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KAZAKHSTAN: JOURNALISTS SUSPECTED OF 'SPREADING FALSE INFORMATION' ARRESTED

Journalists of the online portal 'Nakanune.kz' Guzal Baidalinova and Rafael Balgin have been taken into custody and placed under arrest for 2 months. Their colleague, Yulia Kozlova is also facing arrest. The journalists are being prosecuted under Art. 274 of the Criminal Code of the Republic of Kazakhstan ('spreading false information'). Yulia Kozlova is additionally accused of 'possession of drugs'.

On **23 December, 2015**, Guzal Baidalinova was placed under arrest for 3 days. The next day, President of the Foundation for the Protection of Journalists 'Adil Soz' Tamara Kaleyeva and Director of the 'Charter for Human Rights' Foundation Zhemis Turmagambetova requested that the journalist Baidalinova be released under their personal guarantee.¹

On **26 December, 2015**, the Almalinsky District Court of Almaty issued a decision to place **Guzal Baidalinova under arrest** for 2 months with bail set at 5,946,000 tenge (approx. 16,000 euros). On the same day, an apartment belonging to Baidalinova's relatives was deposited as bail. However, the journalist has not been released, as the law gives the prosecutor's office 3 days to appeal against the decision.

On **28 December, 2015**, the Prosecutor's Office of Almaty appealed against the decision of the court regarding the possibility of releasing Baidalinova on bail. Investigators stated that, while at large, the journalist could '*hamper the investigation*' and '*continue to engage in criminal activity*'.² On **31 December, 2015**, the Almaty City Court granted the complaint of the prosecutor's office and **remanded Baidalinova in custody by issuing a decision to cancel bail**.³ Therefore, the journalist will spend the New Year holidays in a detention centre.

Information has been released that **Rafael Balgin**, Guzal Baidalinova's colleague, will continue to be remanded in custody for a minimum of 2 months. The ruling on the matter was issued by Kazakh courts (the court of first instance and the appellate court) on 21 December, 2015 and 30 December, 2015 respectively.⁴

Journalist **Yulia Kozlova** is currently involved as a defendant in **another criminal case** under Article 296, section 2 of the CC of the RK ('illegal possession of controlled substances without the intent to sell'). On 18 December, 2015, during a search of her apartment, the police allegedly 'discovered' the drugs; it must be noted that the search was held in the absence of Kozlova and her lawyer. Kozlova stated that the drugs had been planted in her apartment by the police. The police officers who conducted the search, told Yulia's son: "Say good bye to your mother, we'll put her behind bars".⁵ Counsel Ayman Umarova fears that Yulia Kozlova could also face arrest.

¹ <https://www.facebook.com/adilsoz.kz/posts/750317898447388>

² <https://www.facebook.com/makushina.oxana/videos/992776444119560/>;

<https://www.facebook.com/photo.php?fbid=994673577263180&set=a.965793620151176.1073741835.100001616425670&type=3>

³ <https://www.facebook.com/makushina.oxana/posts/995140093883195>

⁴ <http://rus.azattyq.org/content/news/27457290.html>

⁵ <http://nakanune.kz/2015/12/22/прощайся-с-мамой-мы-ее-посадим/>

We should bear in mind⁶ that the criminal case against the journalists of 'Nakanune.kz' was initiated on 3 December, 2015. Investigators allege that the journalists published 'false information' about 'Kazkommertsbank', thereby 'causing damage' to the bank's reputation in the amount of 144,235,090 tenge (approx. 393,800 euros). Following the search, on 18 December, 2015, police seized documents and equipment from the editorial office of 'Nakanune.kz'.⁷ On 28 December, 2015, journalists were given access to the office, their work has, however, been hampered due to the confiscation of the equipment.

The 'Nakanune.kz' employs former journalists of the newspaper 'Golos Respubliki' ['The Voice of the Republic'], which was banned by a Kazakh court, having been deemed 'extremist'. The initiation of the criminal prosecution of the journalists may be a reaction of the authorities to the publishing by the 'Respublika' portal of disclosed correspondence of senior officials of Kazakhstan ('KazakhLeaks').

Journalists of the 'Nakanune.kz' maintain contact with the editor of the 'Respublika' portal, **Irina Petrushova**, who resides within the territory of the EU. **The purpose of the criminal prosecution of the journalists may be the obtainment of 'convenient' testimony against Petrushova.** According to her, the true masterminds behind the criminal prosecution of the journalists are Kazakhstan's Prime Minister Karim Masimov and the Minister of Internal Affairs Kalmukhanbet Kasymov.⁸ Petrushova claims that by doing so, Kazakhstan wants to issue an international arrest warrant for her and thus deprive her of her freedom of movement within the EU, and consequently, the opportunity to defend Kazakh political refugees in Europe (in particular, Mukhtar Ablyazov and his associates).

The Open Dialog Foundation hereby reaffirms the need for the EU, the OSCE and the UN to take a principled stance and to demand more insistently that Kazakhstan unconditionally fulfill its international obligations in the sphere of freedom of speech. This will save the lives and ensure the wellbeing of journalists and activists. Kazakhstan must cancel the provisions of the law regarding 'defamation' and 'spreading false information', close criminal cases against the journalists immediately and cease their obstruction of the work of independent media outlets.

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⁶ http://ru.odfoundation.eu/a/7149_kazahstan-obyski-nezavisimyh-zhurnalistov-i-ugolovnye-presledovaniya-za-rasprostranenie-lozhnoy-informacii

⁷ <https://www.facebook.com/makushina.oxana/posts/988460627884475>

⁸ <https://www.facebook.com/ir.petrushova/posts/540664609447496>