



www.hrw.org



August 31, 2009

Embassy of the Republic of Kazakhstan
1401 16th Street, N.W.
Washington, DC 20036

H.E. Erlan Idrisov,
Ambassador of Kazakhstan

Your Excellency,

We are writing today to express our concern regarding the judicial proceedings that have been instituted against Yevgeniy Zhovtis. Mr. Zhovtis is well known in Washington and highly respected as a spokesman for Kazakhstani society. He is a man who has devoted his life to helping make your country a better place for everyone who lives there. Indeed, your government has frequently relied upon Mr. Zhovtis' advice and expertise, most recently in formulating its official human rights plan.

We were saddened by the terrible news that he had been involved in an automobile accident in July that left a pedestrian dead. The accident was truly a tragedy, most significantly for the victim and his family, but also a moral tragedy for Mr. Zhovtis.

Over the last few days, we have become increasingly concerned that efforts are underway to misuse this tragedy in order to silence or discredit Mr. Zhovtis or otherwise undermine his work on behalf of human rights. His attorneys have expressed concerns that Kazakhstan's laws and international standards have been violated in this case. Most egregiously, Mr. Zhovtis was not told for more than two weeks that the investigator had applied for him to be declared a suspect in the case. During the two-week period, he participated in good faith in the investigation under the mistaken assumption that he was doing so as a witness.

As you are no doubt aware, the government of Kazakhstan has a particular responsibility under the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms to protect Mr. Zhovtis against "threats, retaliation *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action" for his human rights work.

We ask that you convey to your government that this case has become the subject of significant interest in the United States and that we and many other international institutions trust that your government will ensure a fair and open process. Should your government fail to do so, it would be a significant blow to Kazakhstan's international standing and an ominous harbinger for your country's upcoming chairmanship of the Organization for Security and Cooperation in Europe.

Sincerely,



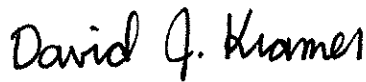
Jennifer Windsor
Executive Director
Freedom House



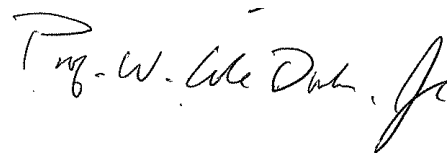
Holly Cartner
Executive Director
Europe and Central Asia Division
Human Rights Watch



Ellie Larson
Executive Director
Solidarity Center, AFL-CIO



David J. Kramer
Senior Transatlantic Fellow
German Marshall Fund of the United States &
Former Assistant Secretary of State
for Democracy, Human Rights, and Labor



W. Cole Durham, Jr.
Professor, Member
OSCE Panel of Experts
on Freedom of Religion or Belief