



JANUARY 2007

COUNTRY SUMMARY

Kazakhstan

President Nursultan Nazarbaev retained power in the December 2005 presidential elections, which international observers found did not meet international standards. In the year since the elections the government of Kazakhstan has flouted some of its fundamental human rights obligations, tightening control over independent media, interfering with the political opposition, and initiating politically motivated lawsuits against its critics.

Harassment and Obstruction of Political Opposition

The Democratic Choice of Kazakhstan Party (DVK), which had been banned in January 2005, attempted to register under a new name—Forward Kazakhstan!—but on June 6, 2006, the Supreme Court refused to register it because of “errors” found in the list of more than 62,000 members (50,000 are required) that was submitted as part of the application.

The government continues to bring spurious criminal and administrative charges against opposition activists and supporters. On May 15, 2006, Alibek Zhumabaev, of the For A Just Kazakhstan bloc, received a five-year sentence for insulting the dignity and honor of the president and creating civil disorder. On July 24 Bolat Abilov, the head of the Naghyz Ak Zhol party, received a three-year suspended sentence for insulting a police officer, which bars him from running in the 2009 parliamentary elections. Abilov was also charged in 2005 with embezzlement and tax evasion, for which he is awaiting trial.

Although DVK leader Galymzhan Zhakianov was released from prison in January 2006 after having completed a four-year sentence for corruption and abuse of power while governor of Pavlodar region, he and Abilov were reportedly prevented from traveling internationally and their political activities were obstructed.

Altynbek Sarsenbaev, co-chairman of Naghyz Ak Zhol, and two of his aides were murdered on February 13, 2006. Ten individuals were convicted in August of the murders, but Sarsenbaev's family condemned the trial as a "farce." On the eve of the 2005 presidential elections another prominent opposition figure, Zamanbek Nurkadilov, a former ally of President Nazarbaev who had accused the government of corruption and joined the opposition two years previously, was found dead in his house in Almaty. The case remains unsolved. For a Just Kazakhstan claimed both murders were politically motivated and demanded independent investigations.

Media Freedom

In July 2006 amendments to Kazakhstan's media law were adopted that give the government unlimited power to close independent and opposition media outlets for technical and administrative violations, and creates unduly restrictive registration procedures for new media outlets and re-registration procedures for existing media companies.

Opposition newspapers and journalists are routinely charged with criminal libel for violating "the honor and dignity of the president." In March 2006 opposition newspaper *Juma Times* was sued for having insulted President Nazarbaev, and its operations were closed. In April the successor to *Juma Times*, *Aina Plus* newspaper, was suspended for three months for changing its thematic focus. In July journalist Zhasaral Kuanyshtalin was sentenced to two years' imprisonment for having accused Nazarbaev of treason. The Committee on National Security also brought criminal charges against independent journalist Kazis Toguzbaev in June for insulting the honor and dignity of the president by blaming him for the murder of Altynbek Sarsenbaev. Toguzbaev is awaiting trial at this writing.

Independent journalists continue to be the target of physical attacks by unknown persons, which appear to be intended to intimidate and silence opposition media. On April 13 the editor for *Versiya* newspaper, Yaroslav Golyshkin, was severely beaten by two assailants. Golyshkin claims that the assault was related to an article he had published about the kidnapping of a financial police officer. On April 23 Kenzhegali Aitbakiev, an associate editor for the suspended *Aina Plus*, was also severely beaten outside his home by a group of unknown assailants, which Aitbakiev

believes was in retaliation for his professional activities. A former chief editor of the opposition newspaper *Alternativa*, Albert Zhiger, was attacked by two people on October 2. The attackers allegedly said they had warned him before the attack. Zhiger is convinced he was attacked because of his reporting.

The government routinely censors opposition websites by blocking access to them through two major internet providers, Kaztelecom and Nursat.

HIV/AIDS

Although by global standards the prevalence of HIV/AIDS remains relatively low in Kazakhstan, the country suffers from one of the fastest-growing HIV/AIDS epidemics in the world. Between 1996 and October 2006 the number of officially registered HIV cases grew more than 50-fold (from 100 to over 5,440). Unofficially, the number was estimated in 2005 to be as high as 20,000.

The HIV/AIDS epidemic in Kazakhstan is fueled by human rights abuses against intravenous drug users and sex workers, who are not only the targets of stigmatization, police abuse, and false criminal charges, but also are routinely denied humane medical treatment. Police are reported to regularly rape, beat, and extort money from sex workers. Police brutality and harassment drive injecting drug users and sex workers underground and increase their unwillingness to access services. Those infected with HIV/AIDS also face widespread discrimination in employment, housing, and access to government services.

The government has taken many positive steps in the fight against HIV/AIDS, including launching a US\$53 million program for 2006-2010 to fight the spread of HIV in Kazakhstan. However, Kazakhstan's HIV/AIDS laws have not been brought into compliance with international standards, and government policies, including mandatory HIV testing and the segregation of HIV-positive prisoners, are discriminatory and continue to reinforce prejudice. The government has also failed to ensure access to treatment programs for all HIV-infected persons, and to address police abuses against drug users and sex workers.

Refugee Crisis

A number of Uzbeks seeking refuge in Kazakhstan from persecution were forcibly returned to Uzbekistan to risk of torture and ill-treatment, in violation of international law.

In late November 2005 Kazakh authorities forcibly returned at least nine Uzbeks who had fled persecution in Uzbekistan, four of whom were registered with the office of the United Nations High Commissioner for Refugees (UNHCR). Upon their return to Uzbekistan some of the men were tried and sentenced, while others are awaiting trial at this writing on various charges related to “religious extremism.” In addition, seven Uzbeks wanted on religious extremism charges for their alleged affiliation with Akramia (followers of an independent Islamic religious teacher) and in connection with the 2005 Andijan uprising are believed to have been forcibly returned from Kazakhstan in late November and early December 2005. To date, Kazakh authorities have not admitted their involvement in these returns.

Kazakh authorities detained but later released several other Uzbek refugees, one of whom they held for two months but then transferred to UNHCR, despite an Uzbek extradition request.

Key International Actors

Top United States officials, including Vice-President Richard Cheney, who visited Kazakhstan in May 2006, failed to comment publicly on the government’s human rights record during their visits. The US ambassador to the Organization for Security and Co-operation in Europe (OSCE), by contrast, was outspoken in expressing concern about shortcomings in the Kazakh government’s human rights record, including the excessively restrictive amendments to the law on mass media, in a statement on May 16. The ambassador in September also issued a strongly critical statement on Kazakhstan’s bid for the 2009 OSCE chairmanship, making clear that the US would not support it due to the Kazakh government’s poor human rights record. US government assistance to Kazakhstan during fiscal year 2005 was US\$85.31 million, most of which (\$55.69 million) was allocated to security, regional stability, and law enforcement programs. The US also supported social, economic, and democratic reform programs in Kazakhstan.

The European Union once again failed to give practical effect to the human rights clause underpinning its relationship with Kazakhstan. The conclusions of the EU-Kazakhstan Cooperation Council meeting, held on July 18, 2006, contained disappointingly vague language on human rights, noting simply that Kazakhstan must comply with OSCE standards on the human dimension if it is to be considered a viable candidate to chair the organization. The conclusions underlined the need for the Kazakh authorities to make progress in areas such as freedom of the media and the ability of political parties to operate freely, and emphasized “the need for Kazakhstan to follow the path of democratic reforms and full respect of individual human rights.” During a visit to Kazakhstan on October 17 European Commissioner for External Relations and European Neighborhood Policy Benita Ferrero-Waldner noted that the country’s bid for the OSCE chairmanship “cannot be done at the expense of the [organization’s] core values,” and expressed hope that “the necessary political reforms” would be implemented in 2007.

The adoption of amendments to Kazakhstan’s media law in July 2006 went ahead despite warnings by the OSCE’s special representative on freedom of the media in June that they would impose excessive restrictions on media freedom.

At a summit of the Shanghai Cooperation Organization—of which Kazakhstan is a member—held on June 15 in Shanghai, China, leaders of the six member states reaffirmed that the fight against terrorism, extremism, and separatism remained a top priority for the organization.