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Europe/Ex-USSR - Kazakhstan

Judicial harassment

Orchestrated throttling of Kazakh opposition weekly

28 November 2014

Reporters Without Borders condemns the judicial persecution of the opposition weekly *ADAM bol*, which was ordered to pay an exorbitant fine yesterday and which was suspended last week in connection with another case that a court began hearing today.

Freedom of information has been in a [critical state](#) in Kazakhstan for the past two years and *ADAM bol*, which was [launched in October 2013](#), is just the latest media outlet to be the target of sham judicial proceedings that usually result in their closure.

The case that was the subject of [today's](#) hearing was brought by the municipal authorities of Almaty, the business capital, over an article about Ukraine they called "pro-war propaganda." They are seeking the withdrawal of the weekly's licence and its definitive closure. Without hearing any arguments, the court [suspended *ADAM bol*](#) on 20 November and banned any further issues until it issues a decision.

In yesterday's case, Almaty's highest appeal court [ordered](#) ADAMDAR, the company that owns *ADAM bol*, to pay 5 million tenge (22,000 euros) in damages to the deputy imam of Almaty's main mosque, who sued the newspaper over a February article headlined "The Kazakh front in Syria's war."

Originally set at [2.5 million tenge](#) (11,000 euros), the damages were [reduced](#) on appeal to 500,000 tenge (2,200 euros) but the Court of Cassation yesterday ordered a tenfold increase.

"*ADAM bol's* provisional suspension and the exorbitant damages award against it are out of all proportion and could end up throttling the weekly economically," said Johann Bihl, the head of the Reporters Without Borders Eastern Europe and Central Asia desk.

"When you add all the procedural irregularities, it is clear that this weekly is just the latest victim of a campaign by the authorities to eradicate all critical media. We urge the justice system to act in an independent manner for once and to grant *ADAM bol* the right to due process."

The August article that is the subject of today's proceedings and already led to the weekly's suspension was an interview with political activist Aydos Sadykov headlined "Our compatriots in a foreign war." It was about the creation of an "international brigade" to participate in the operations by the Ukraine armed forces in the eastern Donbas region.

Co-president of the "Maidan" International League, Sadykov emigrated with his family to Ukraine in April after his wife, opposition journalist **Natalya Sadykova**, was accused of defamation by a former parliamentarian and was [facing a possible three-year jail sentence](#).

The suspension order was issued at a hearing that no *ADAM bol* representative attended because the weekly's staff was unaware of the lawsuit. Its journalists were stunned to see court bailiffs arrive at the newspaper on the afternoon of 20 November without any official warrant, and they had wait several hours before being given a copy of the complaint.

The 16,000 copies of the newspaper that were to have been distributed the next day were [confiscated](#) that evening. The company that prints the newspaper ruled out any attempt to reprint the issue or print any further issues as too dangerous.

ADAM bol's Facebook page has also been [blocked](#) and articles describing these events on various news sites such as Radio Azattyk and even the site of the free speech organization [Adil Soz](#) were [rendered inaccessible](#) for several days.

The weekly's founder and editor, **Guljan Yergaliyeva**, [says](#) a local official would not have had the resources for such a show of force and suggests that only the most senior Kazakh officials or possibly even Russian ones could have been behind it.

This is not her first taste of this kind of treatment. She was already subjected to [Kafkaesque harassment](#) when editing the *ADAM reader's* news website in 2011 and the Guljan.org news website in 2012.

In today's hearing, the plaintiffs were unable to say which phrases in the article constituted "war propaganda." The court nonetheless rejected all the defence requests. The next hearing in this case is scheduled for 5 December.

The Ukrainian crisis has alarmed Kazakh President Nursultan Nazarbayev's regime, which sees it as grounds for eliminating what is left of any pluralism in Kazakhstan. The authorities have been using [the compliant judicial system](#) to persecute the remaining critical news outlets since the closure of the main national opposition media in [December 2012](#).

Two other opposition weeklies, [Pravdivaya Gazeta](#) and [Assandi Times](#), have been banned on spurious grounds in recent months.

Kazakhstan is ranked 161st out of 180 countries in [the 2014 Reporters Without Borders press freedom index](#).

(Photos: Kazis Toguzbaev / RFE/RL - Madina Kuanova / Novaya Gazeta)

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