the procedure to have him dismissed began at the start of 2015, while he was away for 10 weeks on sick leave because of a sports accident.

The professor said the university later dismissed him under a labour law allowing for termination of a contract in the event of there not being sufficient work for an employee.

Agreeing with Russia

Kazakhstan's president Nursultan Nazarbayev's own views on the conflict in Ukraine are aligned with Russia's position.

At an international summit in March 2014, before war broke out in eastern Ukraine, Nazarbayev criticised the new leadership in Kiev, arguing that they had come to power through "an unconstitutional coup d'état".

Kazakhstan has been investing heavily in its education system, which it sees as crucial to transforming the country into a technologically advanced and diversified economy. In its most recent budget projections for 2015–2017, the government estimated education expenditure over the three-year period would reach 1.7tn tenge (approximately \$9bn), with a significant portion going to Nazarbayev University, situated in the country's capital, Astana.

The university began producing its first graduates this year, when more than 400 students received their bachelor's degrees after five years of study.

Nazarbayev called the 15 June graduation ceremony the fulfilment of his dream of creating a world-class educational establishment. "Before me I see the first holders of diplomas of the university to which I gave my name. I gave this name especially so that it would receive the attention of the government and Kazakhstan," Nazarbayev said.

De Haas said that he has made his complaint public so Nazarbayev might personally take action against what the professor described as maladministration and money-wasting by officials in the university.

"It is high time that President Nazarbayev himself calls them to order, for their abuse of power and waste of taxpayers' money," De Haas said. "Not for me but for the nation of Kazakhstan, I hope that justice prevails."

Situation of human rights in Kazakhstan

Open Dialog Foundation (05.02.2014) - **23 January 2014 marked the second anniversary of the arrest of Vladimir Kozlov**, leader of the now banned opposition party Alga!. Arrested days after having returned from a series of meetings at the European Parliament and the European Commission.

Tried on 16 August 2012, he was **found guilty and sentenced** on 8 October 2012 to 7,5 years in prison and confiscation of assets.

We remind you that he is still serving his term in a detention facility in Petropavlovsk, over 2000 km from his family, while his wife have recently given birth to their first child. On a number of occasions, the authorities have either **ignored the requests for a transfer** to a closer facility or given evasive and illogic explanations to their negative decision.

A number of international observers have **requested a possibility to visit Kozlov** in prison, amid reports of his poor health conditions and provocations he suffers. The authorities have yet to give a permission for any such visit.

At this occasion, the Open Dialog Foundation organised a **sensibilization action in Warsaw**, Poland in order to draw attention to Kozlov's situation.

Furthermore, in order to present the broader overview of the developments in Kazakhstan with regard to civil liberties and human rights, **we recommend the lecture of the following articles:**

<http://www.tol.org/client/article/24114-kazakhstan-newspapers-feel-the-screws-tighten.html>

Concerning the **suppression of freedom of the press**: any newspapers that dare to criticise the Kazakh president, Nursultan Nazarbayev, or his government, are being fined and suspended or banned entirely, such as independent newspapers, *Pravdivaya Gazeta* and *Ashyk Alang/Tribuna*, and the Communist Party paper, *Pravda Kazakhstanana*. *The Ashyk Alang/Tribuna's* 'crime' was not informing the authorities that they were taking a holiday from publishing in August 2013.

<http://www.ipsnews.net/2013/12/domestic-violence-rising-kazakhstans-political-agenda/>

Concerning increasing cases of **domestic violence**, notably against women in Kazakhstan, whether within a marriage or in public places. This literary graphic article adds that the sentences imposed – when they are imposed- on the perpetrators – do not appear to often include any prison sentences.

<http://www.eurasianet.org/node/67971>

Finally, in what was a landmark ruling by the Kazakh Courts, an individual, following a seven-year legal battle, was successful in his claim after being tortured by Kazakh police. The Appeal court upheld an earlier ruling and awarded the individual pecuniary damages for his ordeal while being held in detention in attempts to extract a confession. Such torture is worryingly commonplace in detention and includes such actions such as crucifying, leading to deaths.

Many other cases of denounced use of torture are still unpunished, including testimonies by those arrested after the tragic suppression of the Zhanaozen protests in December 2011.

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Against Propaganda of xenophobia and radical nationalism in mass media and communication institutions

World Without Nazism (14.02.2013) - International human rights movement "World Without Nazism" expresses its concern with the growing propaganda of radical nationalism and xenophobia in the media and social networks of the Republic of Kazakhstan, as well as the attempts of history falsification, glorification of Turkestan Legion («Osttürkischer Waffenverband») of SS and other Nazi collaborators during World War II.

Astonishing is media's active dissemination of the interpretation of the Soviet period in the country's history as colonial, when the indigenous population was allegedly oppressed by the non-titular nations, who almost deprived them of their native language and religion.

Of equal amazement is the fact that, in the media and communication institutions of Republic of Kazakhstan, with increasing frequency communism is equated to Nazism. Attempts to review the results of World War II and present real events as a myth were already the subject of proceedings and parliamentary inquiries in parliament of the country. Instead of Panfilov Heroes, who defended Moscow, today the society is offered new heroes - the soldiers of Turkestan Legion of SS, which are referred to as "fighters against Bolshevism", even though they have never participated in the military clashes against the Red Army.

Causes outrage the openly xenophobic campaign, launched recently in pages of several print media and Internet in Kazakhstan. Its goal - to inflame ethnic strife in the country. Particularly dangerous and unacceptable, we believe, is the spread of threats in social networks against people opposed to the revival of Nazism and xenophobia.

Surprising is also the fact that, so far not one criminal case on charges of inciting ethnic hatred has reached court, despite the presence of the relevant articles in the Criminal Code and the Constitution.

We believe that this regrettable practice is not only contrary to the long-standing policy of President Nursultan Nazarbayev, but also to the international obligations assumed by the Republic of Kazakhstan, as well as the resolution of UN General Assembly "Glorification of Nazism: the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", which Kazakhstan supported in a vote in 2012. In addition, unpunished activities of nationalist radicals, the atmosphere of permissiveness and civil conflict affects the international image of Kazakhstan, for many years serving as an example of inter-ethnic and inter-religious peace and harmony for the world.

We call upon the competent authorities in the Republic of Kazakhstan to stop the aggressive nationalist propaganda in the media and social networks of the country and restore the rule of law in this difficult, but very important to everyone, aspect of human and international relations.

We also appeal to the media and communication institutions with a call to prevent the incitement of ethnic and religious hatred, and strictly comply with the legislation of the Republic of Kazakhstan

Dr. Valery Engel,

First Vice-President.

Kazakhstan must not muzzle media outlets

Amnesty International (22.10.2012) - The Kazakhstani authorities must not use "extremism" as a pretext to muzzle freedom of the press, Amnesty International said today after an attempt by the General Prosecutor's Office to close down some 40 opposition media outlets and websites.

On Wednesday the Almaty city Prosecutor filed a court complaint seeking to close down almost all remaining independent and opposition media – accusing them of being "extremist", inciting social discord and threatening national security.

Amnesty International echoes the concerns of 15 Kazakhstan-based human rights organizations who blasted the move, saying it appears to be the culmination of efforts by the authorities to curtail independent media outlets in the Central Asian country.

"Kazakhstan's remaining independent voices are at serious risk of being silenced forever if the courts follow through on this complaint," said David Díaz-Jogeix, Deputy Director of Amnesty International's Europe and Central Asia Programme.

The Prosecutor's complaint covers eight print media and 23 websites owned by a single media conglomerate, as well as one other newspaper and its supporting websites, and two independent TV channels which broadcast over the internet. It also calls for the unregistered opposition party Alga and the unregistered social movement Khalyk Maydany to be classified as "extremist".

Clampdown after violent clashes

On Monday, an appeals court in the south-western region of Mangistau upheld the prison sentence of Vladimir Kozlov, the leader of Alga, one of Kazakhstan's unregistered opposition parties. He was previously charged with inciting violent protests during an oil industry workers' strike in December 2011.

What began as celebrations of the 20th anniversary of Kazakhstan's independence turned into the country's worst violence in recent history when clashes broke out between protesters and police in the south-western city of Zhanaozen on 16 December 2011.

At least 15 people were killed and more than 100 seriously injured. The violence followed months of strikes by oil industry workers in Mangistau region over trade union rights and pay and conditions.

In subsequent trials earlier this year, five senior security officials were found guilty of abuse of office and sentenced to five years in prison for having allowed or used excessive and lethal force to disperse crowds of protesters.

Seven labour activists and protesters were sentenced to up to seven years in prison in May 2012 after Mangistau regional court convicted them of organizing or participating in the Zhanaozen protests. All the defendants maintained their innocence and claimed that police tortured them to extract confessions.

In March this year, Amnesty International expressed concern about moves to hold labour and political opposition activists criminally responsible after they travelled abroad to brief international governmental organizations and foreign governments on the strikes and ensuing violence in Zhanaozen. New national security legislation, which came into force on 6 January 2012, makes "damaging the image of Kazakhstan abroad" a criminal offence.

Others who distributed literature and publicized the striking workers' concerns within Kazakhstan were also at risk of being held criminally liable under a provision in the security law which penalizes individuals for "influenc[ing] public and individual consciousness" through the distribution of "distorted" and "unreliable" information "to the detriment of national security."

Intimidation of media workers

Kazakhstani media workers and their relatives have also been targeted by recent court cases and incidents of harassment.

In its verdict against Kozlov on 8 October, the court of first instance labelled several opposition media outlets that had covered the 2011 strikes and the investigations into the Zhanaozen violence – including the newspaper *Golos Respubliki* – as "political extremists" that incite "social hatred".

Under Kazakhstani law, "political extremism" is a criminal offence which has its roots in Soviet times and carries a prison sentence of up to seven years.

Several weeks after the initial ruling against Koslov, on 31 October Askar Moldashev – the brother of *Golos Respubliki's* editor and owner – was arrested on what Amnesty International believes were fabricated drugs charges.

He was initially held without access to his lawyer or family and had to be hospitalized while in detention. On 2 November the Bostandyk District Court sanctioned two months of pre-trial detention for Moldashev and called for an investigation into his allegations about violations during his arrest and subsequent detention last month.

According to *Golos Respubliki*, its director Daniyar Moldashev – the brother of the detained man – has also been the target of political persecution in the past and had to hide abroad for a few months to undergo medical treatment earlier this year.

"This ongoing harassment of media workers and their relatives presents a serious affront to freedom of expression in Kazakhstan and must end," said Díaz-Jogeix.

"The Kazakhstani authorities must protect the right to freedom of expression – including freedom of the press – and ensure that media workers can carry out their jobs without fear of reprisals and smear campaigns against them and their relatives."
