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Human rights situations that require the Council's attention

Written statement* submitted by the International Centre Against Censorship, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Local and international human rights organisations call on the Kazakh government to refrain from restricting human rights under the pretext of the violent clashes in Zhanaozen**

We are concerned that the violent clashes in Zhanaozen in Kazakhstan, which took place on 16 December 2011, are used as a pretext to restrict fundamental rights and principles at local, regional and national level. We call for an urgent international independent investigation into the circumstances of the death of 17 civilians and the violence that erupted on that day. We fear that without such an investigation the events in Zhanaozen can be used to initiate politically motivated criminal charges against those who voice their critical opinion and report on human rights violations. We call on the Kazakh authorities to allow:

- for an international expert commission under the auspices of the UN to visit Zhanaozen and independently investigate the eruption of the violent clashes and deaths of 17 civilians
- unimpeded access to national and international journalists to Zhanaozen

The right to the freedom of expression, which encompasses free receipt and dissemination of information, as well as unimpeded access to information, is guaranteed under the Constitution of Kazakhstan and crucial to the protection of other human rights. This is in line with Article 19 of the International Covenant for Civil and Political Rights to which Kazakhstan is a party.

Between 16 and 18 December the residents of Zhanaozen were cut off from the outside world: mobile and internet networks were blocked, journalists were not allowed to enter the town and surrounding territories. This information blockade resulted in misinformation and rumours, and a government controlled information flow. Many journalists reported that they were not able to witness events, or talk with residents of the blocked area, and the authenticity of information could not be verified, nor was it possible to get confirmation of or obtain rebuttals from officials on controversial information. Only one official source was available to the people of Kazakhstan – the press conferences held by the Office of the General Prosecutor. The state of emergency established in Zhanaozen on 17 December imposed restrictions on physical access, the use of certain radio and television equipment, as well as on making audio-visual recordings. The state of emergency was only lifted on 31 January 2012.

On December 16, opposition websites www.socialismkz.info, www.respublikas.info, guljan.org which were covering the strike in Zhanaozen leading to the clashes between protesters and police, were blocked. Likewise the twitter account and the website of the news agency “Novosti Kazakhstan,” were blocked. Moreover, the YouTube account of TV channel K+ was blocked; other than by satellite this is the only way that the people of Kazakhstan can access this channel.

At least 6 journalists and public activists who managed to enter the town were detained by the police. These journalists included journalists from Russia, Vasiliy Shaposhnikov and Vladimir Solovyov of the newspaper Kommersant, and Ilya Azarov of the website

** The Adil Soz Foundation for Protection of Freedom of Speech, Golos respubliki newspaper, Youth Information Service of Kazakhstan (MISK), Kazakhstan International Bureau for Human Rights and Rule of Law, Public Fund “Regional Center for Journalism “TILSHI”, NGOs without consultative status, also share the views expressed in this statement.

www.lenta.ru. They were detained by police in Zhanaozen on December 18, and later beaten up and held by police for several hours, as well as having some of their property seized without explanation. On 22 December, journalist Zhanar Kasymbekova of the newspaper Golos respubliki and blogger Murat Tungishbayev were detained along with activists of the coalition “Khalyk Maidany” while they were meeting with witnesses of the riots and relatives of those who were killed or detained during the disturbances. They were arrested and brought to the local police station in Zhanaozen because they were making video and audio recordings. Later that day, they were escorted from the town to the nearby city of Aktau.

The following days, between 21 and 23 December, journalists could enter the city only under the condition of getting an accreditation by the press office service of the regional administration of Mangistau. After being accredited they had to agree on being taken on a press tour to places which were already prepared for their arrival. No interviews or talks with local residents were allowed without the presence of either police or local government officials. Journalists, who tried to evade the attention of the authorities, and continue their work independently, received verbal warnings not to do so.

Soon after the riots, the authorities began a formal investigation into the riots in Zhanaozen, which it promised to make as transparent and open as possible. However, the recent arrest of a number of opposition activists in connection with the Zhanaozen riots was accompanied by the previous lack of disclosure of information. In parallel, the allegations of supporting the provocateurs were expanded to include HRDs and journalists. Igor Vinyavskiy, editor-in-chief of the newspaper Vzglyad, is being held in pre-trial detention awaiting a formal hearing on charges brought against him for “calling for the violent overthrow or change to the constitutional order or the violent violation of the integrity of Kazakhstan, through the use of the media or an organised group”. The editorial staff of the newspaper Respublika and Stan TV website have been subject to periodic interrogations and searches of their offices.

We reiterate that the government of Kazakhstan should live up to the promises on human rights it made just two years ago when assuming the chairmanship of the Organisation for Security and Cooperation in Europe. Equally it should comply with its legally binding obligations under the International Covenant on Civil and Political Rights (ICCPR). We urge the government to make full use of the recommendations made as part of the Universal Periodic Review to improve its human rights record. For example, the government of Kazakhstan should begin its promised reform of freedom of expression related legislation in compliance with the ICCPR. Further it should release all journalists and human rights defenders arbitrarily detained or arrested in connection with the violence in Zhanaozen. The government should ensure an independent and thorough investigation and allow for maximum disclosure of information by giving unimpeded access to Zhanaozen to members of all media outlets, regardless of their ownership status.
