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## Kazakhstan

Mired in an international corruption scandal and taking a heavy hand to its political rivals, the government of Kazakhstan has done little to dispel critics' perceptions of its policies as increasingly predatory and authoritarian.

Corruption is pervasive in Kazakhstan. In 2004 Transparency International gave Kazakhstan one of its worst ratings, and identified it as part of a global phenomenon of oil-rich states with excessive levels of corruption. The Kazakhgate oil funds corruption scandal, which began in 1999, has tarnished the government's reputation at home and abroad.

President Nursultan Nazarbaev wins international praise for taking half-steps toward human rights reform and for refraining from further backtracking, though he has presided over few improvements in practice. Instead, the government continues its aggressive persecution of independent media and the political opposition. State antagonism toward critical media was particularly heated in advance of September 2004 parliamentary elections.

### ***Persecution of Independent Media***

The government of Kazakhstan has made some preliminary moves to improve its poor reputation with respect to media freedoms. For instance, in January 2004 it paroled Sergei Duvanov, an independent journalist and fierce government critic convicted in 2003 on questionable rape charges. President Nazarbaev also vetoed a highly restrictive media law after it was widely criticized abroad and deemed unconstitutional by the country's Constitutional Council.

But these moves do not indicate a policy shift. Kazakh television, the main source of news for the country's population, remains dominated either by government or pro-government media. The government's fierce intolerance for critical media reached new heights in the run-up to parliamentary elections. On July 22, 2004, the president ordered foreign media to include praise of the government and its policies along with any criticism, and reportedly said that his lawyers were prepared to sue foreign media who "discredit the country."

Indeed, the government uses politically motivated lawsuits to intimidate and shut down domestic media that are critical of the government or cover such sensitive issues as corruption. One such lawsuit resulted in the closure of a leading opposition newspaper, *SolDat* (Let Me Speak), in July 2003. In 2004, a bizarre set of events resulted in the closure of the *Assandi Times*. On June 2, 2004, a fake version of the *Assandi Times* filled with stories that misrepresented the political opposition was circulated throughout Almaty.

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The editorial staff issued a statement that disavowed the fake edition of the paper and expressed the staff's belief that "the presidential administration or...people close to it" were responsible. The administration sued for defamation. The court found in favor of the government, fined the newspaper, and ordered its bank account and property seized. This effectively closed down the main opposition newspaper in the country just two months prior to parliamentary elections. In August, the paper regrouped and began publishing under its former name, *Respublica*.

Critical newspapers are also the targets of anonymous violence presumably aiming to intimidate dissent. In August 2004, the office of an independent newspaper in southern Kazakhstan was attacked by unidentified men who threw Molotov cocktails through the windows. The incident, which did not cause injuries or the destruction of the office, was nonetheless reminiscent of the firebombing of the *Respublica* premises two years earlier. The editor of the paper speculated that the attack may have been in retaliation for the newspaper's coverage of the parliamentary election campaign or its pieces about local organized crime.

### ***Persecution of Political Opponents***

The government harasses members and supporters of Kazakhstan's opposition political parties, including through arbitrary criminal and misdemeanor charges and threats of job dismissal, often aimed at preventing the individuals from running for public office.

The continued incarceration of Galimzhan Zhakianov, the leader of the Democratic Choice of Kazakhstan (DVK), revealed the government's resistance to genuine political competition. Zhakianov was convicted in 2002, following an unfair trial on charges that have been widely viewed as politically motivated. In August 2004, authorities transferred him to a low-security settlement, where he remains under police supervision. Security officials have repeatedly tried to "convince" him to drop out of political life altogether in exchange for his release. In apparent response to his refusal, authorities are threatening new criminal charges against Zhakianov. He has also been denied his rights to reside in his home town and work while under the supervision of the settlement authorities.

DVK co-founder Mukhtar Abliazov was also apparently pressured to disavow his political affiliation and halt his political activities as a condition for release from prison in May 2003.

### ***Obstacles to Political Participation***

President Nazarbaev's government was rightly applauded for registering several key opposition parties, including the DVK. However, the government failed to provide the level playing field necessary for free and fair parliamentary elections in September 2004.

The Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe found that the elections "fell short" of international standards, citing unbalanced election commissions and media bias favoring pro-presidential parties.

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Local groups also voiced concern about the lack of voter education regarding the introduction of electronic voting, the disqualification of the leader of the centrist Ak-Zhol party, and unconfirmed reports that the pro-presidential Asar party, headed by Nazarbaev's daughter, coerced people on the government payroll to join the party or risk losing their jobs.

The OSCE and the Council of Europe criticized the vote count, citing compromised voter lists, voters turned away at the polling station, and the significant discrepancy between paper and electronic voter lists. In many cases domestic observers were reportedly "denied full access to polling station procedures, in spite of new legislation which allows them access." International observers noted with dissatisfaction that the government failed to implement a number of positive changes that had been introduced with the April 2004 election law.

In the end, President Nazarbaev's Otan party swept the elections, claiming forty-two of seventy-seven possible seats. The pro-presidential AIST and Asar parties were in second and third place respectively. The official tally gave the DVK no seats in parliament.

### ***Nongovernmental Organizations (NGOs)***

In 2003 the government attempted to pass legislation specifying that NGOs must be found by the government to be engaged in "useful" activity in order to obtain registration. President Nazarbaev withdrew the bill in October 2003 only after it met with almost universal condemnation from the local and international human rights communities.

But local NGOs report continued government harassment through intimidating visits and threats by security and law enforcement agencies, arbitrary investigations by the tax police, and surveillance by law enforcement and security agents.

### ***Fueling the AIDS Epidemic***

Human rights abuse against injection drug users and sex workers in Kazakhstan is fueling one of the fastest-growing AIDS epidemics in the world and threatening the country's economic and social development. Human Rights Watch has documented instances of police brutality, lack of due process, and harassment and stigmatization that drive drug users and sex workers underground and impede their access to life-saving HIV prevention services.

The government of Kazakhstan has failed to review government legislation regarding HIV/AIDS in order to bring it into compliance with international standards on HIV/AIDS and human rights. It has not expanded prevention and treatment services for all persons affected by HIV/AIDS, nor has it addressed abusive police practices toward drug users, in particular toward those seeking to access, or who have accessed, needle exchange services for HIV prevention.

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## **International Cooperation**

The government has taken several half-steps toward better compliance with international standards, but still needs to follow through to make these steps meaningful. For instance, the government at last signed on to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, but failed to ratify these instruments.

Similarly, the government extended an invitation to the U.N. Special Rapporteur on the Independence of Judges and Lawyers, who visited the country in June 2004. Local and international rights groups called for caution in assessing this move as progress, noting that true progress would be made only if and when the Kazakh government implements the Special Rapporteur's resulting recommendations.

The government took an important step toward abolition of the death penalty when it adopted a moratorium on state executions in January 2004.

## **Key International Actors**

The OSCE plays an active role in advocating for improvement in Kazakhstan's rights record. On July 22, 2004, the OSCE representative for media freedom, Miklos Haraszti, expressed his organization's objections to the heavy fine against the *Assandi Times*. "My first concern is that this decision will force *Assandi Times*, a major opposition news outlet, out of business, de facto annihilating the newspaper," he said.

Following a July 2004 Cooperation Council meeting between the European Union and Kazakhstan regarding the parties' Partnership and Cooperation Agreement (PCA), the E.U. cautioned that "a positive assessment of the [September parliamentary] elections would be an essential consideration in any decision on the bid of the Republic of Kazakhstan to hold Chairmanship of the OSCE in 2009." The bulk of the E.U. statement, however, failed to hold Kazakhstan to the standards set forth in the PCA and instead essentially praised the Nazarbaev government for its half-measures toward reform.

The U.S. government certified in 2004 that Kazakhstan had complied with the human rights standards on which military and other assistance is conditioned. In May 2004, the U.S. State Department announced that Kazakhstan had made "significant improvements in the protection of human rights in the last six months."