

## **Kazak Authorities Chip Away at Free Expression**

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Experts think government is losing confidence in its ability to win "information war".

Media rights activists in Kazakstan are concerned at legislative changes that seem designed to further restrict freedom of expression, especially on the internet.

A revised criminal code now before parliament includes a new provision banning rumours liable to "create public disturbances". Offenders who publish such false information in the media, including online, would face a prison sentence of up to five years.

Kazakstan's deputy prosecutor general Johann Merkel linked the new provision to the devaluation of the national currency in February, when rumours spread on the messaging service WhatsApp warning people to withdraw their money from the banks.

The criminal code was passed by the lower house of parliament on April and now goes to the upper chamber for approval.

In a separate change, an amendment to the communications law already passed by both houses of parliament allows the prosecution service to temporarily shut down websites and even whole networks without obtaining a court order, in order to prevent the dissemination of information deemed harmful to society or containing calls to commit "extremist" acts.

Finally, a government regulation that came into force on April 2 sets out special reporting rules for the duration of a state of emergency. The owners of print, radio and TV companies would have to seek prior approval for news content from emergency management officials, or else face suspension or closure. News pieces would have to be submitted for scrutiny a day in advance of publication or broadcast, or one hour in the case of breaking news.

All three changes have been criticised by media watchdogs.

The OSCE Representative on Freedom of the Media, Dunja Mijatović, said called on the Kazak authorities to reconsider measures which she said "might result in undue restrictions of public debate in the media and access to the internet".

"The unclearly defined terms and harsh punishments would allow for a wide interpretation of the law under which the right of freedom of the media can be limited. This might result in self-censorship or undue control over media content by the authorities," Mijatović said.

Kazakstan's Union of Journalists said the "false rumours" clause effectively allowed the authorities to persecute people for expressing an opinion. It warned of the risk of reverting to "the totalitarian past, the era of fear and terror".

Djokhar Utebekov, from the Almaty Association of Lawyers, told the Tengrinews website that the state-of-emergency rules would allow the authorities to shut down all internet and mobile communications access within hours.

Lukpan Ahmedyarov, editor-in-chief of the Uralskaya Gazeta newspaper in western Kazakstan, added that the rules would "enable the authorities to make a broad interpretation of what Kazakstan's domestic affairs means when the international community accuses [them] of violating human rights during a state of emergency".

More broadly, he said, the various curbs would make it harder to report on public interest stories.

"Journalists who conduct independent investigations and who seek out and distribute information will inevitably fall foul of those who would like to conceal information from public view," he said. "They might be corporations, criminal groups or government agencies."

Two year ago, Ahmedyarov, whose newspaper is known for its coverage of corruption issues, was shot and stabbed times by assailants near his home.

### **STRICTER REGULATION MAY REFLECT GOVERNMENT UNCERTAINTY**

Irina Petrushova, founder of the opposition Respublika media group that includes a newspaper of the same name which was forced to close in 2012, said she was not surprised by moves against the media, but

suggested that the immediate reason for rushing in tighter regulation was the unrest in Ukraine earlier this year which led to President Viktor Yanukovich fleeing the country.

In Petrushova's view, the latest attempts to block the free flow of information betray deep-seated official fears about the state of the economy and other challenges facing the Kazak government, including the possibility of a succession battle if President Nursultan Nazarbaev steps down.

Ahmedyarov said the government realised it was getting harder to influence public opinion and control what people thought. In his view, the president's office believes "that it can't win the information war, so the only option left to it is just to block things".

Galym Ageleuov, head of the Liberty NGO, believes the government is particularly intent on increasing its control over the internet – a place where dissent can still be expressed.

"The authorities tightened the screws on the print media and then went on to block critical websites. Live Journal, the **Eurasia** site and social networks were the last remaining free spaces," Ageleuov said, adding that the government clearly feared that "virtual protests" could one day become real ones.

Ageleuov noted that bloggers who had established a following were now being targeted. In February, three of them – Nurali Aitelenov, Rinat Kibraev and Dmitri Scholokov – spent ten days in jail on public disorder charges after an impromptu protest against being barred from a press conference given by the mayor of Astana, Kazakstan's capital.

All three are part of a video project called Koz Ashu ("Open Eyes") which reports on the persecution of human rights defenders and opposition members, and on social issues.

Another blogger, Dina Baidildaeva, was subsequently detained and fined for mounting a solo protest action against the way the three had been treated. The same month, another blogger, Andrei Tsyukanov was given 18 days in jail.

Ageleuov says these people have been marked out as they are engaged in critical citizen journalism, and are among the few who openly voice criticism of the authorities.

Earlier this month, Valery Surganov, who runs a website called **Insiderman**, was charged with libel and perverting the course of justice after he criticised the way a court handled a crime case last year.

Petrushova pointed to gradual suppression of traditional forms of independent journalism, a profession that attracts fewer and fewer new recruits.

She recalled the case of Natalia Sadykova, of the Assandi Times newspaper, who was accused of the criminal offence of defamation even though she denied authoring the article concerned, which alleged corruption among local government officials.

"She was forced to leave the country [on March 9] after they launched a criminal case in connection with an article she didn't write," Petrushova added.

Assandi Times was forced to suspend publication down on April 1, after court officers arrived at its Almaty offices saying they had orders to shut it down.

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**Location:** Kazakstan

**Topic:** Media

**Focus:** Центральная  
Азия

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**Source URL:** <https://iwpr.net/global-voices/kazak-authorities-chip-away-free-expression>