



Appeal to the OSCE participating States:

Address the case of convicted Kazakh human rights defender as a matter of priority

Brussels and The Hague, 9 September 2009. **International Partnership for Human Rights (IPHR)** and the **Netherlands Helsinki Committee (NHC)** are urging the OSCE to react strongly to the conviction of **Yevgeny Zhovtis**, a human rights defender and the director of the *Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR)*, to four years' imprisonment by a Kazakh court on 3 September 2009. In a trial that raises serious suspicion of high-level political interference, Mr. Zhovtis was charged with manslaughter and violations of traffic rules after being involved in a tragic car accident on 26 July that killed a man who was walking on the highway.

Yevgeny Zhovtis is a lawyer whose work has been recognized with several international human rights awards. A long-time participant in OSCE civil society activities, he is well known for his persistent advocacy of human rights in Kazakhstan - and an outspoken critic of the government's continued failure to uphold the rights and freedoms it has committed itself to under international instruments, including the Helsinki Final Act and its follow-up documents.

The fact that a leading Kazakh human rights defender appears to have been gagged just months before Kazakhstan's OSCE Chairmanship raises serious questions about the motives and the fairness of the procedures behind the appearance of legality in this case. In light of information available to us¹, there are clear indications that the Kazakh authorities have made use of the tragic accident, exerting pressure on the country's judiciary and thereby breaching the principles of separation of powers and the independence of the judiciary. This was demonstrated during the criminal procedure by violations of fair trial standards such as:

- changing the status of Mr. Zhovtis from that of a witness to a suspect without informing him of it in due time;
- the failure to respect the equality of arms through the court's rejection of any of the defence's motions that seriously questioned some key evidence put forward by the prosecution;
- not taking into consideration the evidence requested by the defence to put forward;
- not questioning any of the defence's experts.

On behalf of our organizations, **we call upon the OSCE participating States to:**

- Bring up the case of Mr. Zhovtis with the Kazakh government as a matter of top priority, expressing your serious concern about the fairness of the legal procedures leading to Mr. Zhovtis' conviction;
- Ask for a new, fair trial for Mr. Zhovtis; and
- Insist that the Kazakh authorities do all in their power to demonstrate respect for the human rights and freedoms it is expected to advance as an OSCE participating State and up-coming Chair of the Organisation.

¹ Sources include Human Rights Watch, Radio Free Europe/Radio Liberty, Eurasia and Interfax.