

Kazakstan: Growing Calls for Editor's Release

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Local and international press freedom groups say security service's treatment of detained journalist "out of all proportion".

Human rights activists are urging both the president and prosecutor general of Kazakstan to secure the release of a newspaper owner detained after being accused of divulging state secrets.

The Organisation for Security and Cooperation in Europe, OSCE, which Kazakstan will chair in 2010, is calling on the government to use the case as an opportunity to rectify its media legislation.

Ramazan Esergepov, owner and editor of the Alma-Ata Info newspaper, was reportedly arrested on January 6 by masked officers from the Committee for National Security, KNB, who took him away from an Almaty hospital where he was being treated for heart problems.

The editor is now being held in Taraz, the main town of the southern Jambyl region, 500 kilometres from his home in Almaty.

According to his lawyer Valery Isaykov, Esergepov faces charges of obtaining and divulging state secrets, as well as misusing his position as owner of a media outlet.

The maximum penalty for these crimes is eight years' imprisonment, with a ban on professional activities of up to three years, said Isaykov in an interview with the Respublika.kz news site, on January 13.

Esergepov was arrested after Alma-Ata Info carried an article which criticised the way the Jambyl regional department of the KNB had dealt with a company belonging to a local businessman implicated in a tax-evasion case.

The piece, printed on November 27 and headlined, "Who really runs our country, the president or the KNB?", was based on the content of two letters about the businessman's case, apparently written by local security service officers to their superiors in the central KNB.

The KNB's Jambyl office launched a criminal case into the leak of the letters the same day the article was published.

As Esergepov's wife Raushan explained at an Almaty press conference on January 12, the editor was originally summoned as a witness in the case, but his status was later changed to that of defendant.

Raushan Esergepov said that since being detained, her husband has refused to give evidence and has gone on hunger strike demanding that the KNB department hand over control of the investigation to the financial police, who would be more impartial.

On January 21, the head of the Almaty-based media rights group Journalists in Danger, Rozlana Taukina, told IWPR that Esergepov had called off his hunger strike for medical reasons.

She said the security service was still trying to identify the source of the leaked material.

“The regional KNB is interested in the source of information, as they still don’t know who provided Ramazan Esergepov with the documents,” said Taukina.

But with Esergepov still refusing to give evidence until his request for a change in the investigative team is met, the security services have made little progress, she said.

Meanwhile, the KNB said Esergepov was arrested because he refused to cooperate with the investigation into the leaked information.

“Esergepov tried to politicise the situation around the investigation of this criminal case, and around the legitimate actions taken by members of the investigative team,” said a KNB statement released on January 6.

Talgatbek Aytkezhinov, head of the investigations unit at the KNB in Jambyl, said that the editor ignored summons issued by the department.

“He was repeatedly sent subpoenas, but he ignored the law. Following this, we were forced to... detain him and place him under arrest,” Aytkezhinov told the local TV station Stan.tv on January 13.

There has been an international outcry over Esergepov’s arrest and ongoing detention.

The press freedom organisation Reporters Without Borders, RSF, called the circumstances of his arrest “outrageous”, saying the pressure applied to him “was out of all proportion”.

“He is accused solely of publishing leaked confidential information. He is not a dangerous criminal who has to be arrested in a hospital by masked men with guns,” said RSF.

The group said that instead of going after the journalist, the security service should track down the source of the leak within its own ranks.

“Esergepov has nothing to answer for. The confidentiality of a reporter’s sources is one of the pillars of investigative journalism. Protecting it is vital,” it said.

RSF pointed out that the way the KNB in Jambyl responded to the leak was contrary to the values promoted by the OSCE.

The OSCE's Representative on Freedom of the Media, Miklos Haraszti, spoke out about Esergepov's detention.

"Keeping him under arrest, just as threatening him with imprisonment, would be a violation of the OSCE commitment to facilitate a fearless atmosphere for journalism," he said in a letter to Kazak Foreign Minister Marat Tazhin on January 14.

Haraszti called on Kazak authorities to use Esergepov's case as an opportunity "to reform rules on classification, to decriminalise breach of secrecy by civilians and to grant protection of journalistic sources".

Local journalists also voiced concern about Esergepov's treatment, accusing the KNB of using the case to create a chilling effect and discourage future scrutiny of its activities.

Yevgeny Zhovtis, director of the Kazakhstan Bureau for Human Rights and Rule of Law, said Esergepov's case was a warning to the media not to take on the KNB, which he said was treated as a "sacred cow" by the authorities.

"We don't have any mechanism for controlling the activities of the security ministry [KNB]. Even the oversight provided by the prosecutor's office is rather illusory," he said.

Zhovtis said that while the leaked documents could technically be regarded as confidential, the fact that they were internal communications meant they were not state secrets per se.

According to Zhovtis, the current debate around whether or not Esergepov has revealed a state secret is misplaced, and people should instead be asking whether the disclosure was related to a matter of public interest – a common defence in press freedom cases.

But that is not how such issues are dealt with in Kazakhstan, he said, "Instead, they persecuted the journalist."

He went on, "The interests of the state, which staff members of certain institutions confuse with their own interests, prevail. And the might of the state is used to put pressure on an individual who reveals secrets about the government's inside dealings."

Journalist Sergey Duvanov, meanwhile, said Esergepov's detention was an example of the "arbitrary rule" of the security service.

"Esergepov has done nothing that could be so dangerous that he should be detained and isolated from society. His 'guilt' is that he published information that someone got hold of," said Duvanov. "There's clearly an issue if the leaked information and its publication have done damage to a government agency. But arresting someone and keeping him in detention is in my view overstepping all permissible boundaries."

Like others, Duvanov accused the security service of trying to intimidate the media.

“I think that Esergepov will be punished, whatever happens. That way, a precedent will be set and it will prevent future publication of this kind of information,” he said.

Taukina agreed the case was being used as a warning to other journalists.

“There was no need to arrest the journalist or to handcuff him. All this was done to put pressure on him,” she said.

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