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FREEDOM OF THE PRESS

Kazakhstan

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The Kazakh government's media crackdown intensified in 2012, as nearly 40 opposition outlets were banned in December, and violent attacks on journalists increased. Throughout the year, journalists and media outlets remained subject to legal restrictions, prohibitive libel and defamation judgments, self-censorship, and harassment.

The constitution guarantees freedoms of speech and of the press, but the government severely restricts these rights in practice. Despite authorities' pledges 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. Libel laws are regularly used against independent and critical journalists; according to the press advocacy group Adil Soz, there were 16 criminal and 86 civil charges initiated in the first 10 months of 2012. Damages in civil libel suits can be substantial, potentially leading to self-censorship. Truth is not a defense in libel cases, there is no statute of limitations, and the law automatically targets both the writer and the newspaper in which the article was published. Ramazan Yesergepov, editor of the independent newspaper *Alma-Ata Info*, was released from jail in January 2012 after completing his three-year prison term for collecting and disseminating classified information—a charge that was widely believed to have been politically motivated. In July, a court in the western city of Uralsk ordered journalist Lukpan Akhmedyarov, who had founded the opposition newspaper *Uralskaya Nedelya*, to pay a local official 5 million tenge (\$33,000) in damages for defaming him in an article about his connections to the family of former prime minister Imangali Tasmagambetov, the current mayor of Astana. The fine was upheld by an appeals court in October. In April, Akhmedyarov had been the victim of a brutal attack, during which he was shot and stabbed outside his home in Uralsk. At least two other journalists, Janbolat Mamai and Igor Vinyavsky, were jailed briefly and released in 2012.

Kazakhstan is one of the few member states of the Organization for Security and Cooperation in Europe (OSCE) 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 had been made by the end of 2012. Rules for the accreditation of foreign journalists include vaguely worded restrictions barring hate speech and speech that undermines national security and the constitutional order.

In January 2012, President Nursultan Nazarbayev signed a law that requires foreign broadcast media to register with the government, and all television and radio providers to broadcast in digital format by 2015. In December, the upper house of Parliament adopted a controversial new television and radio broadcast bill, despite warnings by OSCE media freedom representative Dunja Mijatović that the bill would further extend government control over electronic media and threaten broadcast pluralism.

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. A law that took effect in January

2013 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

84

LEGAL ENVIRONMENT

29

POLITICAL ENVIRONMENT

32

ECONOMIC ENVIRONMENT

23

2012 required owners of internet cafés to obtain users' names and monitor and record their activity, and to share their information with the security services if requested. The blog-hosting platform LiveJournal was blocked by authorities in 2011 for allegedly containing "terrorism and religious extremism propaganda"; it was unblocked for a short period in late 2011, but was inaccessible through most of 2012. Internet users also experienced accessibility problems with other sites, such as Google or Facebook, throughout the year.

In September 2012, Information Minister Darkhan Mynbai announced measures to revamp the ministry's public alert system by 2015—efforts that officials described as an attempt to reduce "rumors." The proposed measures would restrict the flow of information in "emergencies," broadly defined as all exceptional events threatening public safety, from transport accidents to natural disasters. Journalists would be allowed to disseminate only official information, and questioning or criticizing the government's version of events would be prohibited. The measures were criticized for potentially limiting the flow of information about sensitive topics, such as the deadly December 2011 crackdown on striking oil workers and protesters in Aktau and Zhanaozen. Following the episode, the government declared a state of emergency and sealed the affected area for weeks. Authorities tightened their control over the media, and journalists were obliged to obtain special permission to enter the region; independent reporters were generally denied permission, searched, and harassed.

In March 2012, the first Zhanaozen trial was opened as 37 defendants accused of "participating in mass riots" appeared before the court; 34 of the 37 were convicted in June. Allegations of torture and forced confessions marred the proceedings, which were widely condemned by human rights groups as unfair. During the trial, the prosecutor general referred to foreign correspondents as "evil" and alleged that they had helped incite the violence.

In November, the Almaty city prosecutor sued key independent media outlets and opposition groups that had reported on the Zhanaozen protests, charging them with extremism. One month later, an Almaty court banned a number of major opposition media outlets in a legal proceeding described as a sham by media monitoring organizations. The banned outlets included *Respublika* (8 different versions as well as 23 websites and social-networking sites that published the newspaper's content), *Vsglyad*, the Stan TV news website, and the satellite television station K+. The prosecution said the media outlets had incited extremism during the trial of leading opposition figure Vladimir Kozlov. However, the banned outlets were not invited to cover the trial. The government also sued Google, Facebook, Twitter, and LiveJournal, demanding that the sites stop posting material from the opposition media. In December, the government suspended the opposition news website Guljan.org for three months.

In addition to the cases related to Zhanaozen, journalists and media outlets that criticized the government continued to face harassment, physical attacks, and various other obstacles to reporting in 2012. At least 15 journalists who were known for covering sensitive issues were violently assaulted during the year. In August, opposition journalist Ularbek Baitailak was attacked outside his home near Astana. After beating him, his assailants left him for dead and covered his body with stones in a symbolic burial. A few days earlier, Maksim Kartashov, the editor in chief of the sports magazine *Hokkey Kazakhstana*, was attacked at the entrance of his apartment. He said the incident could have been connected to his reporting on corruption in Kazakhstan's ice hockey federation.

Major broadcast media, especially national television networks, are partly or wholly owned by the state or by members or associates of the president's family. According to the government, there are 250 television and radio stations in the country. The president's daughter Dariga and her husband own the influential Khabar Agency, which runs several television channels. 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 run by the government 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 53 percent of the population in 2012. The government has adopted the internet and social media for its own use, while moving to restrict internet freedom for independent outlets. The government holds a majority stake in the largest service provider, Kazakhtelecom, which controls 70 percent of the internet market.

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