



Open letter to Kazakhstani authorities about the attack on journalist Lukpan Akhmedyarov

28 April 2012

To:

President Nursultan Nazarbaev
Minister of Foreign Affairs Erzhan Kazykhanov
Minister of Internal Affairs Kalmuhanbed Kasimov
General Prosecutor Askhat Daulbaev
Speaker of the Senate Kairat Mami
Speaker of the Mazhilis Nurlan Nigmatulin
Astana, Republic of Kazakhstan

Dear Excellencies,

We are writing to you to express our concern about the recent brutal attack on journalist Lukpan Akhmedyarov in the city of Uralsk in northwestern Kazakhstan. We are calling on you to ensure a prompt, impartial and thorough investigation of this attack with a view to bringing the perpetrators to justice. In light of this attack, as well as other recent assaults on journalists in Kazakhstan, we also urge you ensure the adoption of effective measures to protect and ensure the safety of journalists who carry out their professional duties.

As you know, Lukpan Akhmedyarov was attacked in the evening of 19 April 2012 outside the apartment building where he lives with his family in Uralsk. According to available information, a number of unknown individuals hit him on the head with a heavy object, stabbed him several times and shot at him with an air gun. He required emergency surgery for the injuries he sustained, which included a bad head injury and stab wounds to his lungs, kidneys, stomach and other vital internal organs. He has now regained consciousness, but remains in hospital in a serious condition.

It is our understanding that a criminal case of attempted murder has been opened into the attack on Akhmedyarov and that an investigation is currently under way. In view of this, we wish to remind you of Kazakhstan's obligation under international human rights law to vigorously investigate the attack, and when doing so, to pay particular attention to uncovering the motives of the attack and its possible links to Akhmedyarov's professional and civic activities.

In a televised comment made on 20 April 2012, Uralsk Prosecutor Batyr Dzhazbaev stated that the preliminary investigation indicated that the attack on Lukpan Akhmedyarov was not politically motivated.

However, Akhmedyarov's colleagues are convinced that the attack on him is related to his reporting and civic engagement. It is imperative that these allegations are dealt with in the most serious manner.

A journalist with the *Uralskaya Nedelya*, Lukpan Akhmedyarov is known for articles critically examining the activities of authorities and other public actors. He has faced several defamation lawsuits because of such writings. In a case currently pending in court, a high-ranking regional level official is requesting 5 million Tenge (some 25.000 EUR) in moral compensation for an article written by Akhmedyarov on the topic of family connections among those serving in public administration. The trial in this case is set to begin on 27 April 2012, although Akhmedyarov is still in hospital.

Akhmedyarov has also organized and participated in peaceful protests against official policies. This year he has been involved in the coordination of so-called "disagreement" rallies in Uralsk. These kinds of rallies have been held in different cities in Kazakhstan to protest the use of excessive force by law enforcement authorities during the December 2011 events in Zhanaozen, as well as to demand the implementation of democratic reforms in the country. A "disagreement" rally was held with permission by local authorities in Uralsk in late March 2012, while an application to hold a new one in late April 2012 has been rejected.

In the first few months of 2012, Akhmedyarov has reported facing a series of harassment that appear linked to his professional and civic engagement, including being held under surveillance, being stopped by police in his car on the pretext of suspicion of narcotics possession and being summoned and warned by local authorities. Akhmedyarov's wife has also reported attempts to pressure her at her work place due to her husband's activities.

We urge you to ensure that the circumstances described above are taken into due consideration in the investigation of the attack on Lukpan Akhmedyarov and that every effort is made to ensure that all those who planned, organized and carried out the attack are identified, prosecuted, tried in a transparent process and adequately penalized with full account of the nature of the attack. This is particularly essential in view of the fact that a number of previous attacks on journalists have not been solved and the perpetrators have not been brought to justice. A different outcome in this case will set an important precedent that there can be no impunity for acts such as this one.

The undersigned organizations are also concerned that the attack on Lukpan Akhmedyarov took place in a generally worsening climate for independent and opposition journalists in Kazakhstan. While it was the most vicious attack to date, it follows a number of other recent physical attacks on journalists. It was already the third attack on a journalist reported by the Adil Soz Foundation for the protection of freedom of speech since the beginning of the year. Journalists have also increasingly faced other forms of harassment and obstruction in their professional activities, including being detained, summoned and interrogated by law enforcement authorities, being charged with criminal and administrative offenses on spurious grounds and being ordered to pay moral damages in excessive amounts as a result of defamation suits.

In this context, we wish to recall that journalists have a professional duty to scrutinize and report on matters of public interest and, in this way, to help realize the fundamental right of citizens to receive information on such matters. We call on you to publicly acknowledge the crucial role played by journalists

in an open society, to unequivocally condemn all forms of intimidation and harassment against them and to initiate appropriate and effective measures to ensure that journalists can work safely and freely in your country. An OSCE manual from November 2011 (available at <http://www.osce.org/fom/85777>) provides useful guidance with respect to measures for protecting journalists and promoting the development of a healthy climate for freedom of expression. It would also be essential to consult and involve Kazakhstan's journalist community and civil society in the process of elaborating such measures.

We thank you for your attention to the issues raised in this letter.

Sincerely,

Kazakhstan International Bureau for Human Rights and Rule of Law
International Partnership for Human Rights (Belgium)
The Norwegian Helsinki Committee
The Netherlands Helsinki Committee
The Helsinki Foundation for Human Rights (Poland)
Crude Accountability (United States)
Ukrainian Helsinki Human Rights Union
The Moscow Helsinki Group
Promo-LEX (Moldova)
Freedom Files (Russia)
The Human Rights Center of Azerbaijan
Helsinki Citizens' Assembly – Vanadzor (Armenia)
The Association of Ukrainian Human Rights Monitors on Law Enforcement
Georgian Young Lawyers' Association
The Belarusian Helsinki Committee
The Albanian Helsinki Committee
Eurasia Justice Initiative (United States)
Belarusian Human Rights House (Lithuania)
Index on Censorship (United Kingdom)

Olof Kleberg, Vice President of the Swedish OSCE Network (in personal capacity)

The signatory organizations are all members of the Civic Solidarity Platform, a coalition of non-governmental organizations working to protect human rights in the OSCE region.