



Testimony before the Commission on Security and Cooperation in Europe

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“Threats to Free Media in the OSCE Region”

Chairmen Cardin and Hastings, members of the commission:

Thank you for the opportunity to participate in this important hearing on the threats to press freedom in the OSCE region. My name is Muzaffar Suleymanov, I am the research associate for Europe and Central Asia at the Committee to Protect Journalists, an international, independently funded organization that defends press freedom worldwide. It is an honor to speak to you today.

I will focus my testimony on the threats to press freedom in several countries of the region, particularly in Kazakhstan, Uzbekistan, and Russia. Before I proceed with CPJ’s concerns in these countries, I would like to commend the U.S. legislature for passing the Daniel Pearl Freedom of the Press Act in late April, and thank President Barack Obama for signing this important bill into law in May.

As President Obama [duly noted](#) at the signing ceremony, journalists and bloggers worldwide put their lives at risk to deliver the news every day. To honor that risk, world leaders must declare zero tolerance of media repression and urge their counterparts elsewhere to do the same. Such a signal is urgently needed in the OSCE region, where impunity in physical attacks against journalists and official obstruction of the press threaten the very existence of independent media. Although my testimony focuses on three countries, freedom of the press is threatened in many other OSCE member states.

I would like to start by briefly highlighting some of those threats.

REGIONAL HIGHLIGHTS

Investigative reporters in the Balkans, including in Serbia, Croatia, Kosovo, and Bulgaria, constantly face threats and endure violent attacks by nationalist and organized crime groups. In Azerbaijan, authorities [continue to defy](#) a binding European Court decision, which [ordered the immediate release](#) of imprisoned editor Eynulla Fatullayev. In Ukraine, a lack of political will

has derailed the decade-long investigation into the 2000 murder of journalist [Georgy Gongadze](#). In Kyrgyzstan, unchecked violence against journalists, including the 2007 murder of Editor [Alisher Saipov](#), has forced independent reporters to either leave or practice self-censorship. In Belarus, police officers and security agents continue to [harass independent journalists](#), and a recently adopted [Internet law](#) threatens the last remaining platform for President Lukashenko's critics.

Now I am going to focus on the press freedom records of three regional countries of concern for CPJ. I will start with the current OSCE chair, Kazakhstan, then talk about Uzbekistan, and finish with Russia.

KAZAKHSTAN

The current [OSCE chair](#) is not living up to the standard that should be set by the leader of the main regional human rights monitor. Impunity in attacks against independent journalists, politically motivated prosecutions and imprisonments of government critics, and a restrictive Internet law are the main issues that taint the country's record.

One journalist was killed with impunity and at least four became [the victims of violence](#) in Kazakhstan in the past 18 months. Kazakhstan has reported no progress in solving these attacks, most notably, in the December 2009 killing of Kyrgyz reporter [Gennady Pavlyuk](#) in Almaty.

Pavlyuk had reportedly traveled to Kazakhstan to raise funds for starting an online publication when he was found unconscious, sprawled on the overhang of an apartment building's entrance. He had apparently fallen from a window above, yet Pavlyuk's hands and legs were bound with tape. He died in a hospital six days later, without ever regaining consciousness.

Soon after the incident, Kazakh authorities said they had traced suspects in the murder to neighboring Kyrgyzstan. But for months, authorities have not reported what, if anything, they had been doing to advance the investigation.

Imprisonment on fabricated charges is another form of censorship that authorities use against their critics. Kazakhstan continues to hold independent editor [Ramazan Yesergepov](#) and media rights activist [Yevgeny Zhovtis](#). Authorities took Yesergepov from a hospital bed in Almaty in January 2009 after he had reported on corruption in the security services. Seven months later, in the absence of a lawyer, family, and the press, Yesergepov was sentenced to three years in prison for "collecting state secrets." Despite domestic and international protests, Kazakhstan's courts have denied every appeal of this harsh sentence. Meanwhile, Yesergepov is left without legal counsel after a lawyer who initially defended him suddenly quit the case in June 2009 and left Kazakhstan.

My colleague, CPJ Europe and Central Asia Program Coordinator Nina Ognianova, travelled to Kazakhstan on a fact-finding mission last week, and tried to visit Yesergepov in prison in the regional city of Taraz. Authorities behaved rather bizarrely—they first granted her permission to meet with the imprisoned; then, an hour later, declared that she had been denied access. Her attempts to receive an explanation for the sudden change of heart have so far been unsuccessful. Though Ognianova was standing at their doorstep, officials at the Justice Ministry in Taraz even

refused to deliver the denial of access personally to her; instead, they chose to act through a proxy.

Prominent human rights and press freedom defender Yevgeny Zhovtis provided expert analysis on Kazakhstan to international institutions, including this commission, for years. Most recently before he was jailed, Zhovtis had publicly criticized a then-pending government-sponsored bill that expanded restrictions on Internet expression, and required Internet providers to collect client information for authorities. President Nursultan Nazarbayev signed the bill into law in July 2009.

The same month, Zhovtis was driving to Almaty with friends when, blinded by the lights of an approaching car, he struck a young man in the middle of the road. Zhovtis immediately reported the accident to authorities, witnesses testified about extenuating circumstances, and the victim's family said publicly that the manslaughter charge was not justified. Nevertheless, two months later, Zhovtis was sentenced to four years in a penal colony in connection with the fatal accident.

Local press freedom advocates who attended the proceedings told CPJ that the presiding judge appeared to have composed the verdict beforehand, leaving the impression that the case was predetermined. The written verdict was altered to reconcile conflicting details. The defense's appeals have been denied.

Other threats to press freedom in Kazakhstan include using criminal and civil defamation laws to retaliate against critics; maintaining a tight control on the influential broadcast media; and passing restrictive new bills to gag recalcitrant independent outlets. Insult of the president or his family through the media, for instance, carries a prison term of up to five years. In one outrageous case, in February, an Almaty court issued a [gag order against all media](#) after several independent newspapers carried an open letter accusing President Nazarbayev's son-in-law of corruption.

Authorities also use civil defamation lawsuits carrying exorbitant fines as a successful tool to bring critical publications to their knees. In the last two years, government officials and state agencies filed more than [60 defamation lawsuits](#) against independent newspapers and their staffers, seeking more than half a billion Kazakh tenge (US\$3.5 million) in damages. (In comparison, the average monthly income is 66,000 Kazakh tenge (about US\$450). CPJ research has shown that local courts often side with the plaintiffs.)

Free expression on the Internet is under attack in Kazakhstan as well. Despite an international outcry, in 2009 President Nazarbayev [signed restrictive Internet](#) and privacy laws. A new Internet law equates all Web-based platforms—including social networking sites, personal blogs and chat rooms—with traditional media, thus making them subject to the same severe restrictions. The law gives state agencies the broad authority to block Web sites—including international ones—that officials deem in violation of Kazakh legislation. The broadly worded privacy law restricts reporting on government officials and carries harsh penalties for violators, including closures of media outlets and a five-year-long imprisonment for individual journalists. Recently, the government announced the creation of an agency to monitor “destructive Web sites” and counter “political extremism.” Authorities have failed to explain how they would define and measure those terms.

UZBEKISTAN

Another OSCE country of great concern for CPJ is [Uzbekistan](#). It is the leading jailer of journalists in Europe and Central Asia with [at least seven reporters](#) behind bars. Among those in custody is President Islam Karimov's own nephew, journalist [Dzhamshid Karimov](#), who has been held in a psychiatric hospital for four years as retaliation for his critical reporting on his uncle's policies. Dzhamshid Karimov did not even hear a court verdict. In September 2006, security agents kidnapped him from the street in his native city of Jizzakh and threw him in a clinic in a neighboring region. He has been held incommunicado since. No lawyer dares represent him, local sources told CPJ, as no one dares dispute what is commonly viewed as a presidential order.

Press freedom groups, [including CPJ](#), have repeatedly called on President Karimov to ease his regime's grip on the media by releasing imprisoned journalists, unblocking access to independent news Web sites, allowing international broadcasters to work in Uzbekistan, and ensuring that the security services stop harassing reporters. But the Uzbek government seems to have developed immunity to such calls and campaigns. CPJ urges the U.S. government to work in cooperation with European Union leaders to press President Karimov on his state's appalling press freedom record, and to condition diplomatic relations with Uzbekistan on the immediate release of our colleagues.

RUSSIA

Murder is the ultimate form of censorship, and impunity in journalist killings is the main threat to press freedom in the OSCE region.

In [Russia](#) in particular, impunity has regrettably become the norm, to the plight of the independent press corps whose ranks are dwindling. Nineteen journalists have been murdered for their work in Russia in the past decade. Only in one case have the immediate killers been convicted, and even there those who ordered the crime remain at large.

Although in the past two years President Dmitry Medvedev publicly promised that his government will ensure that crimes against the press will be solved, the brutal reality has not changed. At least three journalists were killed in Russia for their work last year alone, with no progress reported in bringing their murderers to justice.

No other case demonstrates the sharp disconnect between President Medvedev's pledges and his subordinates' actions than that of 37-year-old publisher [Magomed Yevloyev](#).

Through his Web site, [Ingushetiya.ru](#), Yevloyev exposed high-level government corruption, disappearances and killings of civilians in the volatile Republic of Ingushetia, and called on the regional leader to resign. Authorities did not wait long to retaliate. On August 31, 2008, guards of then-Ingushetia Interior Minister Musa Medov arrested the journalist without a warrant shortly after his flight landed at an Ingushetia airport. The agents placed him in a government vehicle and [shot him dead](#) on the way to the region's largest city, Nazran.

Rather than launching a thorough investigation into the incident, both local and federal authorities swiftly sided with the shooter's account, declaring Yevloyev's killing inadvertent. Investigators announced that the publisher was killed accidentally when he tried to snatch a gun from one of his three arresting officers. But a [CPJ investigation](#) into the case shows a number of inconsistencies in the shooter's account as well as in the overall official version of events. (For those interested in our investigation, please refer to our special report *Anatomy of Injustice*, downloadable on our Web site, www.cpj.org.)

Currently, not a single person is held accountable for the murder. The shooter—a high-ranking security officer, a nephew of Minister Medov, and the sole defendant in the case—never attended his own trial. The proceedings ended in [December](#) with a negligent homicide verdict that carried a two-year term in a low-security prison.

But even that conviction did not stand. To the outrage of Yevloyev's family and colleagues, in March, Ingushetia's Supreme Court [released the killer](#) by replacing his prison term with a two-year-long "restriction of freedom" sentence. Under this new legal provision, which had come into force in January, Yevloyev's killer was placed under curfew and barred from attending mass gatherings.

CPJ calls on this commission to raise Yevloyev's case with high-ranking officials in the Obama administration. And we urge those officials to bring up the case in bilateral meetings with their Russian counterparts. A new, independent probe is sorely needed in Yevloyev's killing.

Mr. Chairman, CPJ commends this commission on holding this important hearing, and we urge you to make such hearings a regular practice. We recommend the commission share today's testimony with President Barack Obama and members of the executive branch, and urge them to actively engage with their regional counterparts on the pressing issues discussed today.