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FREEDOM OF THE PRESS

Kazakhstan

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Kazakhstan's media continued to suffer from legal restrictions, prohibitive libel and defamation judgments, self-censorship, harassment, and pressures from partisan owners and politicians in 2011. Several web publications remained blocked, and a journalist remained imprisoned throughout the year.

The constitution guarantees freedom of the press, but also provides special protection for the president. Despite pledges by authorities during the year to work toward decriminalization, libel remained a criminal offense, with higher penalties for defaming the president, members of Parliament, and other state officials. At least 27 libel suits were pursued in 2011, and many of them were brought by government officials. A law stipulating punishments for violations of privacy has placed a chill on journalism, but does not appear to have been used against investigative journalists. Ramazan Yesergepov, editor of the independent newspaper *Alma-Ata Info*, remained in jail at the end of 2011. He was sentenced to three years in prison and an additional two years of suspension from journalism in 2009, after his paper published internal memorandums from the National Security Committee (KNB) as part of an investigative report on the agency's alleged pressure on a local prosecutor in a tax evasion case. Despite repeated international appeals during Kazakhstan's year of chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010, the government refused to release him.

Kazakhstan is one of the few OSCE member states without a freedom of information law. Such a measure was proposed in 2010, and it received the endorsement of the London-based freedom of expression group Article 19; however, little progress on the bill was made in 2011. Rules for the accreditation of foreign journalists include vaguely worded restrictions barring hate speech and speech that undermines national security and the constitutional order.

Journalists and media outlets that criticized the government continued to face harassment, physical attacks, and various other obstacles to reporting in 2011. In a highly publicized incident in late March, Daniyar Moldashev, head of the publisher of *Respublika*—which is often highly critical of President Nursultan Nazarbayev—disappeared from his home. The disappearance came days after Moldashev was attacked near his home after returning from a trip to meet with staff at *Respublika's* editorial office in Moscow. In the attack, highly confidential documents related to the newspaper's investigative reporting and a camera were stolen. A few days after his disappearance, Moldashev sent a message from Belarus stating that he intended to resign. These events coincided with Kazakhstan's presidential election, in which Nazarbayev secured another seven-year term with 95.5 percent of the vote. In October, Stan TV correspondent Orken Zhoyamerger and cameraman Asan Amilov were attacked by unknown assailants. Stan TV is an independent news website and television content production company funded by Kazakh businessman and former minister Mukhtar Ablyazov, who lives in self-imposed exile in London. The attack followed an order from an Almaty court in September that the station stop using the antenna on its office roof because it was a danger to

2012 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

81

LEGAL ENVIRONMENT

28

POLITICAL ENVIRONMENT

30

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public health. Editors claimed that they were targeted for inspections due to their independent news coverage.

Reporters regularly face difficulties in trying to cover sensitive news stories. Beginning in the spring of 2011, thousands of oil workers in Aktau and Zhanaozen went on strike to protest low pay and other grievances, and journalists attempting to cover the strikes were often subject to violence and harassment. In March, Igor Larra, a journalist for the *Svoboda Slova* newspaper, was attacked on his way home from work, likely as a result of his reporting on the strikes. The October attack on the two Stan TV journalists occurred as they went to cover the strike in Aktau.

Harassment of independent news media mounted in December, as the January 2012 parliamentary elections approached and the oil workers' labor dispute culminated in a major outbreak of violence. On December 16, security forces shot striking workers and protesters at an Independence Day celebration in Zhanaozen. At least 15 people were killed, according to an official report, and many more deaths were reported by eyewitnesses who were considered credible by independent journalists. The authorities declared a state of emergency and sealed the city for weeks; during this period, journalists were obliged to obtain special permission to enter, and independent reporters were generally denied permission. A journalist from the Russian news site Lenta and two reporters from the Russian business daily *Kommersant* were briefly detained, and their equipment was taken for examination. All of their recorded interviews were deleted. In the village of Shetpe in the Mangistau region, police physically assaulted blogger Murat Tungishbayev as he was uploading videos to YouTube of a rally protesting the crackdown in Zhanaozen, according to the Kazakh service of Radio Free Europe/Radio Liberty (RFE/RL). Police reportedly held a pistol to his head until he deleted his recorded material. He was released when other journalists rushed to the scene. Another blogger who attempted to travel to Zhanaozen was stoned by unidentified men. While some local bloggers and foreign reporters were permitted to visit Zhanaozen several days later, accompanied by officials, they were unable to talk to victims' families or witnesses.

Major broadcast media, especially national television networks, are at least partly owned by the state or by members or associates of the president's family. Government oversight extends to the country's broadcast transmission facilities. Kazakh law limits rebroadcasts of foreign-produced programming to 20 percent of a station's total airtime, overburdening smaller stations that are unable to develop their own programs. There are well over a thousand daily and weekly newspapers in Kazakhstan. As with the broadcast media, many of them are either government run or controlled by groups or individuals associated with the president, and do not carry critical content. The government controls all of the country's printing presses, and with advertising revenue in short supply, private print media are often forced to rely on state subsidies.

The internet was accessed by 45 percent of the population in 2011. The government has adopted the internet and social media for its own use, while moving to restrict internet freedom for independent outlets. A 2009 law classified websites as mass media outlets, giving the authorities greater latitude to arbitrarily shut them down under vaguely worded extremism statutes or in the interests of state security. At least a dozen sites were blocked in 2011. In July, a court in Astana issued a three-month suspension to the popular LiveJournal blogging platform and 13 other sites for allegedly containing "terrorism and religious extremism propaganda." Opposition sites such as *Zona.kz*, and the sites of opposition newspapers including *Respublika*, were frequently blocked or subjected to distributed denial-of-service attacks. *Respublika's* website remained inaccessible for much of the year and was forced to move to various mirror sites and to the social-networking site Facebook, losing readership in the process. During the December unrest in Zhanaozen, internet and mobile phone services in the area were shut down for five days.

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