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Europe/Ex-USSR - Kazakhstan

The Peter Mackler Award

Lukpan Akhmedyarov: "The judicial system has become a way of hounding independent news media"

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This is an exclusive Reporters Without Borders interview with **Lukpan Akhmedyarov**, a Kazakh journalist [who will receive the Peter Mackler Award for Courageous and Ethical Journalism](#) at a ceremony in Washington today. Akhmedyarov was [the target of a murder attempt in April](#) and has been subjected to judicial persecution ever since.

Reporters Without Borders : *Lukpan Akhmedyarov, can you tell us about the lawsuits you are facing?*

Lukpan Akhmedyarov: Lawsuits and demands for millions of tenge (tens of thousands of euros) in damages have become routine. But curiously, in the case of our newspaper, *Uralskaya Nedelya*, it is only senior officials who are filing lawsuits and the lawsuits only concern articles about government corruption. In all these cases, the plaintiffs claim they have been defamed and demand exorbitant damages well in excess of their annual income. And the courts always accede to their requests.

Personally, I have no doubt that the latest lawsuit filed by local deputy governor Abzal Braliyev will be successful and that I and my newspaper will again be asked to pay millions of tenge. In murder cases, judges order no more than a million tenge in compensation, but journalists who are supposed to have defamed an official are asked to pay 5 to 10 million tenge (30,000 to 60,000 euros). It is impossible for a journalist or a newspaper to comply with such rulings.

The law clearly states that court decisions must respect the principles of rationality and legality and must be capable of being carried out. But all the court rulings issued against us have been completely impracticable. How can this encourage respect for the judicial system and the law?

RWB: *Under Kazakhstan's laws, libel suits automatically target both the article's author and the newspaper in which it is published. What steps are you taking to protect yourselves and demonstrate the accuracy of what you reported?*

LA: We (...) produce evidence, including documentary evidence, to support our claims but the courts always side with the authorities. Right now, we have gone to the supreme court to contest the ruling issued against us as a result of a complaint by Tlekkabyl Imashev, a senior official. [We were ordered to pay 5 million tenge in damages, and this was upheld on appeal.](#) We intend to exhaust all the appeal possibilities. At the same time, we are awaiting a ruling on the lawsuit brought by a member of the financial police, Arman Kojakhmetov, who is demanding 3 million tenge (approx. 18,000 euros) in damages. Again, I am not deluding myself about the probable outcome. Braliyev's suit is the third one against me.

RWB: *Why are you so sceptical about your chances of demonstrating your good faith and obtaining justice?*

LA: Because I see how these trials are conducted. It is clear to me that the authorities want to get rid of *Uralskaya Nedelya* and get rid of a journalist who annoys them. At the same time,

they are trying to make it look legal. In practice, local senior officials control the court and rulings are handed down "by phone call." In our city, Uralsk, for example, the same judge, Batykgul Baymagambetova, handles all lawsuits by local officials against our newspaper. It is hard to believe that this is a coincidence. We assume they trust her with all these cases because she issues rulings in a predictable and guaranteed fashion.

Her rulings have been full of irregularities. Last week we submitted six motions to recuse her. That our motions were rejected is one thing, but it was the judge herself who personally examined and rejected the last four motions. A judge who examines motions for her own removal? This is legal nonsense, but it is standard practice in Kazakhstan.

RWB: *And yet you are appealing against all of these decisions before higher courts. Do you think they provide better defence and protection?*

LA: No. If I could ask for the entire Kazakh judicial system to be recused, I would. We appeal to higher courts in order to eventually refer the case to the European Court of Human Rights. You cannot do that without exhausting all possibilities of legal recourse at the national level first. We have no illusions about Kazakh justice. It will always do what the politicians want. These cases are the best possible proof that objective and independent justice does not exist in Kazakhstan. It is a sort of experiment, if you like, the result of which we unfortunately all know in advance.

RWB: *So you think the courts never rule in favour of journalists and news media?*

LA: Yes. It pains me to see how the judicial system is used against society. Sure, you could say: "Big deal! A small provincial newspaper, *Uralskaya Nedelya*, is going to disappear but there are thousands of others. There is no reason to worry." But even if *Uralskaya Nedelya* is a provincial newspaper, is it very important for the local community. As all the other media are controlled by the authorities, *Uralskaya Nedelya* has become the only source of alternative news and information, the only one that respects the principles of honest journalism and allows views to be freely expressed. If our newspaper did not exist, people would lose hope of social change. There are no longer many newspapers like this in Kazakhstan. There will soon be no more pluralism in Kazakhstan if newspapers like ours disappear.

RWB: *Aren't you afraid that the damages awards will ruin your family?*

LA: The exorbitant damages no longer worry me. There is no way I will be able to pay them because my earnings are very modest (...) In the course of ten years of working as a journalist, I have been sued many times because of what I wrote. My adversaries have always been senior officials or the heads of big firms linked to the government. The officials responsible for ensuring that court decisions are legal have not objected to any of the illegal rulings against me. I regretfully have to say that in Kazakhstan the judicial system has become a way of harassing the news media.

Interviewed by Rozlana Taukina for Reporters Without Borders

(Picture: Uralskaya Nedelya)
