

KAZAKHSTAN

HUMAN RIGHTS DEVELOPMENTS

The human rights situation in Kazakhstan generated alarm as the government in 2002 struck out at critical media and opposition politicians in an apparent effort to shield itself from pressure for reform.

Kazakh government repression of independent media reached crisis proportions, as journalists were attacked and beaten, threatened with death, and jailed. Media outlets connected to President Nursultan Nazarbaev's political rivals, and journalists who attempted to expose official corruption, were particular targets of the crackdown.

In May, the twenty-five-year-old daughter of independent journalist Lira Baiseitova "disappeared" the day after the journalist published a controversial piece in the newspaper *SolDat* (Let Me Speak) regarding personal Swiss bank accounts allegedly held by the Nazarbaev family. In June, police informed Baiseitova that her daughter, Leila, had been arrested for heroin possession, but did not grant the two a visit. Days later, Leila Baiseitova died in police custody; Lira Baiseitova received conflicting reports about the cause of death, including a police claim that her daughter had hanged herself in her cell. Lira Baiseitova had herself been the victim of physical attacks in 2000 and 2001.

On August 28, unknown assailants beat independent journalist Sergei Duvanov unconscious; he was hospitalized for head trauma and other injuries. The attack was clearly aimed at silencing Duvanov and intimidating other independent journalists. On May 6, an Internet publication had posted a controversial article by Duvanov about corruption on the part of President Nazarbaev and his close circle. On July 9, officers of the National Security Committee (KNB) interrogated Duvanov about his Internet article and filed criminal charges against him for "violating the honor and dignity of the President." By October, a police investigation had failed to identify the assailants. On October 28, police arrested Duvanov on charges of sexual assault of a minor. Duvanov had been scheduled to leave the following day for the United States (U.S.), where he was to have given a series of lectures on the state of media freedoms in Kazakhstan.

The August assault on Duvanov came twelve days after a similar attack on Artur Platanov, a television reporter, who was beaten outside his home and suffered injuries requiring hospital treatment. Human rights groups reported that police identified the assailants as three former police officers. Platanov's recent reporting had addressed allegations of government corruption and the suspicious circumstances surrounding the death of Leila Baiseitova.

In May, unknown intruders to the *SolDat* premises beat and seriously injured employees, stole equipment, and threatened a repeat attack if the paper continued publishing. Authorities blamed "drug addicts" for the crime, and at this writing Human Rights Watch was not aware of any further state investigation into the inci-

dent. The paper is said to be affiliated with the opposition Republican People's Party, led by former Prime Minister Akezhan Kazhegeldin.

The same month a firebombing destroyed the offices of another newspaper, *Respublika*. Police reportedly failed to investigate the incident seriously, and instead briefly detained the paper's co-founder, Muratbek Ketebaev, on charges—later dropped—that he had hired people to carry out the firebombing; the case remains under investigation. Prior to the attack, the newspaper's editor, Irina Petrushova, had received a funeral wreath with her name on it, and had found a decapitated dog hanging outside the newspaper's office reportedly bearing a note saying "there will be no next time." *Respublika* journalists had been investigating allegations of government corruption, including the Nazarbaev family Swiss bank accounts story.

On July 4, Petrushova, who is not a citizen of Kazakhstan, received an eighteen-month suspended prison sentence for working in Kazakhstan illegally. Work permit rules for citizens of most countries of the former Soviet Union are usually enforced only with regard to sensitive government posts, and violations punished by a fine. According to the Reuters news agency, Petrushova left Kazakhstan at the end of August.

Also in 2002, the seven-year-old Rifma radio station, the first independent radio station in Aktiubinsk province, was closed after government officials successfully petitioned to have the broadcaster's license revoked for "deliberately and blatantly" violating the law on languages. By law, at least 50 percent of a station's programs must be in Kazakh. Authorities suspended the license of private television station Tan in March for alleged violations of the language law as well as "technical problems."

Opposition politician Mukhtar Abliazov, named in media reports as a shareholder and co-founder of Tan, and one of the co-founders of the nascent Democratic Choice of Kazakhstan (DVK) opposition party established in November 2001, was arrested on March 28. He was sentenced on July 18 to six years in jail on charges of abuse of office while serving as minister of energy from 1997 to 1999. Galymzhan Zhakianov, the other DVK co-founder, was sentenced on August 2 to seven years of imprisonment for alleged abuse of office while serving as governor of Pavlodar province. The two men and their supporters argued that the government fabricated the cases against them to remove them as serious challengers to Nazarbaev. Others viewed the case as another example of the selective prosecutions that target the dissident elite.

Senate elections held October 8 were allegedly marred by procedural violations. Authorities denied registration to the DVK candidate from Pavlodar, Gennadi Bondarenko.

President Nazarbaev continued to consolidate economic and financial power while severely curtailing public inquiry into the alleged misuse of government oil revenues. Government harassment of the independent media was partially attributed to revelations in late 2001 and early 2002 that the government secretly held approximately U.S.\$1.4 billion in a Swiss bank account under Nazarbaev's control. After repeated government denials, on April 4 Prime Minister Imangaly Tasmagambetov confirmed the existence of the account and explained how it was used. However, Tasmagambetov did not respond to parliamentary questions about

the existence of personal Swiss accounts in the name of Nazarbaev and his relatives.

A U.S. federal judge ruled on September 9 that the Kazakh government could not prevent a federal grand jury from reviewing some three hundred thousand pages of documents related to a corruption investigation involving Kazakh government officials and James Giffen, a close associate of Nazarbaev and financial advisor to the Kazakh government. The government had requested that the documents be suppressed on the grounds of sovereign immunity. The investigation stemmed from information that the U.S. Department of Justice (DOJ) had received from Swiss authorities in 2000 regarding the “alleged use of U.S. banks to funnel funds belonging to certain oil companies through Swiss bank accounts and shell companies... for ultimate transfer to... high-ranking officials of Kazakhstan.” The DOJ documented transfers totaling almost U.S.\$115 million from March 1997 to September 1998 allegedly from several international oil companies through Giffen to the president and former government officials.

The Kazakh government removed some of the most restrictive language in its law on religion, bringing it closer to international standards. For example, the registration requirement for those seeking to conduct missionary activity was lifted for Kazakh citizens.

However, police and prosecutors sought to punish those who engaged in religious activity but were affiliated with unregistered religious groups. For example, on February 15 police reportedly arrested Tursunbai Auelbekov for distributing Baptist literature in a market. The prosecutor intended to bring charges against Auelbekov, but desisted upon learning of his poor health; he was subsequently released. While in the majority of cases Baptist believers from unregistered groups were penalized with administrative fines, in October 2001 authorities sentenced Pastor Valeri Pak to five days of imprisonment for ignoring an earlier order to halt his church’s activities. In a particularly disturbing case, on October 27, 2001 police in Kyzl-Orda province beat Asylbek Nurdanov, the leader of an unregistered Baptist church, and forcibly committed him to a mental institution; he was released on November 16.

Some of the harshest government action to repress religious freedom was reserved for members of Hizb ut-Tahrir (Party of Liberation) a non-violent group that advocates the re-establishment of the Islamic Caliphate or state. At least two dozen members of the group were detained in Kazakhstan in late 2001 and 2002 for distribution of Hizb ut-Tahrir leaflets. Uzbek citizens arrested for membership in the group were extradited to Uzbekistan, where they were sentenced to long prison terms. Others were fined or given prison sentences of up to four years, according to press reports. One alleged member, Kanat Beiembetov, died in custody as a result of ill-treatment by KNB agents on November 6, 2001, eleven days after his arrest. The officers responsible for his death were reportedly dismissed.

Kazakh courts continued to sentence people to death. As of June some forty people were reportedly on death row awaiting execution.

The government took several steps during the year to address a rapidly escalating HIV/AIDS epidemic, including a directive abolishing the long-standing practice of compulsory HIV testing for all persons in pre-trial detention. Unfortunately, by October the Ministry of Internal Affairs—which oversees such facilities—still

had not implemented this directive. Injecting drug users—the most heavily AIDS-affected population group in the country—and commercial sex workers continued routinely to face police abuse and lack of due process. These factors contributed to their lack of access to preventive HIV services. Persons living with HIV/AIDS continued to experience severe discrimination in access to health care, housing, and employment.

DEFENDING HUMAN RIGHTS

In September 2002, the government created an ombudsman’s office to monitor and take steps to remedy human rights violations. The potential effectiveness of the office appeared to be undermined from the outset, however, as founding legislation specified that the ombudsman would be prohibited from “interfering” in court proceedings or the routine operation of law enforcement agencies.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Kazakhstan remained the only country in the region that was not a state party to the International Covenant on Civil and Political Rights or to the International Covenant on Economic, Social and Cultural Rights.

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights expert advisory panel on freedom of religion or belief reviewed Kazakhstan’s new law on freedom of religion and religious associations and was successful in improving its protection of religious freedoms. Cooperation between the government and OSCE was commendable in this area.

The OSCE representative on freedom of the media issued a report in June expressing alarm at attacks on the media in Kazakhstan. He also spoke out strongly against the assault on Sergei Duvanov, calling for his attackers to be brought to justice.

European Union

In July, the E.U. reported that its 2002 Cooperation Council meeting with Kazakhstan had emphasized respect for human rights as an “essential condition” for Kazakhstan-E.U. cooperation. The E.U. statement mentioned violent attacks on the media, and expressed concern regarding “the number of court cases against non-governmental media and opposition.” It also noted the need for a “transparent” judicial system to address the problem of corruption.

The E.U. encouraged Kazakhstan to ensure broader political pluralism, but the Kazakh government took no discernible action in response. The E.U. used an OSCE Permanent Council meeting in late July to express concern about the new law on political parties, saying that it “pose[d] a threat to political pluralism” and would “impede the full development of political parties in all sectors of Kazakh society.”

United States

U.S. President George W. Bush reportedly raised human rights issues during his December 2001 meeting with President Nazarbaev. But since the White House made no public statement to this effect, Nazarbaev was able to use the meeting to show that he had unqualified U.S. support. At the close of the visit, the Bush administration promised to seek Kazakhstan’s “graduation” from the Jackson-Vanik amendment to the U.S. Freedom Support Act, which denies “most favored nation” trade status to countries that restrict freedom of emigration.

As the crackdown against the Kazakh media and political opposition intensified, the Bush administration’s frustration with the Kazakh government appeared to grow. In August, a State Department spokesman stated that “recent developments... pose a serious threat to the country’s democratic process” and promised that the U.S. would “raise these concerns at the highest levels with the Government of Kazakhstan.”

The U.S. risked sending mixed signals to Kazakhstan, however, by simultaneously pursuing closer military ties, culminating in a July agreement giving U.S. aircraft landing rights at Almaty airport.

In September, U.S. government officials took the lead in an international effort to convince Kazakh authorities not to extradite Gulgeldi Annaniazov, a Turkmen dissident in Kazakh custody, to Turkmenistan. Annaniazov was granted refugee status by the United Nations High Commissioner for Refugees (UNHCR) and was able to travel to Norway for medical treatment in early October.

KYRGYZSTAN

HUMAN RIGHTS DEVELOPMENTS

The events of 2002 provided further evidence that the government of President Askar Akaev had abandoned human rights commitments. It used lethal violence to break up demonstrations, jailed the president’s political rivals and independent-minded Muslims, and attempted to dismantle media freedoms. With its increasingly close relationship to the U.S. and heightened international profile, the government appeared confident that repressive measures would have no diplomatic consequence.

At least five demonstrators were killed and some ninety people injured, includ-