

## KAZAKHSTAN

	2009	2011
<b>INTERNET FREEDOM STATUS</b>	<b>n/a</b>	<b>Partly Free</b>
<b>Obstacles to Access</b>	n/a	16
<b>Limits on Content</b>	n/a	22
<b>Violations of User Rights</b>	n/a	17
<b>Total</b>	<b>n/a</b>	<b>55</b>

**POPULATION:** 16.3 million  
**INTERNET PENETRATION:** 28 percent  
**WEB 2.0 APPLICATIONS BLOCKED:** Yes  
**SUBSTANTIAL POLITICAL CENSORSHIP:** Yes  
**BLOGGERS/ONLINE USERS ARRESTED:** No  
**PRESS FREEDOM STATUS:** Not Free

### INTRODUCTION

Kazakhstan's government has sought to make the internet a new source of economic strength and build the country into the information-technology hub of Central Asia. With that goal in mind, the government has made modest efforts to liberalize the telecommunications sector, promote internet usage, and enhance the internet portals of state entities. At the same time, the authorities also attempt to control citizens' access to information and apparently fear the internet's democratizing potential. In recent years, the government has blocked a popular blog-hosting platform and passed several pieces of legislation that restrict free expression online, particularly on topics that are deemed threatening to President Nursultan Nazarbayev's power and reputation.

Kazakhstan's .kz internet country code was registered in 1994, and its first websites in Russian and Kazakh were launched in 1996 and 1998, respectively. The main ministries and agencies responsible for regulating information and communication technologies (ICTs) were established in 2004 and 2005. A few years later, the government initiated several programs to promote internet use, such as a plan to lower digital inequality and a scheme to expand online government functions. This trend continued in 2010, with the creation of a new Ministry of Communications and Information tasked with formulating an ICT development strategy for 2010–14.<sup>1</sup>

<sup>1</sup> Adil Soz, "Отменена Концепция развития единого информационного пространства казахстанского сегмента сети Интернет на 2008–2012 гг" [Development Concept of the United Information Space of the Kazakh Segment of the Internet for 2008–2012 Is Canceled], Internews Kazakhstan, May 19, 2010, <http://www.internews.kz/newsitem/19-05-2010/11551>.

## OBSTACLES TO ACCESS

Over the past decade, internet access has grown exponentially, from a 0.7 percent penetration rate in 2000 to 28 percent—or 4.3 million users—by the end of 2010, according to official figures.<sup>2</sup> The International Telecommunications Union offers a somewhat lower number, 2.8 million users, as of 2009.<sup>3</sup> Some 92 percent of users access the internet several times per month. In terms of user demography, 44 percent are female, 94 percent are Russian speakers, 4.5 percent are Kazakh speakers, and 1.4 percent are English speakers, with most accessing the internet from urban areas.<sup>4</sup> Because employers increasingly block access to entertainment sites, social-networking applications, and personal e-mail providers with the aim of maintaining worker productivity, most users access the internet from home. Some research studies also show that the number of people using the internet per household is growing, reaching 2.4 in 2010.<sup>5</sup> In recent years, there has also been a shift from dial-up to broadband connections. In 2007, up to 70 percent of connected households used dial-up, but by 2009, some 80 percent had a broadband connection with the state-owned Kazakhtelecom (Megaline), the least expensive provider at approximately US\$30 per month.<sup>6</sup> Although cybercafes were popular earlier in the decade, their numbers have dropped significantly in recent years, as users can now connect at home for half the cost of using a cybercafe.<sup>7</sup> Nevertheless, even Kazakhtelecom's broadband rate remains difficult for many people to afford, as the minimum monthly wage is approximately US\$90.<sup>8</sup> The cost of internet access for most private subscribers in Kazakhstan is broken into a two-tiered system: access to information hosted inside the country is unlimited, but for content hosted outside Kazakhstan, users are required to pay an additional fee for traffic that exceeds a monthly allowance determined in their contract.

<sup>2</sup> Muratbek Makulbekov, "Kazakhstan has 4.3 mln Internet users—Minister of Communications and Information," KazInform, January 10, 2011, <http://www.kazinform.kz/eng/article/2338805>.

<sup>3</sup> International Telecommunications Union (ITU), "ICT Statistics 2009—Internet," [http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP\\_intYear=2009&RP\\_intLanguageID=1&RP\\_bitLiveData=False](http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&ReportFormat=HTML4.0&RP_intYear=2009&RP_intLanguageID=1&RP_bitLiveData=False).

<sup>4</sup> OpenNet Initiative, "Country Profile: Kazakhstan," May 10, 2007, <http://opennet.net/research/profiles/kazakhstan>.

<sup>5</sup> Aleksandr Vasilyev, "Казнет в разрезе" [Kaznet in Section], *Computer Club Magazine*, March 12, 2010, republished by Profit Online at <http://www.profit.kz/articles/001192/>.

<sup>6</sup> Vasilyev, "Казнет в разрезе."

<sup>7</sup> Yulia Semykina, "Интернет-кафе Алматы" [Internet Cafe Almaty], *Kontinent*, June 13, 2007, republished by Profit Online at <http://www.profit.kz/articles/000205>.

<sup>8</sup> Kazakhstan Today, "Прожиточный минимум в Казахстане в октябре составил 13 161 тенге" [Subsistence Minimum in Kazakhstan in October Amounted to 13,161 Tenge], *Zakon.kz*, November 2, 2009, <http://www.zakon.kz/152083-prozhitochnyyj-minimum-v-kazakhstane-v.html>; *Mojazarplata.kz*, "Что такое минимальная заработная плата?" [What Is the Minimum Wage?], [http://mojazarplata.kz/main/dohody-minimum/Minimalnaja\\_zarplata/minimalnaja-zarplata](http://mojazarplata.kz/main/dohody-minimum/Minimalnaja_zarplata/minimalnaja-zarplata), accessed May 14, 2010.

Some advanced web applications are available and quite popular; in mid-2010, the fifth-most-visited website in Kazakhstan was the Russian social-networking platform *Vkontakte.ru*.<sup>9</sup> The video-sharing website YouTube and the microblogging service Twitter are also growing in popularity. However, the international blog-hosting platform LiveJournal was blocked beginning in October 2008 by the two largest internet-service providers (ISPs), the state-owned Kazakhtelecom, and Nursat, though the companies refused to acknowledge the filtering.<sup>10</sup> The impetus for the block was to restrict access to content posted by Rakhat Aliyev, Nazarbayev's former son-in-law (see "Limits on Content"). In November 2010, shortly before Kazakhstan hosted a summit of the Organization for Security and Co-operation in Europe (OSCE), LiveJournal administrators froze Aliyev's account, possibly due to pressure from the Kazakh authorities. The platform was subsequently unblocked after over two years of being inaccessible.<sup>11</sup> Access to Blogger.com was similarly restricted, with the exception of sporadic openings, for much of 2010.<sup>12</sup>

With nearly 15 million users, mobile-phone penetration reached approximately 95 percent by 2009, and has continued to grow since.<sup>13</sup> The number of users accessing the internet via mobile devices is also increasing, though the mobile internet penetration rate was only 7 percent in 2010.<sup>14</sup> While mobile internet access is relatively new to the market, its advertising revenue is on the rise. During the last three years, WiMax networks have also become available in Kazakhstan.

The state-owned Kazakhtelecom is the largest ISP and holds a 48 percent market share.<sup>15</sup> Another six operators are licensed to connect to the international internet. However, they are required to channel at least part of their traffic through Kazakhtelecom's infrastructure.<sup>16</sup> Over 100 other ISPs operate in Kazakhstan, but must purchase their access via the above-mentioned seven, making it difficult for them to compete in the market. As such, the five largest companies account for some 90 percent of the internet access market. Kazakhtelecom's dominance over information flow routes creates the conditions for systemic content filtering and surveillance. As of mid-2010, there were six mobile-phone

<sup>9</sup> Alexa, "Top Sites in Kazakhstan," <http://www.alexa.com/topsites/countries/KZ>, accessed August 25, 2010.

<sup>10</sup> Karin Deutsch Karlekar, eds., "Kazakhstan," *Freedom of the Press 2009* (New York: Freedom House, 2008), <http://www.freedomhouse.org/template.cfm?page=251&year=2009>.

<sup>11</sup> Adil Nurmakov, "Kazakhstan: Livejournal Unblocked After 2 Years of Filtering," Global Voices Online, November 17, 2010, <http://globalvoicesonline.org/2010/11/17/kazakhstan-livejournal-unblocked-after-2-years-of-filtering/>.

<sup>12</sup> Google, "Transparency Report: Traffic," <http://www.google.com/transparencyreport/traffic/>, accessed September 23, 2010.

<sup>13</sup> International Telecommunications Union, "ICT Statistics 2009—Mobile Cellular Subscriptions," [http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/CellularSubscribersPublic&ReportFormat=HTML4.0&RP\\_intYear=2009&RP\\_intLanguageID=1&RP\\_bitLiveData=False](http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/CellularSubscribersPublic&ReportFormat=HTML4.0&RP_intYear=2009&RP_intLanguageID=1&RP_bitLiveData=False), accessed September 23, 2010.

<sup>14</sup> Vasilyev, "Казнет в разрезе."

<sup>15</sup> Inna Soboleva, "Рынок телекоммуникаций: динамика развития" [Telecommunications Market: Dynamics of Development], *Advertising*, September 30, 2006, republished by Profit Online at <http://www.profit.kz/articles/000126/>.

<sup>16</sup> OpenNet Initiative, "Country Profile: Kazakhstan," *Access Controlled*, [http://www.access-controlled.net/wp-content/PDFs/part2/007\\_Kazakhstan.pdf](http://www.access-controlled.net/wp-content/PDFs/part2/007_Kazakhstan.pdf), accessed September 23, 2010.

providers in Kazakhstan, including three using the GSM standard and three using the CDMA standard. The three most active are GSM Kazakhstan, Beeline/K-Mobile, and Altel.<sup>17</sup> Kazakhtelecom holds a stake of 49 percent in GSM Kazakhstan, and is also a parent company to one of the other GSM carriers, NEO.<sup>18</sup> Beeline belongs to the Russian mobile operator Vimpelcom, which acquired the Kartel company and its K-Mobile system in 2005.<sup>19</sup>

Several bodies regulate the ICT sector. The .kz domain is managed by the Kazakh Center of Network Information and the Kazakh Association of IT Companies; both were created in 2004–05. The latter was established as a nongovernmental organization, but in practice, it reportedly has 80 percent government ownership, and has been known to make politicized decisions on the registration .kz domain names.<sup>20</sup> Among government entities, ICT issues have been overseen mostly by the Informatics and Communications Agency and the Ministry of Culture, which were restructured in 2010 and merged into the Ministry of Communications and Information.

The government-affiliated Kazkontent organization is responsible for creating strategies and programs to help the Kazakh internet generate more of its own content. Since 2009, ISPs have also collaborated within the National Center for Internet Traffic Exchange to set up special channels for routing traffic during high-demand periods. As of mid-2010, eight ISPs were participating in the network, including four of the largest operators: Kazakhtelecom, Nursat, Intelsoft, and Astel.

## LIMITS ON CONTENT

The Kazakh authorities have engaged in some online censorship, though it is selective, sporadic, and inconsistent. Nevertheless, there are indications that government censorship may expand in the coming years, including possibly via filtering at the backbone network level.<sup>21</sup> In addition, in March 2010, Kuanyshbek Yesekeyev, who heads the Kazakh Information and Communication Agency, announced the establishment of the “Service to React to Computer Incidents.” He stated that it had begun compiling blacklists of

<sup>17</sup> Valentina Fomicheva, “Мобильная связь в Казахстане” [Mobile Communications in Kazakhstan], *Computer Club Magazine*, March 26, 2007, republished by Profit Online at <http://www.profit.kz/articles/000162/>.

<sup>18</sup> “KazakhTelecom to Sell Mobile Network Subsidiary,” *Cellular News*, June 29, 2009, <http://www.cellular-news.com/story/38266.php>.

<sup>19</sup> “Kartel (K-Mobile) GSM Network Expansion, Kazakhstan,” *Mobilecomms Technology*, <http://www.mobilecomms-technology.com/projects/kartel/>, accessed February 15, 2011.

<sup>20</sup> OpenNet Initiative, “Country Profile: Kazakhstan.”

<sup>21</sup> OpenNet Initiative, “Country Profile: Kazakhstan.”

“destructive” websites, raising concerns among free expression advocates that such a vague criterion would be applied to politically and socially-oriented websites.<sup>22</sup>

There are three ways in which access to certain online content is restricted in Kazakhstan: technical filtering by Kazakhtelecom, cancellation of .kz domain names, and more recently, self-censorship by content hosting companies for fear of prosecution.

According to testing conducted by the Open Net Initiative (ONI) on two principle ISPs, access is blocked—particularly by Kazakhtelecom—to “opposition groups’ websites, regional media sites that carry political content, ...selected social networking sites, [and] a number of proxy sites.”<sup>23</sup> Censorship is often inconsistent, however, and in some cases blocks are only implemented by Kazakhtelecom. Service providers that use their own channels to connect to the wider internet may provide access without blocking. During its two-year blockage, LiveJournal, for example, could be accessed freely in several cybercafes in Almaty that did not connect via Kazakhtelecom. Similarly, in some instances, websites that are blocked on the regular internet appear to be accessible via mobile devices. Throughout 2010, the main website of *Respublika*, an opposition weekly paper known for its criticism of the government and coverage of sensitive topics such as human rights abuses and high-level corruption, was blocked for most Kazakh users, corresponding to increased official repression targeting its print edition. A reader survey conducted by the editors revealed that Kazakhtelecom customers were unable to access the site, but readers served by other ISPs were able to load it.<sup>24</sup> Both the government and Kazakhtelecom executives have avoided commenting on censorship policies, preferring to remain silent or attribute content inaccessibility to technical problems.

One of most visible catalysts for censorship has been the political scandal surrounding Rakhat Aliyev, Nazarbayev’s former son-in-law, who had served as chair of the National Security Committee for Almaty, and as ambassador to Austria before definitively falling out of favor with the president and his family. He was then sought by the authorities on charges of kidnapping and financial crimes. Having fled abroad, he began airing inside information and allegations, in the traditional media and online, in an effort to discredit the president. Any material related to Aliyev and his connections to the presidential family is filtered by Kazakhtelecom. In October 2007, four opposition-related websites (Kub.kz, Zonakz.net, Geo.kz, and Inkar.info) were blocked after they had posted transcripts of phone conversations among high-level politicians related to the Aliyev case.<sup>25</sup>

---

<sup>22</sup> “Kazakhstan Tightens Control Over Internet—Official,” Inquirer.net, March 1, 2010, <http://newsinfo.inquirer.net/breakingnews/infotech/view/20100301-256094/Kazakhstan-tightens-control-over-Internetofficial>; Nina Ognianova, “Disdaining Press Freedom, Kazakhstan Undermines OSCE,” Committee to Protect Journalists, September 14, 2010, <http://cpj.org/reports/2010/09/disdaining-press-freedom-kazakhstan-undermines-osc.php>.

<sup>23</sup> OpenNet Initiative, “Country Profile: Kazakhstan.”

<sup>24</sup> Ognianova, “Disdaining Press Freedom, Kazakhstan Undermines OSCE.”

<sup>25</sup> Bruce Pannier, “Kazakhstan Blocks Critical Websites, as Opposition Cries ‘Censorship’,” *Radio Free Europe, Radio Liberty*, October 24, 2007, <http://www.rferl.org/content/article/1079017.html>.

While Zonakz.net and Inkar.info were soon unblocked, access to Kub.kz and Geo.kz was permanently restricted when the authorities withdrew their registration for a .kz domain name. In late October 2007, the Kazakh Agency for Information and Communication issued an order to shut down the websites, citing 2005 rules requiring all .kz sites to be hosted in Kazakhstan, while these two websites were based overseas.<sup>26</sup> A similar justification was used to suspend Borat.kz in 2005 after a wave of resentment among Kazakh authorities against the American film *Borat*, which parodied the country.<sup>27</sup>

With several new pieces of internet-restricting legislation coming into force, since early 2009 there has also been an increase in self-censorship and content removal implemented by companies hosting online information.<sup>28</sup> Despite criticism from the international community, in July 2009 Nazarbayev signed amendments to the existing information and communication law that identified all online resources—including websites, chat rooms, blogs, online stores, and electronic libraries—as mass media with equal civil, administrative, and criminal responsibility. The law also calls for the blocking of any online resources that carry elements of “information war against Kazakhstan,” whether or not the server and domain hosting the information is located in the country.<sup>29</sup> Given the harsh legal environment for traditional media, the legislation opened the door for “third-party liability,” in which the owner or host of a website is held legally responsible for content posted by others, for instance in discussion forums or the comment section under a news article. Following passage of the amendment, most online content providers in Kazakhstan hired moderators to monitor and censor content that could expose the hosting entity to legal repercussions. It is impossible to create any account with the name Rakhmat Aliyev, for example. Many observers warn that such self-censorship will grow worse due to the July 2010 adoption of a law granting Nazarbayev the status of “Leader of the Nation,” which essentially places any criticism of him and his family under the umbrella of threats to “national” security or reputation. However, the threat of third-party liability has not yet influenced foreign search engines such as Russia’s Yandex or the U.S.-based Google, which do not censor their search results.

The 2008 blocking of LiveJournal, at the time the most popular blogging platform in Kazakhstan, generated significant changes to the country’s blogosphere. Before it was blocked, LiveJournal hosted 32 percent of all active Russian-language blogs in Kazakhstan,

---

<sup>26</sup> A copy of the letter from the Kazakh Center of Network Information to Kub.kz informing it of its suspension is available at <http://www.kub.info/downloads/kaznic.pdf>, accessed August 30, 2010.

<sup>27</sup> “Kazakhs Shut Ali G Star’s Website,” British Broadcasting Corporation, December 14, 2005, <http://news.bbc.co.uk/2/hi/entertainment/4527516.stm>.

<sup>28</sup> Carl Schreck, “Kazakhstan Puts Pressure on Bloggers,” *The National*, August 25, 2009, <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090825/FOREIGN/708249847/1140>.

<sup>29</sup> The text of the law is available in Russian at <http://comport.region.kz/forum/download/file.php?id=7262>, accessed August 30, 2010.

or nearly 230,000 users,<sup>30</sup> and there were no local platforms. Some bloggers migrated to other international platforms like Blogger.com or LiveInternet.ru, while others retained their blogs on LiveJournal but used a proxy server to access it. Still others switched to new local services supported by Kazakhtelecom. As of the end of 2010, it was too soon to tell if these shifts would be reversed with LiveJournal's unblocking.

One of the local blogging sites, Yvision.kz, has emerged as the most popular Kazakhstan-based blog-hosting platform, with over 14,000 users blogging mostly in Russian. Many of the platform's creators are bloggers and programmers, but they have had to introduce a system to moderate and self-censor content, and anyone joining the site must accept a user agreement outlining the system. Yvisioners coined the term "yvizhenka," referring to a series of "offline" meetings of bloggers that have been held periodically in almost every large city in Kazakhstan since 2009. Noticing the emerging market for blog-hosting platforms, another large-scale blogging project called On.kz was launched in 2010. According to the project's managers, more than 15,000 blogs were registered during the first few months. Overall, however, the Kazakh blogosphere remains a relatively small community with room to grow.

In an effort to counter criticism of the blocking of LiveJournal and demonstrate a willingness to engage with citizens online, government officials started to keep their own blogs in recent years. Every government website has a blog, and according to the prime minister, every minister should establish a blog and write about the work being done by their ministry. The website blogs.egov.kz is called "the official blogging platform for high-ranking Kazakh officials," and is home to the blog of Prime Minister Karim Masimov, among others.<sup>31</sup> The initiative appears to have attracted little attention and had a limited impact on public opinion as the blogs generally resemble other government press portals in style and content.

The Kazakh blogosphere is dominated by the younger generation, with most users aged between 15 and 25.<sup>32</sup> Although blogs typically focus on personal topics, entertainment, and fashion, blogging has become a popular tool for self-promotion. As same-sex relationships are not widely accepted in the country, people writing on the issue often prefer to keep their blogs in "friends-only" mode, fearing societal discrimination should their sexual orientation become publicly known. Nevertheless, in July 2010, the first gay and lesbian literary magazine was published and made available online, as many of the

---

<sup>30</sup> Human Rights Watch, "Human Rights in Kazakhstan: Seven Months Before the OSCE Chairmanship," memorandum, May 20, 2009, <http://www.hrw.org/node/83329>.

<sup>31</sup> Adil Nurmakov, "Kazakhstan: Prime Minister Launched Blog," Global Voices, January 16, 2009, <http://globalvoicesonline.org/2009/01/16/kazakhstan-prime-minister-launched-blog/>.

<sup>32</sup> Anna Shaternikova, "Недостаточно высокий уровень проникновения Интернета и выбор пользователями российских ресурсов препятствуют развитию казахстанского контента и распространению коммерческих интернет-услуг" [Insufficiently High Level of Internet Penetration and User Choice of Russian Resources Hinder the Development of Kazakhstan's Content and Distribution of Commercial Internet Services], *Panorama*, May 8, 2010, republished by Zakon.kz at <http://www.zakon.kz/171765-nedostatochno-vysokijj-uroven.html>.

contributors were bloggers. In terms of blocked content, particularly related to Aliyev, many users are not politically active or interested in accessing his writings. Those who wish to, may access them fairly easily via proxy servers and relatively simple channels like Google translate or Opera's Turbo browser. The authorities have not engaged in significant efforts to stop such circumvention.

Civic activism aimed at promoting internet freedom is rare, though there are a few well-known nongovernmental organizations working on the topic. For example, Adilsoz, Internews, and Medianet execute monitoring projects, and report on violations of free expression or recent trends on the Kazakh internet. One recent initiative, the "For a Free Internet" campaign, started as a journalists' protest against the closure of the newspaper *Respublika*, but evolved into a movement for internet freedom. Supporters carried out a few "flash mobs," sudden protests that were planned online, in May 2009 and April 2010, to oppose changes to internet legislation, though there were no clear reports on the number of participants. The campaign has also monitored the blocking of websites and filed more than 120 lawsuits to challenge decisions to block certain websites; three of the cases have moved forward.<sup>33</sup> Overall, civil society activists and the blogging community lack coordination and an understanding of one another's needs, leading to limited political activism in Kazakhstan in comparison with neighboring countries like Kyrgyzstan."

## VIOLATIONS OF USER RIGHTS

The Kazakh constitution guarantees freedom of the press, but also provides special protection for the president, and in practice, the authorities use various tactics to control the media and limit free expression. Since 2008, the Kazakh government has taken steps to significantly change the legal landscape governing the media. First, under pressure from the Organization for Security and Cooperation in Europe (OSCE), amendments aimed at liberalizing media legislation were adopted in February 2009. The changes simplified the registration process for electronic media, made it possible for the media to challenge official denials of access to information in court, and allowed media workers to use audio recorders and cameras to collect information without asking for the permission of those recorded.<sup>34</sup> Although the amendments reduced some bureaucratic obstacles, they did little to contribute to political liberalization. Instead, separate draft amendments were submitted to impose new restrictions on the internet and other media entities via changes to the media law, the law on national security, the civil procedure code, the administrative code, and other laws.

<sup>33</sup> Law and Mass Media of Central Asia, "Более 120 интернет-пользователей подали иски в адрес Министерства связи и информации" [More Than 120 Internet Users File Lawsuits Against the Ministry of Communication and Information], news release, May 21, 2010, <http://www.medialawca.org/node/5647>.

<sup>34</sup> Human Rights Watch, "Human Rights in Kazakhstan."

By the summer of 2009, these amendments were all adopted, despite protests from civil society and the international community.

The amendments declared the internet and content on all websites worldwide to be “internet resources,” without differentiating between news sites, private blogs, and chat rooms. According to the law, the prosecutor general has the power to suspend any mass media outlet, including any website, “in cases where the violation is clear” and “could pose significant harm to the protected legal interests of the public and the state,” and when a “quick intervention is needed to protect the interest of state and society.”<sup>35</sup> Publications involving classified information, extremist propaganda, and pornography can also be restricted.

One year after the parliament adopted these changes, it passed the law granting the current president the status of “Leader of the Nation.” According to the law, Nazarbayev will have the power to decide on questions related to the state even after he leaves the presidency, and will be granted immunity for any actions taken while he was in office. In addition, any infringement on his life is considered terrorism, and criminal responsibility is attached to any damage done to his image, including public insults or distortion of his private biographical facts.<sup>36</sup> Thus, after two years of blocking websites and censoring information connected to the Aliyev case, the Kazakh authorities now have a legal justification for restricting access to such information, no longer needing to rely on references to “technical problems.”

Although cases of imprisonment of journalists or human rights defenders, as well as closures of media outlets, have increased in the past two years, no bloggers have been prosecuted during this time. In April 2010, however, two activists—Zhanna Baytelova and Irina Mednikova—were arrested while protesting in front of Kazakhtelecom against the blocking of LiveJournal and Respublika’s websites; Baytelova was fined \$US 190, and Mednikova was given an official warning for organizing an “unsanctioned public gathering.”<sup>37</sup>

It is difficult to track or verify efforts by the National Security Committee (KNB) to monitor the internet and mobile-phone communications. However, a series of regulations approved in 2004 obliges ISPs to retain records of users’ online activities, including via installation of special software and hardware. The information stored reportedly includes log-in times, session duration, user IP address, and speed of transmission.<sup>38</sup> Systematic monitoring is also suggested by the speed with which content deemed threatening to the regime has been removed or blocked. In June 2010, shortly before the “For a Free Internet”

<sup>35</sup> Human Rights Watch, “Human Rights in Kazakhstan.”

<sup>36</sup> “Закон о лидере нации вступил в силу” [Law on the Leader of the Nation Comes Into Force], Today.kz, June 15, 2010, <http://www.today.kz/ru/news/kazakhstan/2010-06-15/leader1>.

<sup>37</sup> “Kazakh Activists Fined for Protesting Website Ban,” *Radio Free Europe, Radio Liberty*, April 24, 2010, [http://www.rferl.org/content/Kazakh\\_Activists\\_Fined\\_For\\_Protesting\\_Website\\_Ban/2023347.html](http://www.rferl.org/content/Kazakh_Activists_Fined_For_Protesting_Website_Ban/2023347.html).

<sup>38</sup> OpenNet Initiative, “Country Profile: Kazakhstan.”

movement planned to hold a protest event involving the drifting of paper boats on asphalt,<sup>39</sup> one of the organizers, civil society activist Dmitry Shelokov, was summoned by the KNB. He refused to come, as there was no written notice, and the activity continued as planned. Following the event, Shelokov received a written notice from the agency. Although several journalists and political activists have allegedly been beaten or received threatening phone calls from the KNB,<sup>40</sup> there have been no reports of bloggers suffering such extralegal harassment.

Several of the opposition-related websites such as *Respublika* that have been sporadically blocked have, according to their administrators, also suffered denial-of-service attacks, the first of which occurred in February 2009.<sup>41</sup> However, the nature and origin of the attacks have not been independently confirmed or investigated by the police.

---

<sup>39</sup> Askar Shaygumarov, “За бумажные кораблики—в КНБ” [For Paper Boats—To KNB], *Respublika*, June 2, 2010, <http://www.respublika-kaz.info/news/politics/9302/>.

<sup>40</sup> Dilbegim Mavlony, “Перечень угроз пополнился попыткой вербовки и подворным обходом журналистов” [List of Threats Against Journalists Grows with Recruiting Attempts and Home Visits], Radio Azattyk, September 30, 2009, [http://rus.azattyq.org/content/Natalia\\_Panova\\_Ekaterina\\_Belaeva\\_/1840192.html](http://rus.azattyq.org/content/Natalia_Panova_Ekaterina_Belaeva_/1840192.html).

<sup>41</sup> “Интернет-СМИ «Фергана.Ру», Zona.kz и «Республика» были атакованы неизвестными хакерами почти одновременно” [Internet Media ‘Fergana.ru,’ Zona.kz and ‘Respublika’ Are Attacked by Unknown Hackers Almost Simultaneously], Fergana.ru, February, 20, 2009, <http://www.ferghana.ru/news.php?id=11348>.