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Kazakhstan: Smear campaign against human rights defender Evgeniy Zhovtis

Between 29 April and 3 May 2020, human rights defender **Evgeniy Zhovtis** was the target of an online smear campaign in Kazakh media and on social media sites. The smear campaign was launched in response to his criticism of a new draft law as undermining freedom of assembly, and in particular his position on the right of non-nationals to participate in peaceful assemblies.

Evgeniy Zhovtis is a human rights defender and director of the Kazakhstan International Bureau for Human Rights and Rule of Law and has been an outspoken critic of human rights violations in Kazakhstan for the past 25 years. He is a member of the OSCE/ODIHR Panel of Experts on Freedom of Assembly and a Board Member of the International Bar Association Human Rights Institute.

On 7 February 2020, the Ministry of Information and Social Development of the Republic of Kazakhstan published the Concept of the Draft Law “On the Procedure for Organising and Holding Peaceful Assemblies in the Republic of Kazakhstan”. On 11 February, Evgeniy Zhovtis issued a legal analysis of the draft law, criticising its increased regulation of the right to assembly rather than the protection of such a right. In his analysis, the human rights defender highlighted the aspects of the draft law which did not comply with international standards on the subject of peaceful assembly, as outlined by international organizations. He also pointed to the elements of the draft law which contradicted the recommendations of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, issued following a visit to Kazakhstan in 2015.

In partnership with human rights defender Bakhytzhan Toregozhina, Evgeniy Zhovtis filed an appeal to the UN Special Rapporteur on 17 February. The appeal urges the Rapporteur to evaluate the proposed draft law, and request the Government of the Republic of Kazakhstan to draft a new law which would adhere to international standards and the recommendations of the Special Rapporteur.

Beginning 29 April, a series of posts and articles appeared on Kazakh social media and in the media, accusing Evgeniy Zhovtis of working in the interest of American, Russian and Chinese governments, in slanderous and insulting terms. Most of the publications categorically condemned Evgeniy Zhovtis’ position that non-nationals should have the right to assemble peacefully. Many of the social media posts condemning Evgeniy Zhovtis seemed to originate from an article and Facebook post by Kazybek Isa, editor in chief of the newspaper Qazaquni and Deputy Head of the political party Ak Zhol. Kazybek Isa is also a member of the National Council of Public Confidence under President Tokayev.

On the same day, similar posts were published on social media sites by several other influential media figures such as Arshat Oraz, the General Manager of the Kerek Media Group. Samat Nurtaza, who Kazakh human rights defenders believe controls local “internet troll factory” Yerlan Karina, also criticized Evgeniy Zhovtis in social media posts. Over the next four days, these initial posts and articles were re-posted by social media users and were used as the basis for further articles in other Kazakh media outlets, criticizing Evgeniy Zhovtis. The posts and articles included slanderous remarks about the human rights defender, describing him as “Russian canned food” and an “agent” for Russia, a “Trojan horse”, and accused him of “dancing to the tune of those who finance him”.

Front Line Defenders is concerned regarding the impunity with which the public smear campaign against Evgeniy Zhovtis was allowed to occur. It believes that this impunity can enable and foster a negative attitude towards human rights defenders, those who criticize the administration and those who dissent. It is particularly concerned that the participation of political leaders and influential figures in Kazakh media may also serve to bolster such negative attitudes towards human rights defenders which can lead to attacks and violence against them. Front Line Defenders fears that the lack of condemnation of the smear campaign will create an environment in which similar campaigns can be launched against other human rights defenders in Kazakhstan in the future and without consequence.

Front Line Defenders considers the publication of these articles and social media posts as an organized attempt to discredit Evgeniy Zhovtis as a result of his legal analysis of the Concept of the Draft Law on the procedure for organizing and conducting peaceful assemblies in the Republic of Kazakhstan. It expresses concern regarding the hostility that Evgeniy Zhovtis has experienced and his psycho-social well-being as the victim of such humiliating and slanderous public attacks. Front Line Defenders believes that such hostility is a result of his peaceful and legitimate work as a human rights defender in Kazakhstan.

Front Line Defenders calls on the Kazakh authorities:

1. Cease and strongly condemn the ongoing smear campaign conducted through Kazakh media and social media against human rights defender Evgeniy Zhovtis;
2. Take measures to ensure that government officials or other public figures refrain from making statements or declaration stigmatising the legitimate work of human rights defenders;
3. Guarantee in all circumstances that all human rights defenders in Kazakhstan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

