



Minister of Foreign Affairs
Mr. M.J.M. Verhagen
P.O.Box 20061
2500 EB The Hague

Date: September 14th 2009
Subject: Conviction of Human Rights Defender Yevgeni Zhovtis in Kazakhstan.

Dear Mr. Verhagen,

Hivos, the Netherlands Helsinki Committee and International Partnership for Human Rights are seriously concerned about the recent conviction of Yevgeni Zhovtis, the director of the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR).

On September 3rd, Mr. Zhovtis was sentenced to four years imprisonment for manslaughter, arising from a fatal car accident on July 26th, in which one person was killed.

Hivos, the Netherlands Helsinki Committee and International Partnership for Human Rights have the opinion that Yevgeni Zhovtis has received an unfair trial which has been politically motivated. The following irregularities took place during the trial:

- changing the status of Mr. Zhovtis from that of a witness to a suspect without informing him of it in due time, due to which he did not have the full rights of a suspect;
- the court's rejection of all the defence's motions that challenged evidence put forward by the prosecution;
- not taking into consideration the evidence submitted by the defence;
- not questioning any of the defence's experts.

This conviction raises questions about the independence of the judiciary in Kazakhstan.

Mr. Zhovtis has been one of the leading human rights defenders in Kazakhstan for the past two decades and he has criticized the Kazakhstani government on several occasions. The past months he was actively involved in critically monitoring the situation in Kazakhstan in preparation to the OSCE presidency of the Kazakhstani government in 2010. For this purpose, he participated in both national and international NGO networks.

Yevgeni Zhovtis has a solid reputation. He was granted various international awards for his persistent human rights defense work. Many international organizations and embassies in

Kazakhstan use his analyses of the domestic situation and ask him for advices. Mass media often ask his opinion about developments.

This conviction of Mr. Zhovtis fits in a pattern. In the past, KIBHR has repeatedly faced efforts to silence Zhovtis and his colleagues. There was a mysterious arson in the organization's head office (1999), a hidden parcel of narcotics in his car when Zhovtis was on his way to Uzbekistan (2003), a burglary in the office of KIBHR (2005) and reputation damage after elaborate tax inspections (2005, 2007 and 2008). Also, one of Zhovtis's colleagues (Sergei Duvanov) was convicted in a political trial (2002).

Hivos has been in close contact with Yevgeni Zhovtis since 1993. Hivos supports the organization KIBHR since 2000, from financial means which the Minister for Development Cooperation has made available. In addition, during the past years Mr. Zhovtis participated in numerous activities, which were organized by Hivos, such as discussion meetings, advocacy visits and a speakers tour of human rights defenders. Also, he participated in strategic policy discussions of Hivos.

The Netherlands Helsinki Committee cooperates with Mr. Zhovtis for some years already. In 2009 NHC, together with KIBHR, started to organize a conference in the framework of the Kazakhstani presidency of OSCE in 2010. Unfortunately, this initiative now had to be stopped.

Members of the International Partnership for Human Rights have cooperated with Mr. Zhovtis in the field of international advocacy and publications for many years.

We request you to address the authorities of Kazakhstan about the conviction of Yevgeni Zhovtis, and to urge for a new, fair trial for Mr. Zhovtis.

We would appreciate to be kept informed about the follow-up by the Ministry in this matter. Thank you in advance.

Yours sincerely,

Hivos, The Hague

Netherlands Helsinki
Committee, The Hague

International Partnership for
Human Rights, Brussels

Manuela Monteiro
General director

Jos Kösters
Director

Brigitte Dufour
Director

Copies to:

- Parliamentary Commission for Foreign Affairs and Development Cooperation
- H.M. Embassy in Astana
- Kazakhstan country desk of the Ministry of Foreign Affairs
- Human Rights Ambassador, Ministry of Foreign Affairs
- Netherlands Permanent Representative at the European Union
- Netherlands Permanent Representative at OSCE