



Independent and opposition media in Kazakhstan are on the brink of annihilation



In order not to suffer the same fate as the ousted authoritarian government in Ukraine, Kazakhstan authorities crack down on inconvenient journalists and adopt repressive amendments against the media in the law

Content

1. Introduction: The authorities ‘shut off the air supply’ to independent media.....	p. 3
2. ‘Draconian’ laws are destroying the remnants of freedom of speech in Kazakhstan.....	p. 4
3. Pressure on independent journalists: the closure of newspapers, prosecutions, searches.....	p. 6
3.1. New methods of oppression: releases of independent media are suspended for minor technical violations.....	p. 6
3.2. Journalists face jail sentences for libel; some are forced to flee the country in search of protection.....	p. 7
3.3. Searches in the offices and the confiscation of property of the human rights organisation ‘Amansauyk’ and the film production centre ‘Rakurs’.....	p. 8
4. Restrictions put on the professional activities of journalists of the ‘single media outlet ‘Respublika’.....	p. 10
4.1. Banning of a number of independent mass media outlets on the basis of the ruling handed down against Vladimir Kozlov.....	p. 10
4.2. The suspension of the release of the ‘Assandi Times’ newspaper and restrictions on the professional activities of former employees of the ‘single media outlet ‘Respublika’.....	p. 10
5. Beatings and arrests of independent journalists.....	p. 13
5.1. Attacks on independent journalists.....	p. 13
5.2. Arrests of bloggers for participation in a protest action.....	p. 14
5.3. Arrest of the opposition journalist Andrey Tsukanov.....	p. 14
6. Conclusions and recommendations: the authorities should repeal the amendments to the law which are repressive towards mass media.....	p. 16

1. INTRODUCTION: THE AUTHORITIES 'SHUT OFF THE AIR SUPPLY' TO INDEPENDENT MEDIA

Over the past 1.5 years, independent and opposition media in Kazakhstan have found themselves on the brink of annihilation. After the Zhanaozen tragedy [1], Kazakh authorities witnessed the authorities' determination in the fight against political pluralism and dissent in the country, as well as their desire to maintain control of the information space and public opinion.

In connection with the revolutionary events and the overthrow of the authoritarian government in Ukraine, Kazakh authorities are striving to protect themselves from potential public protests. For this purpose, amendments which are repressive towards the media, are being introduced through legislation. In particular, the Kazakh authorities have given themselves the power to compulsorily censor and arbitrarily close any media outlets during states of emergency. This policy is aimed at preventing the 'leakage' of information which is inconvenient for the authorities, as happened in 2011, when the world heard about the sanguinary massacre of protesting oil workers in Zhanaozen. In addition, the Kazakh parliament permitted the General Prosecutor to suspend social networks and Internet resources without a trial, should they be deemed to have been used for 'criminal purposes'.

After closing all the most influential independent media outlets in December 2012, Kazakhstan has continued to oppress smaller (in terms of the circulation volume) independent media outlets. In violation of all its international obligations, the Kazakh government is conducting a full 'mopping-up' of the information field. The mechanism of closing or suspension of the issues of inconvenient media outlets is carried out through litigation, which is merely a formality and follows an identical scheme with gross violations of the principles of a fair trial. Independent journalists are subjected to systematic pressure in the form of threats, assault, physical violence, also for their participation in protests and expression of their civic position.

In the process of 'mopping-up' of the information space, the authorities flout international obligations in the field of freedom of expression and opinion and deprive the society of the opportunity to obtain information from different sources. The security forces subject journalists to arrests and battery. The Kazakh government does not create a safe and supportive environment for the journalists so that they are able to perform their professional duties; instead, it applies censorship, which is prohibited under Article 20 of the Constitution and Article 2 of the Law 'On Mass Media'.

This report presents an analysis of new 'draconian' media laws, provides updates on the closure and suspension of activities of the media outlets; searches in offices, criminal proceedings under charges of libel, beatings and arrests of independent journalists, the prosecution of the former employees of the 'single media outlet' 'Respublika' who were practically taken revoked of their right to carry out their professional activities. Kazakh authorities not only increasingly impede the freedom of speech of the media, but also create new legal mechanisms in order to fully eliminate independent journalists.

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2. 'DRACONIAN' LAWS ARE DESTROYING THE REMNANTS OF FREEDOM OF SPEECH IN KAZAKHSTAN

Representatives of Kazakhstan in the OSCE declared that the government would initiate legislative amendments, aimed at the humanisation of criminal legislation in order to bring it into line with international standards. [1] Back in 2010, within the framework of the Universal Periodic Review of the Human Rights, Kazakhstan assumed upon itself the implementation of the decriminalisation of certain articles of the Criminal Code. [2] **However, the Kazakh authorities not only ignore the requirements of the international community, but also adopt laws which increase oppression against journalists for alleged libel.**

A demonstrative example is the reform of criminal law and criminal procedural law in Kazakhstan: the new reading of the Code provides for the punishment for slander not only in the form of deprivation of liberty, but also exorbitant fines which will be increased 8-fold, and shall reach up to 17,900 euros. [3] **As stated by human rights activists, 20-30 criminal proceedings for defamation are carried out annually in Kazakhstan.** [4] From 2001 to 2012, the International Foundation for the Protection of Freedom of Speech 'Adil Soz' recorded 65 criminal cases for defamation, 16 of which ended with convictions, including 3 – with sentencing to prison terms. [5] The UN Committee on Human Rights calls on States to prevent the use of libel laws in order to restrict freedom of expression. [6]

On 28 January, 2014, the Kazakh government issued a decision to tighten the rules of conducting professional activities by mass media during a state of emergency. **According to the rules, during a state of emergency, the content of materials in print media, as well as radio and television programmes should be approved by the local commandant's office, otherwise the media's activities will be suspended or banned.** [7] Kazakh human rights activists and journalists noted that in such a manner, the authorities respond to the massive anti-government protests in Ukraine and will brutally suppress any possible social unrest during the expected shift of elite power in Kazakhstan.

On 2 April, 2014, Kazakhstan's parliament amended the law 'On Communications', **granting the General Prosecutor and his deputy the right to suspend the operation of a network or a means of communication, as well as access to Internet resources without a court order.** The Prosecutor shall have such powers in the event that these sources are used for 'criminal purposes', 'damaging to the interests of an individual, society and the state, as well as for dissemination of information in violation of electoral legislation in the Republic of Kazakhstan, containing calls to extremist and terrorist activities, riots, as well as participation in mass (public) activities carried out in breach of the established order'. This provision can be interpreted very broadly and allows the authorities to arbitrarily control media content, especially during elections, and, **even if a state of emergency has not been introduced, they are authorised to completely block the Internet connection along with any other type of communication without a court order.** [8]

Also, serious concern has been raised over the initiative of Kazakhstan's Prosecutor's Office to amend the draft of the new Criminal Code by introducing an article 'on spreading rumours', which provides for up to 12 years in prison. The article will be applied, "when false rumours are spread which result in the violation of public order and security". [9] **In practice, this article can become a tool of oppression and prosecution of journalists who engage in investigative journalism, critical of the authorities.** In practice, journalists are being denied the right to refer to their sources, even if the journalists themselves guarantee the reliability of these sources.

In addition, in the second reading, the Parliament voted for the introduction in the Criminal Code of charges for "intentionally spreading false information which creates the danger of violation of

public order or infringement of the rights and interests of citizens". The authorities also propose that persons be brought to criminal liability for "causing damage to property by spreading false information in the absence of signs of theft". ***These provisions imperil all journalists who write about the problems of corruption or conflicts between elites in Kazakhstan.*** Human rights organisations and the OSCE urged the Kazakh authorities to reconsider recent amendments to the legislation. [\[10\]](#), [\[11\]](#) , [\[12\]](#)

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3. PRESSURE ON INDEPENDENT JOURNALISTS: THE CLOSURE OF NEWSPAPERS, PROSECUTIONS, SEARCHES

3.1. New methods of oppression: releases of independent media are suspended for minor technical violations.

In 2012, Kazakhstan courts banned the activities of the most influential independent media based on the politically motivated court judgement against oppositionist Vladimir Kozlov. This decision was a blow not only to the journalistic community, but also to the entire civil society in Kazakhstan. After a while, small in terms of circulation, but promising new non-state media, bringing together some journalists of the media outlets banned in 2012, appeared in Kazakhstan. Currently, these media are being persecuted by the authorities with new tactics of oppression: administrative punishment in the form of fines or suspension of release for technical and formal violations, not posing a serious threat to the rights and freedoms of citizens of Kazakhstan. Thus, ***the principle of commensuration and proportionality of punishment is violated.***

On 24 September, 2013, the Court of Almaty, for the third time in the year, suspended the release of the newspaper ***‘Pravda Kazakhstana’*** [‘The Truth of Kazakhstan’] (the newspaper of the opposition Communist Party of Kazakhstan) for 3 months. The newspaper’s editor-in-chief, Sharip Kurakbay was punished with a fine in the amount of 17,000 tenge (approx. 80 euros) for an error in the publisher’s imprint (a violation of the rules of specifying the publisher’s imprint). On 24 October, 2013, the Appellate Court upheld the ruling. Earlier, in February 2013, the release of the newspaper had been temporarily suspended by court order for three months due to a violation relating to the periodicity of the publication. [\[1\]](#)

On 24 February, 2014, the Bostandikskiy District Court in Almaty upheld the claim of the prosecutor and ruled **to halt the release of ‘Pravdivaya Gazeta’** [‘The Truthful Newspaper’] due to the fact that the publication had repeatedly been brought to administrative responsibility, yet had failed to rectify the violations. The ruling was handed down to the defendants in absentia. [\[2\]](#) On 18 April, 2014, the court dismissed the appeal of representatives of ***‘Pravdivaya Gazeta’***. The defence intends to go through all the instances of appeal in Kazakhstan and is prepared to appeal to the UN Committee on Human Rights. In 2013, the publication was repeatedly subjected to various forms of restrictions. The first edition was confiscated by the police, and later printing houses refused to cooperate with the opposition newspaper.

The OSCE Representative on Freedom of the Media, Dunja Mijatovic expressed her concern over the fact that minor offences serve as justification of the actions undertaken by the authorities of Kazakhstan, which may restrict the freedom of the media and access to information. She also stated that closure of ‘Pravdivaya Gazeta’ indicates the need for legislative reform in order to prevent restrictions in the sphere of the freedom of expression. [\[3\]](#) A statement in support of the ‘Pravdivaya Gazeta’ newspaper was also issued by the Committee to Protect Journalists.

On 23 September, 2013, the Almaty court suspended the release of the newspaper ***‘Tribuna’*** [‘Tribune’] for 3 months and imposed a fine in the amount of \$ 173,000 tenge (approx. 680 euros) on the owner, Asem Almukhametkyzy. One of the newspaper’s publishers is Zhanbolat Mamat, an activist of the Zhanaozen oil workers’ movement. The newspaper’s owner, Asem Almukhametkyzy was accused of failing to inform the Akimat [the city administration] about taking a holiday from 10 to 21 August. According to Zhanbolat Mamay, in the last issue of the newspaper before the holiday, information about the upcoming vacation of the editorial staff was printed, and so, according to the law, that constitutes one of the manners by which to officially notify public

bodies, [4] especially given the fact that copies of each circulation of the newspaper are sent to the Akimat of Almaty.

This example clearly illustrates that the suspension of the release of independent media for technical violations not only contravenes international legal standards, but also defies common sense. ***On the basis of the fact that readers did not get the newspaper in time, the government punishes the editorial staff by suspending the release of the newspaper for a few months, thus further violating the rights of readers.***

On 30 January, 2014, army reserve colonel, Kuspabay Zhampeisov sued the newspaper for 3 million tenge (approx. 11,800 euros) for alleged misinterpretation of his quote. The newspaper wrote a retraction, but the colonel still chose to bring the matter before a court. On 18 March, 2014, the Medeu District Court in Almaty sentenced the 'Tribuna' newspaper to a fine of 2 million tenge (approx. 7900 euros), which ***will inevitably lead to the bankruptcy and closure of the newspaper.*** The newspaper shall file an appeal. [5], [6]

3.2. Journalists face jail sentences for libel; some are forced to flee the country in search of protection.

On 5 March, 2014, the Court No. 2 in Aktobe instituted a criminal case under Article 129, section 3 of the Criminal Code of the Republic of Kazakhstan ('Slander, connected with accusations of corruption, or committing a grave or especially grave crime) against journalist Natalia Sadykova. Criminal proceedings were instituted on the basis of private lawsuit of a businessman and former member of the lower house of parliament, Maral Itegulov who demanded that Natalia Sadykova be brought to criminal liability for libel as well as pay compensation for moral damages in the amount of 10 million tenge (approx. 39,880 euros). According to businessman Maral Itegulov, the article entitled 'Tenders in Aktobe will not suffice for all' [7], published on 23 December, 2013 on the online news website 'Respublika' denigrates and defames his honour and reputation. The article was written under the pseudonym 'Bakhit Ilyasova'. ***Journalist Natalia Sadykova states that she is the author of a series of articles for 'Respublika', but she denies having written the aforementioned article and claims to have nothing to do with it.*** However, the plaintiff, Maral Itegulov argues without any justification that 'Bakhyt Ilyasova' is an alias of Natalia Sadykova. Citing expert opinion 'on the results of the writer identification forensic examination', court No. 2 in Aktobe allegedly established that the author of the article is Natalia Sadykova. Still, the court did not name the authors of the expertise or its methodology. The real reason behind the opening of the criminal case against Natalia Sadykova is her professional activities and those of her husband, Aidos.

In Kazakhstan, journalist Natalia Sadykova is facing restriction or deprivation of liberty for up to 3 years. Fearing imprisonment, Natalia and her husband Aidos Sadykov left for Ukraine on 9 March, 2014. On 17 March, 2014, Court No. 2 in Aktobe declared Natalia Sadykova wanted and sanctioned for her *in absentia* a preventive measure in the form of arrest. As security against the claim for moral damages, the Kazakh court seized Natalia Sadykova's property, specifically, her apartment. [8]

On 5 December, 2013, Court of North Kazakhstan Province sentenced ***the editor of the news agency 'Kazakh-Zerno' ['The Kazakh Grain'], Sergey Bukatov to one year's imprisonment for defamation*** (Article 129 of the Criminal Code of the Republic of Kazakhstan). According to the court's ruling, the journalist cannot relocate without notifying the authorities and should not leave his residence outside of working hours. The lawsuit was filed by the joint stock company 'Ak Bidai Terminal', involved in the transshipment of grain in the port of Aktau, which had considered that

the investigative journalism of the ‘Kazakh-Zerno’ news agency was misleading and defamatory to the organisation. [\[9\]](#)

On the motion of Judge Daniya Kisikova, ***criminal proceedings were instituted against the editorial staff of the ‘Insiderman’ website*** on charges of ‘defamation of a judge, juror, prosecutor, investigator, a person conducting questioning, an expert, a legal executive, a bailiff’ (Article 343, section 3 of the Criminal Code of the Republic of Kazakhstan; the deed is punishable by up to 4 years of imprisonment). The editors of ‘Insiderman’ monitored the rape trial of two men, one of whom is the son of a top-ranking official. At the same time, journalists criticised and questioned the impartiality of the judge. [\[10\]](#) On 18 December, 2013, the apartment of the head of the internet project, Valeriy Surganov was searched, and a computer tower was seized. Also, a search was conducted in the apartment of the website system administrator, resulting in the seizure of all the computer equipment and passwords of the website. [\[11\]](#) On 1 April, 2014, an investigator served Valeriy Surganov with an indictment, which reads that Surganov, *“acting on the basis of conspiracy, using linguistic means of manipulating public opinion, established a criminal group with the aim of defaming Judge Daniya Kisikova”*. [\[12\]](#) The investigation is underway.

On 31 March, 2014, the Saryarkinskiy District Court in Astana ordered the collection of 16 million tenge (approx. 63,000 euros) from **the ‘Megapolis’ Newspaper LLP**, the president of ‘Business – systems’, Vadim Lopatin (who served as a source of information for the newspaper), as well as journalist Anna Vypritskikh – the author of the article ‘Where is the money, Zin?’, published on 30 December, 2013. The article states that the lawyer, Aizhamal Babisheva won 34 million tenge (approx. 135,600 euros) compensation in court for the company ‘Business-systems’, but the company president, Vadim Lopatin, claims that the money has never been paid to them. Babishev’s counsel declined to comment on the issue to the newspaper journalists. After publishing the article, she considered that the article discredits her business reputation and filed a lawsuit. The court was presented with two opinions of experts for language and linguistic issues:

- Ministry of Justice expert, Dauren Rabilov stated that if the information contained in the article is not true and that it discredits the business’ reputation.
- Experts of the Public Information Centre for Expertise and Documentation disagrees with the ‘Adil Soz’ Foundation having found no defamatory information in the article.

The editorial staff of the newspaper is going to file an appeal against the court’s ruling. [\[13\]](#)

3.3. Searches in the offices and the confiscation of property of the human rights organisation ‘Amansaulyk’ and the film production centre ‘Rakurs’.

The civil foundation ‘Amansaulyk’ engages in human rights protection, specifically in the field of health and social protection. The head of the Foundation, Bakhyt Tumenova was previously one of the leaders of the opposition parties ‘Democratic Choice of Kazakhstan’ and ‘Alga!’, which were banned following charges of extremism. The Limited Liability Partnership (LLP) ‘Film Production Centre ‘Panorama’ and ‘Rakurs’ (hereinafter - the film production centre ‘Rakurs’) was engaged in the preparation of information for the opposition channel ‘16/12’, established after the closure of independent media in Kazakhstan in November 2012. Kazakh police believe that the ‘Rakurs’ centre is financed by the opposition politician, Mukhtar Ablyazov. Against the backdrop of the closure of independent media and the oppression of journalists, the ‘Amansaulyk’ foundation and the film production centre ‘Rakurs’, despite their small budgets, were among the few organisations which supported the work of human rights defenders and independent journalists in Kazakhstan.

A criminal case was opened against the 'Amansaulyk' foundation and the film production centre 'Rakurs', based on charges of committing crimes under Article 193 of the Criminal Code of the Republic of Kazakhstan ("Legalisation of money or other property acquired through illegal means"). On 5 December, 2013, financial police conducted a search and confiscated property in the office of the film Production Centre 'Rakurs' in the city of Almaty. Police seized the following equipment: video cameras, hard drives, safety-deposit boxes, computer towers and laptops. On 11 March, 2014, at about 4.00 p.m., financial police workers came to the office of the foundation 'Amansaulyk' with a warrant to search the premises, seize computers and mobile phones, as well as documents of the foundation. The Open Dialog Foundation reported numerous incidents which confirm that the search and the seizure of property had been conducted with gross violations of Kazakh law. [14]

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4. RESTRICTIONS PUT ON THE PROFESSIONAL ACTIVITIES OF JOURNALISTS OF THE 'SINGLE MEDIA OUTLET 'RESPUBLIKA'

4.1. Banning of a number of independent mass media outlets on the basis of the ruling handed down against Vladimir Kozlov.

In December 2012, Kazakhstan's courts ruled to ban the activities of the opposition party 'Alga!' along with 34 non-state media outlets (the 'Vzglyad' newspaper, the online video portal 'Stan.tv', the TV channel 'K +', the 'single media outlet 'Respublika' (a term which includes 8 print media outlets and 23 online newspapers). The aforementioned media were the ones which had covered the Zhanaozen events in the most comprehensive way. [1] Formally, the defendant in the criminal cases was an inanimate object, i.e. a newspaper. The claim of the Prosecutor's Office was sent to the 'single media outlet 'Respublika', to which the prosecutors, based on their own assumptions, assigned printed newspapers and 23 online information sources. The prosecutor stated that **one of the main criteria for belonging to the 'single media outlet' was common editorial staff**. Thus, the team of journalists the 'single media outlet 'Respublika' was not only forbidden from publishing a newspaper entitled 'Respublika', but also from conducting their activities in other newspapers. [2]

The question concerning the banning of the activities of the 'single media outlet 'Respublika' was discussed in civil proceedings. The grounds for termination of the activities of the media outlet were the results of examinations conducted in another criminal case, brought against opposition leader, Vladimir Kozlov. Representatives of the opposition media outlets had not participated in Vladimir Kozlov's trial as witnesses or defendants. The sentence against Vladimir Kozlov did not contain any paragraphs related to the banning of any media outlets or termination of their activities. During the trial, prosecutors did not quote a single sentence of extremist nature which was to be published in the accused newspapers. All experts (psychologists, linguists, political scientists), who recognised the media outlets as extremist, represented solely the state structures. On 28 November, the Supreme Court refused to initiate review proceedings in the case of the 'single media outlet 'Respublika'. Thus, all the appellate instances of Kazakhstan dismissed the complaints of journalists. [3]

4.2. The suspension of the release of the 'Assandi Times' newspaper and restrictions on the professional activities of former employees of the 'single media outlet 'Respublika'.

On 10 July, 2013, former employees of the banned 'single media outlet 'Respublika', Oksana Makushina and Sergey Zelepukhin stated that they and their colleagues had received threats from unknown persons who presented themselves as the security forces workers. The journalists stated that they were ordered to cease conducting their professional activities. [4] Previously, on 10 April, 2013, Irina Petrushova, the editor-in-chief of the Media Group 'Respublika', reported that Kazakh special services have exerted pressure on employees of the closed 'single media outlet 'Respublika', threatening to harm their families, including children. [5]

On 23 October, 2013, the company which provides journalists of the 'R-STUDIYA' ['R-STUDIO'] portal with hosting services, addressed the editors with the notification that the Ministry of Transport and Communications demanded that access to the 'R-STUDIYA' website be blocked. The Ministry referred to the letter of the General Prosecutor's Office which includes information on the banning of the 'single media outlet 'Respublika'. The editorial staff noted that 'R-STUDIYA' is a new project of journalists of the banned newspaper 'Golos Respubliki' ['The Voice of the

Republic’], but it has nothing in common with the ‘single media outlet ‘Respublika’, since its operation began after the entry into force of the court ruling. Also, it is noteworthy that the ‘R-STUDIYA’ website includes only video footage, and contains no written articles. [6]

On 2 April, 2014, bailiffs stormed the office of the newspaper ‘Assandi-Times’ with a writ of execution of the judgement passed by the Medeu District Court in Almaty on 1 April, 2014, regarding the **“suspension of distribution of products of the single media outlet ‘Assandi-Times’ on the territory of the Republic of Kazakhstan”** and withdrawal of all issues of the ‘Assandi-Times’ newspaper. The court issued this decision in order to ensure the claim of the prosecutor who had requested that the newspaper ‘Assandi-Times’ **be deemed ‘a part of and a form of, distribution for products of the single media outlet ‘Respublika’.** [7] Representatives of the newspaper did not receive a summons and were not present at the hearing of 1 April, 2014. According to the journalists, the bailiffs behaved in a rude manner, pushed the employees of the editorial office, prevented journalists from filming the developments, overturned equipment, and seized newspaper issues from the editorial archive. At the same time, the bailiffs failed to hand the writ to journalists and hurriedly left the editorial office. [8]

It is noteworthy that ‘Assandi-Times’ was not included in the list of publications belonging to the ‘single media outlet’, which was banned by court order on 25 December, 2012. As in the case of the ‘single media outlet ‘Respublika’, the defendant in the case against ‘Assandi-Times’ is an inanimate object, i.e. a newspaper. At the same time, the prosecutor did not express complaints regarding the content of the publications or to any particular material of the newspaper. The editorial staff filed a complaint with regard to the actions of the bailiffs, but the court refused to consider it. The court concluded that the complaint against the actions of the bailiffs should be filed with the bailiffs themselves, and they, if they see fit, may address the court in this matter. Counsel Tamara Simakhina noted that the editors also have the right to address the court with such a complaint.

On 15 April, 2014, the first court hearing was held to consider the prosecutor’s claim. The counsels of the newspaper argued in their statements to the court that the suspension of the activities of the newspaper was a disproportionate measure in ensuring the claim of the prosecutor. The defenders of ‘Assandi-Times’ emphasised that the newspaper had no relation to the ‘single media outlet ‘Respublika’ and as an inanimate object, it cannot be the subject of legal proceedings. The right to publish the newspaper is held by ‘IMC- 1’ LLC. [9] Still, Judge Bakhytzhhan Tazhikhanov ignored all the arguments of the defendant. On 21 April, 2014, half an hour after the end of another court session, **the court granted the motion of the prosecutor’s office to recognise the ‘Assandi Times’ newspaper as part of the ‘single media outlet ‘Respublika’ and ban its circulation.**

The editor-in-chief of ‘Assandi-Times’, Sergey Duvanov enunciated that, most likely, **the main pretext for the claim filed by the prosecutor’s office is that the newspaper had hired former journalists of the ‘single media outlet ‘Respublika’:** *“We have just one newspaper here. I’m the chief editor of this newspaper. The mere fact that our newspaper hired journalists of opposition publications, does not make it the ‘Respublika’ outlet or any other banned media outlet. Or perhaps these people are banned from carrying out any journalistic activities? In fact, it is so, as it now transpires,”.* [10] Sergey Duvanov believes that the Kazakh authorities oppress the newspaper due to its oppositional inclination. According to the information portal ‘Respublika’, the ‘order’ for [the elimination of] ‘Assandi-Times’ came from the Presidential Administration. [11] The Committee to Protect Journalists [12] and ‘Reporters Without Borders’ [13] have taken a stand in defence of the ‘Assandi Times’ newspaper.

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5. BEATINGS AND ARRESTS OF INDEPENDENT JOURNALISTS

5.1. Attacks on independent journalists.

On 19 April, 2012, an attempt on the life of Lukpan Akhmedyarov was made. The attackers severely beat the journalist, shot him twice using a non-lethal weapon, and inflicted eight stab wounds to his chest. The journalist is convinced that his brutal attack was connected with his professional activities. On 10 July, 2013, The Uralsk Specialised Criminal Court handed down its verdict against perpetrators of the attempted assassination of the journalist. As a result, four people were convicted under Article 24-96 of the Criminal Code of the Republic of Kazakhstan ('attempted murder'). The Prosecutor's Office accused Nurlan Takhambetov, the brother of Askhat Takhambetov, whom the court had previously recognised as one of the executors of the assassination, of being the organiser of the attempted murder of Lukpan Akhmedyarov. As stated in the testimony of one of the defendants, Manarbek Akbulatov, the organiser of the attack urged the culpable participants to commit the crime, saying: "We need to talk to a journalist who talks too much". [1] The trial continues. The true architects of the attempted murder are yet to be established.

Between 12 April, 2014-16 April, 2014, the online portal of the 'Uralskaya Nedelya' ['The Uralsk Week'], headed by the editor-in-chief, Lukpan Akhmedyarov, was blocked in Kazakhstan for unclear reasons. The blockage was carried out by the national telecom operator 'Kazakhtelecom'. The operator's management stated that the company was not involved in blocking the website, but cannot explain why the website is not available. When journalists of the portal appeared in the 'Kazakhtelecom' office on 16 April, 2014 in order to carry out a protest action, the representatives of the organisation stated that the website had already been unblocked, and they promised to find out the reasons for which it was blocked. [2]

On 13 October, 2013, famous Kazakh journalist and press correspondent for the newspaper 'Svoboda Slova' ['The Freedom of Speech'] and the website 'Guljan.org', **Igor Larra** died at the age of 41 years in the ICU of the Aktobe emergency care hospital. Igor Larra had provided wide coverage of the strike of oil workers in Zhanaozen, and frequently criticised the policy of the Kazakh authorities. Prior to his death, Igor Larra had been repeatedly subjected to threats and attacks due to his professional activities. Shortly before his death, Igor Larra was attacked. On the night of 20 August, 2013, in Aktobe, four unknown assailants beat him, before seizing his two mobile phones, 30,000 tenge (approx. 150 euros) and documents. The attack on the journalist could have been the reason for deterioration of his health condition, which eventually led to his death. [3]

On 11 April, 2014, in Astana, the police beat journalists, forbidding them from filming the protest action near the General Prosecutor's Office. Approx. two dozen women and children protested against the demolition of their houses and the seizure of their sites for 'the state needs', as compensation in the amount of \$27,000, offered by the state, would not even be enough to buy a bedsit in the outskirts of the city. [4] ***Video footage from the scene shows the police detaining and herding women and children into the bus.*** [5] Journalists were prevented from filming the developments, their arms were twisted, and attempts were undertaken to destroy their equipment. Viktor Gudz, a cameraman of the online TV channel '16/12' sustained a head injury. [6]

5.2. Arrests of bloggers for participation in a protest action.

On 5 February, 2014, the Court of Almaty sanctioned the incarceration of three bloggers, **Nurali Aytelenov, Rinat Kibrayev** and **Dmitriy Schelokov** for 10 days on charges of disorderly conduct. The police detained them during a protest rally, carried out by Nurali Aytelenov and Rinat Kibrayev outside the restaurant where the Akim of Almaty, Akhmetzhan Yesimov, was holding a meeting with invited bloggers. The bloggers began the rally after they had been denied to the opportunity to participate in the meeting. Nurali Aytelenov stated the only those bloggers who write biased articles about the current government in the country, had been invited to the meeting. [7] Blogger Dina Baydildayeva claims that Dmitriy Schelokov was arrested for filming the developments.

On 7 February, 2014, Kazakh civil society activists, including Ramazan Yesergepov, Galym Ageleuov, Murat Telibekov and Yerlan Kaliyev, reported on the violations committed during the detention of the three bloggers: the protocol of detention was not drawn up; also, during the trial, the bloggers were not provided with public defenders and were not offered an explanation as to which articles of the law they had violated. [8] According to the testimonies of bloggers, the hasty court session was carried out in the absence of observers. Journalist Dina Baydildayeva was not allowed into the courtroom by security. In protest against the unfair trial, Dmitriy Schelokov went on hunger strike for the duration of the incarceration, resulting in his transferal to hospital towards the end of his detention. Rinat Kibrayev stated, that, along with other imprisoned bloggers, he will submit a complaint against the conditions of detention at the detention facility, in particular, the poor food supply. [9]

On 8 February, 2014, in the centre of Almaty, journalist **Dina Baydildayeva** held a one-person protest action in support of the arrested bloggers. She demanded their release, as well as the resignation of Chairman of the court, Azamat Abdraimov who ruled to detain them, and the resignation of Akim of Almaty, Akhmetzhan Yesimov. Dina Baydildayeva was detained by police. She had been initially accused of having conducted an 'unauthorised one-person picket' and 'disobedience to the authorities', but subsequently, the second charge was dropped. On 21 February, 2014, the Inter-District Administrative Court of Almaty issued a warning against Dina Baydildayeva as a form of punishment. [10] As reported to the Open Dialog Foundation by Dina Baydildayeva, she did not expect that she would be detained, as a one-person picket does not need to be approved by the Akimat, and so her one-person rally was legal. The journalist has filed a complaint against this decision to the municipal court, and is going to seek a full acquittal. On 21 February, 2014, **Dmitriy Schelokov** attended the court hearing in the case of Dina Baydildayeva and expressed his protest against the arrest of the bloggers. In court, Dmitriy was immediately arrested and sentenced to 15 days in prison for disorderly conduct. [11]

5.3. Arrest of the opposition journalist Andrey Tsukanov.

On 20 February, 2014, in Almaty, **Andrey Tsukanov** was incarcerated for 18 days for 'deliberate disobedience' of police officers and 'contempt of court'. Also, on the same day, three bloggers: **Nurali Aytelenov, Rinat Kibrayev** and **Dmitriy Schelokov** were once again arrested, but on the same day, they were released. The policemen visited the houses of all four persons and demanded that they follow them to the District Department of Internal Affairs in order to testify in the libel case. The claim against the four activists had been filed by Makhsat Usenov, a son of a senior official, who in December 2013, knocked over 6 pedestrians in Almaty and fled the scene. [12] Makhsat Usenov was remanded in the cell adjacent to the one in which the bloggers: Nurali Aytelenov, Rinat Kibrayev and Dmitriy Schelokov, arrested on 5 February, 2014, were placed. The

bloggers began to spread information that Makhsat Usenov was a ‘VIP-convict’, and the conditions of his confinement were much better than theirs.

Andrey Tsukanov agreed to give a written explanation in the District Department of Internal Affairs, but he requested that the policemen give him an order to report at a later hour, as the following morning, he was planning to participate in a meeting with the Akim of Almaty, Akhmedzhan Yesimov, who was supposed to give an account for work accomplished [13]. According to Andrey, the police handed him an order to report in the evening and left the apartment. However, when he left the house, the policemen grabbed him and severely beat him. **Andrey Tsukanov reported that the policemen in the District Department of Internal Affairs choked him, twisted his arms, hit his head against a table and carried out a personal search without producing report and with no witnesses present, they also deleted all photos and video footage from the journalist’s smartphone and video camera.** Andrey Tsukanov filed a complaint in court, demanding that the actions of the policemen during his arrest be considered illegal and that compensation in the amount of 1 million tenge (approx. 3990 euros) for moral damages be paid by the Department of the Internal Affairs in Almaty. [14]

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6. CONCLUSIONS AND RECOMMENDATIONS: THE AUTHORITIES SHOULD REPEAL THE AMENDMENTS TO THE LAW WHICH ARE REPRESSIVE TOWARDS MASS MEDIA

The justice system is becoming a way of exerting pressure on the media in Kazakhstan. The courts, dependent on government, hand down politically motivated rulings which restrict the freedom of media. Excessive bureaucratic procedures are used as a pretext for oppression of the media.

Given the lack of an independent judiciary, Kazakhstan's journalists are under constant risk of being arrested or fined for libel. The authorities do not simply refuse to repeal the article on libel, but also propose that a new article on 'spreading rumours which qualifies the deed as a 'serious crime and provides for up to 12 years in prison, be introduced in the amended Criminal Code. In Kazakhstan, any independent journalistic investigation may end with the imprisonment of its author.

In addition, the granting to the prosecutor of the right to arbitrarily suspend the operation of Internet sources is completely at odds with the declarations of the authorities regarding the pursuit of democratisation. Also, under the authoritarian regime, the authorities may abuse the opportunity to control the media outlets in times when a state of emergency has been announced. The Open Dialog Foundation hereby calls upon the authorities of the Republic of Kazakhstan to immediately respond to and improve the current situation in order to fulfill its international obligations. We demand that the competent authorities of the Republic of Kazakhstan:

1. Discontinue the practices of exerting pressure, harassing, arresting and intimidating journalists; provide them with the right to exercise their profession, the right to freedom of expression and dissemination of information in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and OSCE commitments in the field of human dimension.
2. Repeal the article on libel in accordance with international standards of protection of freedom of opinion and expression and close criminal cases against journalists accused of libel.
3. Abandon the introduction in the new Criminal Code of the provision on criminal liability for 'spreading rumours and spreading false information', cancel the decision to restrict the work of the media during a state of emergency and the amendments to the law 'On Communications', which allow for the blockade of internet websites without court order.
4. Introduce relevant amendments into the Administrative Code, preventing the use of disproportionate punishment in the form of suspension or termination of the release of newspapers for technical and formal violations.
5. Reconsider the ruling regarding the recognition of the 'Assandi-Times' newspaper the 'single media outlet 'Respublika' and ban the release of the newspaper in Kazakhstan.
6. Cancel the decision to ban the release of 'Pravdivaya Gazeta' and restore the right of the editors to collect and disseminate information.
7. Cease the oppression of the newspapers: 'Pravda Kazakhstanana' and 'Tribuna' and reconsider the court judgement against the periodical 'Tribuna' regarding the payment of the fine, which will inevitably lead to bankruptcy and closure of the newspaper.
8. Provide an explanation regarding the investigation in respect of the foundation 'Amansaulyk' and the film production centre 'Rakurs' and stop the political oppression of journalists and human rights defenders.

9. Ensure an objective investigation, examining the legality of the police actions during the arrest of bloggers: Nurali Aytelenov, Rinat Kibrayev, Dmitriy Schelokov, Dina Baydildayeva and Andrey Tsukanov.
10. Publicly condemn attacks on journalists and prosecute the true architects of the attempted assassination of Lukpan Akhmedyarov, as well as ensure transparency and objectivity of the court proceedings against the true architects.
11. Conduct a thorough investigation of the attacks on Igor Larra which occurred prior to his death, and verify the possible link between the last attack on the journalist and the sudden deterioration of his health condition, leading to his death.

We also appeal to the OSCE Representative on Freedom of the Media, Dunja Mijatovic and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, emphasising the need to continuously monitor the performance of its obligations by the Republic of Kazakhstan on the freedom of media and to use all possible mechanisms at the highest level with the aim of exerting pressure on the Kazakh authorities in order to urge them to repeal repressive legislation governing journalistic activities.

All those interested in supporting our appeals are welcome to send their statements and inquiries to the following addresses:

- President of Kazakhstan, Nursultan Nazarbayev - the Presidential Administration, the 'Akorda' building, Left Bank, Astana, 010000, Kazakhstan, fax +7 7172 72 05 16;
- Minister of Internal Affairs, Kalmukhanbet Kasymov - 010000, Astana, 1 Tauelsizdik Prospekt. Tel. +7 7172 72 24 93, +7 7172 71-51-89, e-mail: oraz-n@mvd.kz;
- General Prosecutor of the Republic of Kazakhstan, Askhat Daulbayev, - 010000, Astana, House of Ministries, entrance No.2, 8 Orynbor Street, tel: +7 7172 71-26-20, +7 7172 71-28-68;
- Minister of Foreign Affairs of the Republic of Kazakhstan, Erlan Idrisov, - 010000, Astana, Left Bank, 31 Kunayeva Street. Tel: +7 7172 72-05-18, +7 7172 72-05-16, e-mail: midrk@mfa.kz;
- Executive Secretary of the Ministry of Culture and Information of the Republic of Kazakhstan, Zhanna Kurmangaliyeva - Astana, 8 Orynbor Street, House of Ministries, entrance No. 15, 3rd floor, office No. 317. Tel.: +7 7172 74-01-14, +7 7172 74-01-16; e-mail: zh.kurmangaliyeva@mki.gov.kz;
- Commissioner for Human Rights in the Republic of Kazakhstan, Askar Shakirov - 010000, Astana, Left Bank, House of Ministries, entrance No. 15; e-mail: ombudsman-kz@mail.ru;
- Department for Combating Economic Crimes and Corruption (Financial Police) of Almaty - 050002, Almaty, 15 Zhibek Zholy Street. Tel.: +7 (727) 278 75 78, E-mail: almaty@abekp.kz
- The Agency of the Republic of Kazakhstan for Fighting Economic and Corruption Crimes (Financial Police) – 010000, Astana, 37 S. Seyfullina Street. Tel.: 8 (7172) 90 92 60 (Chairman Rashid Tusupbekov), E-mail: mail@abekp.kz
- OSCE Representative on Freedom of the Media Dunja Mijatovic - Wallnerstrasse 6, 1010 Vienna, Austria, tel.: +43 1 514 36 6800, fax: +43 1 514 36 6802, email: pm-fom@osce.org
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue - Palais des Nations, CH-1211 Geneva 10, Switzerland, tel.: +41 22 917 9006, email: freedex@ohchr.org

The Open Dialog Foundation was established in Poland, in 2009, on the initiative of Lyudmyla Kozlovska, who is currently the President of the Foundation. The statutory objectives of the Foundation include protection of human rights, democracy and rule of law in the post-Soviet area, with particular attention devoted to the biggest CIS countries: Russia, Kazakhstan and Ukraine.

The Foundation pursues its goals through the organisation of observation missions, including election observation and monitoring of the human rights situation in the CIS countries. Based on these activities, the Foundation creates its reports and distributes them among the institutions of the EU, the OSCE and other international organisations, foreign ministries and parliaments of EU countries, analytical centres and media.

In addition to observational and analytical activities, the Foundation is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relationships with the CIS countries, in order to support the process of democratisation and liberalisation of internal policies in the post-Soviet area. Significant areas of the Foundation's activities also include support programmes for political prisoners and refugees.

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