

# KAZAKHSTAN: CRIMINAL PUNISHMENT FOR JOURNALISTS

*Tatyana Kobzeva, reporter, Kazakhstan*

**On July 9 2002, Sergey Duvanov, editor of the humanitarian bulletin “Human Rights in Kazakhstan and Worldwide”, was summoned to the National Security Committee’s head office in connection with his online publication, “Silence of the Lambs”.**

After experts gave a negative opinion of the article’s subject-matter, prosecution was directed against Duvanov on a charge of violating Article 318 of Kazakhstan’s Criminal Code, “Offences against the honor and dignity of the President of the Republic of Kazakhstan and obstruction of his authority”. The charge carries a maximum penalty of three-years imprisonment.

## POLICE SEARCHES

Duvanov’s case has produced a number of circumstances in a way curious from the very beginning. To begin with, Duvanov himself admitted that “this was not the most critical of my articles targeting the President - I have publications much more critical than that.” Sergey Duvanov is a well-known opponent of today’s regime in Kazakhstan. During the 1999 election campaign, he directed the headquarters of the Republican People’s Party of Kazakhstan led by Akezhan Kazhegeldin (now émigré).

Furthermore, the article was published on May 6 2002, while the summons was delivered to the journalist on July 9 2002. That same day, officers of the National Security Committee searched his flat and office in the Kazakhstan International Bureau for Human Rights and Rule of Law. “There was no sense in conducting the

search as I do not deny my authorship,” the journalist said.

That’s where Yevgeny Zhovtis, a human rights activist and the official attorney of Duvanov, finds the major paradox. He believes it would have been far more logical to ask him if the article in question was written by him and, after receiving his answer in the affirmative, to nail on charge. Yet, for a few days he was questioned as a witness in the case involving his own article. The article “Silence of the Lambs”, was prompted by the Kazakhstani Prime Minister’s speech in which he affirmed the fact that Kazakhstan’s government keeps a US \$1 billion-“secret fund” in a Swiss bank. This fund, the Prime Minister said, has “more than once saved Kazakhstan from a financial meltdown.” The central question Duvanov posed in his publication was why, now that the evidence of Kazakhstan’s shady transactions in the West had been made public, “everybody pretends to know nothing”. The answer he offered was “elementary fear” of the ruling system.

The journalist believes all this fuss about his article is due to the fact that by the term “lambs” he meant Kazakhstan’s public prosecutors. “Servile dignitaries,” he wrote, “are compromising the President as they show to the West at large that it is extremely

perilous to express one’s opinion in this country but it’s no-one else but the President who gets it hot, after all.” And the charges filed against Duvanov of defaming the President come as indirect proof that his suggestion is right. According to the investigator who carried out the questioning, Sergey Duvanov will be sent to court.

The journalist and his attorney Zhovtis say that this may bring about the first-ever official investigation in Kazakhstan focusing on top officials’ accounts with foreign banks. It remains unclear, whether the prosecutors will go ahead or shelve Duvanov’s file for a while. Anyway, the defendant’s side is prepared for the trial. “If they need a trial, let them have it. I will willingly appear before the court,” Sergey Duvanov said in an interview with the Navigator online newspaper.

## STATE INTIMIDATIONS:

The situation around Kazakhstan’s mass media has caught the eye of international organizations. “The US is increasingly concerned about a pattern of politically motivated incidents in Kazakhstan that appear intended to intimidate opposition politicians and journalists,” said Douglas Davidson, deputy chief of the US mission to the OSCE, at the Vienna meeting of the OSCE Permanent Council on July 25 2002.

The New-York-based Committee to Protect Journalists (CPJ) made public its own position on the issue in its press release of July 16 2002, saying, “Journalists should

never be threatened with jail for their work”. “The situation in Kazakhstan, where journalists are being harassed for spreading information becomes more and more dangerous. Prosecution of

reporters writing for Web publications is just part of a generally mounting crackdown on independent mass media and journalists”, according to Yevgeny Zhovtis.

This perilous tendency threatens to grow into a permanent form of relationship between officialdom and the media – an issue that causes us collectively to reflect.