

January 20, 2011

His Excellency Nursultan Nazarbayev
President
Republic of Kazakhstan
Astana, Kazakhstan

Your Excellency:

We are writing to express our dismay that Kazakhstan's leading human rights defender, Mr. Yevgeniy Zhovtis, was not granted early release after the expiration of one-third of his four year sentence for vehicular manslaughter. In spite of being the victim of arbitrary treatment while incarcerated, Mr. Zhovtis fulfilled all reasonable requirements for early release. He has also expressed his sincere regret for the loss of life that resulted from the accident in which he was involved and provided material compensation to the family of the victim, while firmly maintaining that he was not guilty of a criminal offense.

Independent observers and analysts have concluded that the investigation, trial, and appeal of Mr. Zhovtis' case were marred by with fundamental violations of the laws of the Republic of Kazakhstan and of international human rights standards. These flaws have had a profoundly negative effect on your country's standing in the international community.

The continued incarceration of Mr. Zhovtis, who actively contributed to the drafting of your government's National Plan for Human Rights reflects poorly on the state of human rights and rule of law in Kazakhstan. We encourage your government to take whatever steps are necessary, consonant with legislation of the Republic of Kazakhstan, to undo this miscarriage of justice. It is crucial for Kazakhstan's government and justice system to be able to correct flaws such as those seen in the investigation, trial, and appeal of Mr. Zhovtis.

Your government's failure to release Mr. Zhovtis calls into serious question Kazakhstan's intention to fulfill its human dimension commitments as reiterated late last year at the OSCE summit in the Astana Commemorative Declaration.

We call on you to reverse the decision that keeps Mr. Zhovtis in jail.

Sincerely,

Aryeh Neier
President
Open Society Foundation

David Kramer
Executive Director
Freedom House

Harry Hummel
Executive Director
Netherlands Helsinki Committee

Bjørn Engesland
Secretary General
Norwegian Helsinki Committee

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