



KAZAKHSTAN

	2012	2013
INTERNET FREEDOM STATUS	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	15	15
Limits on Content (0-35)	23	23
Violations of User Rights (0-40)	20	21
Total (0-100)	58	59

POPULATION: 16.8 million
INTERNET PENETRATION 2012: 53 percent
SOCIAL MEDIA/ICT APPS BLOCKED: Yes
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- In December 2012, a court order banned four of the main opposition media outlets and any websites that reproduced their content (see **LIMITS ON CONTENT**).
- The effective use of online tools to mobilize support for political and social campaigns in response to government policies continued to grow (see **LIMITS ON CONTENT**).
- The first case of libel charges being brought to court for material posted online occurred in January 2013 (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

For the past few years, Kazakhstan's government has been steadily declaring information and communication technologies (ICTs) a developmental priority. In 2012, however, the relevant state bodies were comparatively quiet regarding this issue, partly because the most dynamic period of the "boom" is already over, and partly because of the authorities' heightened cautiousness regarding the potential "evils and virtues" that online opportunities bear in the autocratic society.

The Ministry of Transport and Communications continues its efforts to promote the introduction of more advanced ICTs and the improvement of e-government services. Other state entities have enhanced their websites, including the official website of the president of Kazakhstan, which was redesigned in the summer of 2012 to include official YouTube, Facebook, and Twitter accounts.¹ The national telecommunications operator, Kazakhtelecom, and its business rivals are fiercely competing for new subscribers to their internet services, modestly improving their access speeds and providing some additional services.

In February 2013, the minister of culture and information, Mukhtar Kul-Mukhammed, stated that future government procurement contracts in the media sphere would be redistributed to favor more web-based publications.² At approximately the same time, State Secretary Marat Tazhin, while criticizing the work of state-owned traditional media, expressed the need for a new information policy that would create a database of popular domestic and foreign analysts, bloggers, and moderators of social network communities.³ It remains unclear if the official's demands were met or not, and the first posts about his comments were deleted from the news wires.

The authorities clearly fear the internet's democratizing potential and, in addition to the legally endorsed practice of blocking certain websites over the past few years, the authorities have passed additional terrorism-related legislation to acquire broader control over the media, a continuation of the previous year's national security amendments that solidified state control over information distributed via both traditional and online media. The trend stemmed from a number of bombings attributed to religious extremists in 2011⁴ and a state of emergency declared after violent clashes between oil strikers and police in the town of Zhanaozen (western Kazakhstan) in December 2011.⁵

The most visible and worrying development in the sphere of stifling internet and media freedom is also related to the Zhanaozen events—particularly, the controversial trial of the riot's alleged

¹ Official Site of the President of the Republic of Kazakhstan, accessed July 2, 2013, <http://www.akorda.kz/en/mainpage>

² "Распределение государственного информационного заказа будет жестко привязано к рейтингу средств массовой информации" ["Distribution of state information procurement contracts will be strictly tied to the rating of media outlets"], Kazinform, February 25, 2013, <http://inform.kz/rus/article/2537802>.

³ Макпал Муканкызу, "Блогеры придумали словосочетание «список Тажина»" ["Bloggers invented the term - "Tazhin's list""], February 27, 2013, Azattyq.org, <http://rus.azattyq.org/content/blogery-kritikuyut-initsiativu-marata-tazhina/24913675.html>.

⁴ Joanna Lillis, "Kazakhstan: Astana Jolted by Terror Incidents," EurasiaNet, November 16, 2011, <http://www.eurasianet.org/node/64529>.

⁵ "Kazakh authorities censor news on deadly clashes," Committee to Protect Journalists, December 20, 2011, <http://cpj.org/2011/12/kazakh-authorities-censor-news-on-deadly-clashes.php>.

instigators⁶ that included activists from the unregistered opposition party, and a court decision to ban the print and online media outlets associated with the opposition newspaper *Respublika*.⁷ In another case, a major independent online publication, *Guljan.org*, faced a wave of civil and administrative suits, including charges resulting in huge moral damage claims, and was eventually banned by an obscure court decision following a prosecutor's demand.⁸

OBSTACLES TO ACCESS

Internet access has grown exponentially in Kazakhstan, increasing from a 4 percent penetration rate in 2007 to 53.3 percent in 2012, according to the International Telecommunication Union.⁹ Official government statistics cite a penetration rate of nearly 60 percent as of May 2012,¹⁰ although experts have consistently questioned these official statistics over the past few years, citing a lack of clarity in the methodology.¹¹ The independent think tank Profit Online argues that the penetration level could be up to 70 percent, if one counts the number of devices that connect to the internet in a one month period, due to the rapid surge in usage of affordable internet-enabled mobile gadgets. However, the number of “real users” would be much lower, around 50 percent (monthly internet users), while the core usage (users accessing internet at least several days a week) would be formed by a pool of 2.5 million Kazakhstanis (around 16 percent of the total population).¹²

Despite these discrepancies in statistics, the access trends clearly indicate a steady escalation in internet use. A growing number of people prefer to go online from home, alongside widening access at educational institutions, libraries, workplaces and public places (malls, restaurants, and so forth). Internet speeds offered by the state-run operator Kazakhtelecom and private internet service providers (ISPs) have increased at a slow but steady pace. Prices remain relatively high for the majority of the population, but both Kazakhtelecom and the Ministry of Transport and Communication continue working together to decrease connection and usage fees, including prices on wholesale web traffic for other ISPs, thus boosting competition on the market.¹³

⁶ “Kazakhstan opposition leader jailed,” BBC, October 8, 2012, <http://www.bbc.co.uk/news/world-asia-19873237>.

⁷ “Almaty Court Backs Closure Of Opposition Newspaper, Websites”, RFE/RL, December 25, 2012, <http://www.rferl.org/content/almaty-court-backs-media-closures/24808018.html>.

⁸ “Court has made rule to suspend website www.guljan.org on three months by unknown reasons,” Adil Soz, December 5, 2012, <http://bit.ly/1bRAVvU>.

⁹ International Telecommunication Union (ITU), “Percentage of individuals using the Internet,” 2006 & 2012, accessed July 7, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

¹⁰ “Number of Kazakhstan's internet users grew,” [In Russian] Meta.kz, May 4, 2012, <http://meta.kz/other/708136-v-kazahstane-vyroslo-kolichestvo-polzovateley-interneta.html>.

¹¹ “Недостаточно высокий уровень проникновения Интернета...,” [Insufficient level of Internet penetration...] Zakon, May 8, 2010, <http://www.zakon.kz/171765-nedostatochno-vysokij-uroven.html>.

¹² “Проникновение интернета в Казахстане достигло 70%” [Internet penetration rate in Kazakhstan reaches 70 percent], February 29, 2012, <http://www.profit.kz/news/8307-Pronikновение-interneta-v-Kazahstane-dostiglo-70-percentov/#.UQokXx002wR>.

¹³ “Price of internet access to be decreased from January 1,” [In Russian] Forbes.kz, December 28, 2012, http://forbes.kz/process/technologies/tsenyi_na_dostup_v_internet_snizyat_s_1_yanvarya.

Unlimited broadband subscriptions currently cost \$25 to \$30 per month (basic tariffs offer 3Gb to 10Gb of traffic for a fee of \$12 to \$20), compared to the average monthly income of approximately \$660 as of October 2012.¹⁴ Internet packages for most fixed-line subscribers in Kazakhstan are broken into a two-tiered system: access to information hosted inside the country is unlimited, but for content hosted outside of the country, contracts usually have a quota on traffic. If the quota is exceeded, the connection speed slows down; normally no extra fee is charged.

Mobile phone penetration is significantly higher than internet usage, with a penetration rate of 159 percent in 2012 (an increase of 30 percent since 2010), with 40 percent of those subscribers accessing the internet from their phone.¹⁵ Mobile telecom operators increasingly compete on the market of internet access both with each other and with other ISPs since the launch of 3G in late-2010. A growing number of people are accessing the internet on their mobile phones, tablet computers, or regular computers with USB modems. In January 2013, ALTEL, a Kazakhtelecom subsidiary, launched a 4G LTE network that is currently available in Astana and Almaty.¹⁶

Since 2009, WiMAX networks have also become available in Kazakhstan, mostly enjoying corporate clientele. The number of free Wi-Fi hotspots in public places has been growing, mostly in the larger cities, while internet cafes still enjoy a stable customer base, especially when they are part of a chain with computer gaming as a primary source of business. Following government instructions, Kazakhtelecom has set up public hotspots and terminals within government agencies for public access free of charge, but the stations only provide access to e-government services and websites.

Kazakhstan's ".kz" top-level domain was introduced in 1994. Currently there are more than 71,000 domains registered in the Kazakhstani segment of the internet, dubbed KazNet, but only about 25 percent of them are active,¹⁷ and even fewer receive at least 100 visitors per day.¹⁸ The government has initiated several programs to stimulate internet use, lower the digital divide, improve websites of state-owned and state-funded institutions, and expand e-government functions.¹⁹

Social-networking platforms and other Web 2.0 applications are increasingly popular in Kazakhstan. The government has invested substantial funding into creating local websites and online services, including a national social network, although this site failed to generate any worthwhile user basis. The most accessed online resources from Kazakhstan remain foreign ones, especially Russian-based social-networking sites like Mail.ru, Vkontakte.ru and Odnoklassniki.ru, multiservice portals like Google and Yandex, and YouTube. Facebook, Wikipedia, and Twitter are

¹⁴ "Средние заработные платы" [Average Monthly Income], Mojazarplata.kz, accessed January 31, 2013, <http://mojazarplata.kz/main/srednie-zarabotnye-platy>.

¹⁵ "Number of cellphone users in Kazakhstan grew by 30 percent," [In Russian] June 25, 2012, <http://www.profit.kz/news/8692-Kolichestvo-abonentov-sotovoj-svyazi-v-Kazahstane-uvelichilos-na-30/#.UQoxZB002wQ>.

¹⁶ "Aitel launches commercial use of 4G," [In Russian] Iport.kz, December 25, 2012, <http://iport.kz/blog/kaznet/3256.html>.

¹⁷ Beknur Kissikov, "Не казахстанский Казнет" [Non-Kazakhstani KazNet], Vlast.kz, may 11, 2012, <http://vlast.kz/?art=407>

¹⁸ Chulpan Gumarova, "Количество – не значит качество" [Quantity does not mean quality], Kapital newspaper, January 18, 2012, <http://www.kapital.kz/gazeta/biznes/4293-2012-01-18-16-50-32.html>.

¹⁹ Программа по развитию информационных и коммуникационных технологий в Республике Казахстан на 2010 – 2014 годы, [Program on Development of Information and Communication Technologies in the Republic of Kazakhstan for 2010-2014], September 29, 2010, http://www.mtk.gov.kz/images/stories/contents/otr_prog_834_20072011.doc

also growing in popularity. The most visited Kazakh site (or site with a “.kz” domain) as of January 2013 was the automobile-related classified ads site Kolesa.kz, followed by the multifunctional portal Nur.Kz, which were ranked at 12th and 14th place, respectively, out of all sites accessed within the country.²⁰

In December 2011, two days before the Zhanaozen riots, the parliament adopted amendments and addendums to the Law of National Security, which reserve the government’s right to forcibly suspend communications services during counter-terrorist operations or the suppression of mass riots (Article 23.4).²¹ The amendments came into force in January 2012. That same month, the president signed amendments and addendums in the legislation governing intellectual property rights that criminalizes the illegal use of copyrighted material (punishable by one year in prison) and the organized distribution of such material through a file-sharing hub (punishable by five years in prison).²² Critics argue that the law’s formulations are vague and its punishments harsh, leaving room for selective and arbitrary enforcement, including against civil society groups or opponents of the government. When they came into effect in January 2012, these amendments forced all major peer-to-peer file exchange services (torrent trackers) to shut down and re-register URLs outside of the “.kz” domain zone.²³

The state owns 51 percent of Kazakhtelecom, the largest ISP, which holds a 70 percent share in the internet access market.²⁴ Another five operators are licensed to connect to the international internet, but they are required to channel at least part of their traffic through Kazakhtelecom’s backbone network facilities infrastructure.²⁵ Over 100 other ISPs operate in Kazakhstan, but have to purchase traffic via the above-mentioned six main providers. Kazakhtelecom’s dominance over market and data transfer routes creates conditions for systemic content filtering. In addition, the law requires all ISPs to implement blocking of specific web content if a court finds the content illegal.

As of April 2013, there were four mobile telephone providers in Kazakhstan, three of which use the GSM standard (GSM Kazakhstan, Beeline, and TELE2) and one that uses CDMA/4G (ALTEL). Currently, all GSM operators are owned privately, with large foreign participation in ownership. Kazakhtelecom holds 100 percent of the shares of ALTEL, the first mobile operator in Kazakhstan. It was established in 1994 as a joint venture with British partners and has repeatedly changed

²⁰ “Top Sites in Kazakhstan,” Alexa, accessed January 31, 2013, <http://www.alexa.com/topsites/countries/KZ>.

²¹ “Республики Казахстан О национальной безопасности Республики Казахстан” [The Law on National Security], Zakon.kz, July 10, 2012, http://online.zakon.kz/Document/?doc_id=31106860&mode=all.

²² See full text of the law published by the Kazakhstanskaya Pravda newspaper’s website on January 12, 2012, <http://kazpravda.kz/pdf/jan12/200112law.pdf>, accessed January 24, 2012; Nate Schenkkan, “Kazakhstan: Could Copyright Crackdown Be Next Frontier in Curbing Dissent?” Eurasianet.org, February 14, 2012, <http://www.eurasianet.org/node/64998>.

²³ “В Казахстане закрылись три торрент-трекера” [Three torrent-trackers closed in Kazakhstan], February 1, 2012, <http://www.today.kz/ru/news/science/2012-02-01/58802>

²⁴ Kazakhstan Stock Exchange, <http://www.kase.kz/ru/emitters/show/KZTK>; Kazakhtelecom presentation, “Kazakhtelecom JSC – national operator of telecommunications in Kazakhstan,” 2011, pg. 22, accessed on January 24, 2012, <http://www.telecom.kz/download/Presentacia1.pdf>.

²⁵ OpenNet Initiative, “Country Profile: Kazakhstan,” *Access Controlled*, accessed September 23, 2010, http://www.access-controlled.net/wp-content/PDFs/part2/007_Kazakhstan.pdf.

ownership since then, but was fully taken over by the national telecom operator when they purchased a stake for the remaining 50 percent in 2006.

Several bodies regulate the ICT sector, with the main regulators being periodically reorganized. The most recent shift in January 2012 gave the responsibility for the technology infrastructure sector to the Ministry of Transport and Communications, while entrusting regulation of information-related issues to the Ministry of Culture and Information. Until that point, both functions were filled by the reorganized Ministry of Communications and Information, whose head became the minister for transport and communications and remained such as of January 2013.

The “.kz” top-level domain name is managed by a registry, the Kazakhstani Network Information Center (KazNIC), and the Kazakhstani Association of IT Companies. Both were created in 2004–2005 as formally nongovernmental organizations, but in practice, they are believed to be under close control of the authorities and have been known to make politicized decisions on registration and deregistration of the domain names.²⁶ The government demands that any website with a “.kz” country domain must physically host its servers within the territory of Kazakhstan. Such regulations were introduced in April 2005, but the authorities undertook steps to fully enforce the regulation only in September 2010. The move prompted several controversies, the most prominent of which took place in June 2011, when Google chose to redirect all of the traffic from its localized Google.kz page to Google.com rather than comply with the demand to move its servers in-country, which it said would contribute to a “fractured internet” and ultimately harm Kazakhstani users.²⁷ Shortly after the dispute became public, the government retreated and the Kazakhstani Association of IT Companies explained that the rule applies only to domain names registered after September 7, 2010.²⁸

LIMITS ON CONTENT

In the past, the Kazakhstani government’s online censorship practices were mostly secretive, as well as selective, sporadic, and inconsistent. From 2009 through early 2013, however, these practices became more institutionalized, particularly through the enactment of legislation. In addition, filtering practices expanded from Kazakhtelecom to other ISPs, and the authorities sought to undermine the effectiveness of circumvention tools. The courts also started issuing decisions to block websites in a frequent and dense manner, banning dozens of websites at a time, mostly on the grounds of religious extremism.

The most recent country report on Kazakhstan by the OpenNet Initiative (ONI) in December 2010 stated that access was blocked to some “opposition...websites, regional media sites that carry

²⁶ OpenNet Initiative, “Country Profile: Kazakhstan.”

²⁷ “Changes to the open Internet in Kazakhstan,” Official Google Blog, June 7, 2011, <http://googleblog.blogspot.com/2011/06/changes-to-open-internet-in-kazakhstan.html>.

²⁸ “Google.kz вернулся в Казахстан” [Google.kz returned to Kazakhstan], Tengrinews.kz, June 15, 2011, <http://tengrinews.kz/internet/190571/>.

political content...selected social networking sites, [and] a number of proxy sites.”²⁹ Reporters Without Borders’ monitoring results, published in 2012, indicated that a handful of websites deemed “extremist” were blocked despite the fact that much of the content found on these sites had nothing to do with terrorism or religious extremism.³⁰ International news sites such as the BBC, the *New York Times*, RFE/RL (including “Azattyq,” its Kazakhstan subsidiary), and websites of international organizations such as Human Rights Watch and Freedom House are available.

Web 2.0 applications have been periodically blocked in Kazakhstan in recent years, though the government has not always admitted their intent behind the restrictions. The international blog-hosting platform LiveJournal was blocked for over two years from October 2008 to November 2010 by the two largest ISPs, the state-owned Kazakhtelecom, and Nursat.³¹ The impetus for the block was ostensibly to restrict access to politically sensitive content related to President Nazarbayev’s former son-in-law, Rakhat Aliyev.³² The platform was unblocked after the disputed blog was frozen by LiveJournal administrators,³³ yet blocked again in August 2011, under claims that some accounts contained religious extremism.³⁴ A LiveJournal spokesperson stated that the company had never received any official notice from the Kazakhstan government identifying certain accounts as extremist and requesting their removal, an action the blog-hosting provider claimed it would take if the concerns were found to be legitimate.³⁵ The site remained inaccessible from Kazakhstan as of January 2013.

In February 2011, a district court in Astana banned two Wordpress-based blogs for disseminating content related to religious extremism, but this resulted in the blocking of the entire platform.³⁶ It is not fully clear when the access was restored; the disputed blogs are no longer available. Currently, Kazakhstani users can access Wordpress.com, but certain blogs hosted by it are inaccessible. Individual user pages on Blogspot.com could be accessed at the time of preparing this report.

²⁹ OpenNet Initiative, “Country Profile: Kazakhstan.”

³⁰ “Kazakhstan country profile,” Reporters Without Borders, March 12, 2012, <http://en.rsf.org/kazakhstan-kazakhstan-12-03-2012,42073.html>

³¹ Karim Toktabayev, “1000 and 1 nights without LiveJournal” [in Russian], Profit.kz, October 9, 2012, <http://www.profit.kz/articles/1856-1000-i-1-noch-bez-Zhivogo-Zhurnala/#.UZpwPMo1r31>

³² Rakhat Aliyev, Nazarbayev’s former son-in-law, had served in top positions in the country’s secret services and diplomatic service. He had large business and media holdings before definitively falling out of favor with the president and his family in 2008 after he had faced multiple charges of abduction, financial crimes and a coup attempt. Having fled abroad, Aliyev began airing inside information and allegations, in the traditional media and online, in an effort to discredit the president. Materials related to Aliyev have been systematically filtered, and republication of excerpts from his book “Godfather-in-law” is officially banned. Many observers believe that Nazarbayev’s conflict with Aliyev was the primary reason for the first blockage of LiveJournal in Kazakhstan, and also accelerated adoption of the internet-related legal amendments in 2009.

³³ 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/>.

³⁴ “Kazakhstan blocks websites to battle religious extremism,” Neweurasia.net, September 9, 2011, <http://www.neweurasia.net/media-and-internet/kazakhstan-blocks-websites-to-battle-religious-extremism/>.

³⁵ “LiveJournal portal, several blogs suspended,” IFEX, September 2, 2012, http://www.ifex.org/kazakhstan/2011/09/02/livejournal_suspended/.

³⁶ Svetlana Glushkova, “Портал Вордпресс заблокировали из-за двух блогов” [Wordpress portal was closed because of two blogs], Azattyq.org, July 12, 2011, http://rus.azattyq.org/content/worldpress_kazakhtelecom_blocking_blog_/24262786.html.

On December 14, 2012, internet users complained about having trouble accessing Facebook from approximately 3:00 p.m. to 6:00 p.m. Reportedly, the problem was present with various ISPs, but even subscribers of the same provider reported having unequal access to the site. Kazakhtelecom and Beeline denied any involvement.³⁷ Coincidentally, though, Mukhtar Ablyazov, a former owner of a major bank and sponsor of a number of opposition organizations and media outlets, and who is currently being prosecuted internationally for gross financial fraud, had announced earlier that he would hold an online “Q&A session” on Facebook at exactly 3:00 p.m. that day.³⁸

In 2011–2012 Kazakhtelecom users had persistently reported difficulties in accessing some of Google’s services, including the ability to download attachments sent in Gmail, the Picasa image bank, Google Translate’s URL translation function, and others.³⁹ The cause of the problem was unclear and was never specifically explained by Kazakhtelecom officials, although the problem ceased to exist in September 2012, reportedly after Google started using local servers to cache webpages and thus enhance its search services.⁴⁰ In the spring of 2012, users periodically reported the inaccessibility of several web-based live video broadcasting sites, particularly Ustream.tv and Bambuser.com.⁴¹ The latter site remained blocked as of January 2013.

A package of legislative amendments adopted in July 2009, which received significant domestic and international criticism, granted the state broad authority to block access to foreign online resources whose content is deemed to run counter to national laws. The amendments declared that the internet and all websites—referred to as “internet resources”—were to be considered media outlets, without differentiating between news sites, blogs, chat rooms, and so forth. The amendments also granted the state the power to suspend or shut down websites hosted within Kazakhstan, including any website with content deemed harmful to the interests of the public and the state. Foreign websites can be shut down by a court decision made in absentia of the website representative and does not require further notification—to the public or the website owner—about why the website is blocked.

Under these amendments, all ISPs are required to ensure blockage of banned websites, and the owners of “internet resources” are responsible for any content, posted either by themselves or other users, that is deemed illegal under Kazakhstan’s civil, criminal, or administrative laws.⁴² The law stipulates that filtering of websites could be applied only with a court decision, though this requirement is not always observed in practice. The amendments have resulted in tighter

³⁷ “Казакстанцы не могли зайти на Facebook” [Kazakhstaners couldn’t access Facebook], December 14, 2012, <http://tengrinews.kz/internet/kazahstantsyi-ne-mogli-zayti-na-Facebook-225220/>

³⁸ See Facebook post <https://www.facebook.com/mukhtar.ablyazov/posts/217723715028863>

³⁹ See Google Help forum thread (in Russian) at <https://groups.google.com/a/googleproductforums.com/forum/#!category-topic/gmail-ru/????-????-dJV0yhvaG08>, accessed January 31, 2013.

⁴⁰ “Разблокировка сервисов Google (обновление)” [Unblocking the Google services (update)], September 2, 2012, http://www.fateyev.com/ru/blog/2012/google_services_unlock_update

⁴¹ “Kazakhstan - Another regime blocks Bambuser”, April 19, 2012, <http://blog.bambuser.com/2012/04/kazakhstan-another-regime-blocks.html>

⁴² “Парламент принял закон, усиливающий контроль над интернет-ресурсами в Казахстане” [Parliament adopted law to increase control over internet resources in Kazakhstan], Zakon.kz, June 24, 2009, <http://www.zakon.kz/141606-parlament-prinjal-zakon-usilivajushhiji.html>.

ensorship, ending the phenomenon whereby users could still access pages blocked by Kazakhtelecom via alternative operators.

For some time, the 2009 legal amendments stood unimplemented, but after a series of suicide bombings in 2011, several court decisions were issued ordering the blocking of websites for reasons of “religious extremism.” In August 2011, a court decision blocked access to LiveJournal and 11 other websites based on claims that the websites or certain webpages were disseminating content with signs of religious extremism.⁴³ In 2011, access to 125 websites was blocked in Kazakhstan for carrying content related to religious extremism.⁴⁴ In November 2012, the National Security Committee stated that courts in Kazakhstan had banned access to nearly 950 websites in 2011–2012 for propaganda relating to terrorism, violence, and extremism, and over 150 more websites were undergoing court examinations.⁴⁵

Despite these legal precedents, the filtering of websites without court decisions continues. In March 2010, the Computer Emergency Response Team (CERT) was established in Kazakhstan and operates as a governmental body under the Ministry of Communications. In contrast to many of its foreign counterparts, whose mandate is restricted to address only technical incidents, Kazakhstan’s CERT also aspires to fight “destructive content” and “political extremism” by blacklisting and banning certain sites.⁴⁶ In March 2010, when probed about the transparency of their work, a CERT spokesperson said that the team’s activities, including its criteria for blacklisting and the lists of blocked websites, is considered secret.⁴⁷

According to Google's 2012 global report on government-initiated content removal requests, Kazakhstan made two requests in the first half of 2012 regarding the removal of 17 elements from Blogger.com and Youtube.com on the grounds that the material contained threats to national security, in one case, and unacceptable levels of violence in the other. In both cases the requests arrived from the law enforcement bodies without a court decision.⁴⁸

One of the most notable cases of blocking over the past few years has been the restrictions placed on the main website of *Respublika*, an opposition weekly paper that, as both an online and print publication, faced repeated charges and pressures throughout the last decade. In 2012, after the trials over the alleged organizers of riots in Zhanaozen concluded with either a conviction or an admission of guilt, the media outlets close to the Alga Party (financed by the exiled oligarch,

⁴³ “Kazakhstan blocks websites to battle religious extremism,” Neweurasia.net, September 9, 2011,

<http://www.neweurasia.net/media-and-internet/kazakhstan-blocks-websites-to-battle-religious-extremism/>.

⁴⁴ “В Казахстане закрыли доступ к 125 сайтам” [Kazakhstan closed access to 125 websites], Tengrinews.kz, October 1, 2011, http://tengrinews.kz/kazakhstan_news/198106/.

⁴⁵ “КНБ Казахстана через МИД решает вопрос закрытия экстремистских сайтов” [Kazakhstan's NSC resolves the issue of extremist websites ban through the MFA], Tengrinews.kz, November 14, 2012, http://tengrinews.kz/kazakhstan_news/knb-kazahstana-cherez-mid-reshaet-vopros-zakrytiya-ekstremistskih-saytov-223419/

⁴⁶ “В Казахстане начались проверки “неправильных” сайтов” [Checks of 'undue' websites started in Kazakhstan], Nur.kz, March 1, 2010, <http://news.nur.kz/144920.html>.

⁴⁷ “Служба реагирования на компьютерные инциденты рассказала о своей работе” [Computer emergency response team told about its work], Zakon.kz, March 25, 2010, <http://www.profit.kz/articles/001196/>.

⁴⁸ Google Transparency Report: Kazakhstan.

<http://www.google.com/transparencyreport/removals/government/KZ/?metric=compliance&by=product>

Mukhtar Ablyazov) were charged with deliberate fomentation of the riots and were shut down in an unprecedented move. In November 2012, the Almaty city prosecutor's office filed four suits, asking the court to ban *Respublika*, the newspaper *Vzglyad*, the satellite TV channel *K+*, and the *Stan TV* video news site (the latter two are entities registered in Russia and Kyrgyzstan, respectively).⁴⁹ Three of the suits included the request to ban both the publication and the “resources that duplicate it,” meaning the outlet's websites and accounts in blogging or social networking sites.⁵⁰ The fourth suit targeted *Respublika*, and considered 8 print publications and 23 websites as the “single media outlet titled *Respublika*.” Prosecutors alleged that the “analysis revealed presence of propaganda of violent overthrow of government and undermining of state security” in their content.⁵¹ No journalist or editor was convicted, but the court forbade the editorial collectives to reunite in any new media outlet.

The court ordered the suspension of the distribution of the *Respublika* newspaper on the same day that the suit was filed.⁵² According to a *Respublika* representative, the Almaty prosecutor's office also listed Google, Facebook, Twitter, and LiveJournal as defendants.⁵³ A spokesman from the office of the general prosecutor refuted this claim and stated that those sites were mentioned “only in relation to certain pages and blogs mirroring *Respublika* and *Vzglyad*,” while the administrators of Facebook and other sites would be “requested to delete or block the appropriate pages, while access to Facebook itself would not be blocked.”⁵⁴ By the end of 2012 the courts had finished considering the cases and ruled to fully satisfy the prosecutor's suits by banning the media outlets,⁵⁵ causing a tide of condemnation from international rights watchdogs, domestic journalists, and media defenders.

In addition, the online newspaper and investigatory whistleblower *Guljan.org*, which is sympathetic to the country's opposition, has repeatedly been charged with libel by state officials. In February 2012, the wife of Kazakhstan's financial police chief won a case seeking KZT 5 million (\$33,300) in moral damages for alleged defamation. The court ruling threatened to jeopardize the website with bankruptcy, but by the end of the year the fine was repaid.⁵⁶ However, on December 4, 2012, the Bostandyk district court in Almaty considered the prosecutor's request to suspend *Guljan.org* and agreed to ban it for three months. The court hearing was conducted without the participation of the defendants or their representatives, and both the prosecutor's request and the judge's ruling did not

⁴⁹ “Main opposition media silenced in space of a month,” Reporters Without Borders, December 28, 2012, http://en.rsf.org/kazakhstan-main-opposition-media-silenced-in-28-12-2012_43751.html

⁵⁰ “Прокуратора Алматы подала иски в суд в отношении ряда казахстанских и зарубежных СМИ” [Almaty Prosecutors Bring Charges against several Kazakhstani and foreign media], *Gazeta.kz*, November 21, 2012, gazeta.kz/art.asp?aid=373227

⁵¹ “Прокуратура Алматы просит суд закрыть ряд оппозиционных СМИ” [“Prosecutors ask court to ban several opposition media outlets”], *Tengrinews.kz*, November 21, 2012, http://m.tengrinews.kz/ru/kazakhstan_news/223826

⁵² “Суд в Алматы приостановил распространение газеты Республика” [Almaty court suspends distribution of *Respublika* newspaper], November 23, 2012, <http://news.gazeta.kz/art.asp?aid=373369>

⁵³ “Almaty prosecutors filed lawsuits against Google, Facebook and Twitter”, November 23, 2012, <http://en.tengrinews.kz/crime/Almaty-prosecutors-filed-lawsuits-against-Google-Facebook-and-Twitter-14715/>

⁵⁴ “Kazakhstan General Prosecutor's office denies filing lawsuits against Google, Facebook and Twitter”, November 23, 2012, <http://en.tengrinews.kz/internet/Kazakhstan-General-Prosecutors-office-denies-filing-lawsuits-against-Google-14731/>

⁵⁵ “«Республику» велено закрыть. Что дальше?» [Respublika is to be closed. What's next?], December 25, 2012, <http://rus.azattyq.org/content/respublika-oppositional-press-trial-verdict/24808192.html>

⁵⁶ Interview with Mr. Ayan Sharipbayev, journalist of the *Guljan.org* website, Almaty, January 2013.

specify the grounds for the suspension.⁵⁷ Moreover, the court that considered the case did not have jurisdiction over it.

A second trial was held in the proper court, the Medeu district court of Almaty, and upheld the ban, adding that any URL containing the term “Guljan” (the first name of the site’s editor-in-chief, Guljan Yergaliyeva) should be subject to immediate blocking, thus outlawing the mirror site “guljan.info” that the editorial staff had hastily registered by then. The second court hearing clarified that the formal reason for the shutdown was the website’s participation in a campaign to encourage citizens to participate in an unsanctioned rally in January 2012.⁵⁸ No legal action or investigation was known by the journalists or public to be held against Guljan.org during the ten months between when the alleged offence was committed and the court ruling. The journalists’ team launched a new site, Nuradam.kz, in February 2013, which fell victim to distributed denial-of-service (DDoS) attacks on several occasions. Its domain name was subsequently closed on charges that the website was based on foreign servers, which is a violation of domestic regulations; however, the content continues to be available through the use of mirror websites.

Since early 2009, there has also been an increase in self-censorship and content removal implemented by companies hosting online information.⁵⁹ With the 2009 internet-related amendments coming into force, most online content providers intensified their moderating practices in order to censor content that could expose them to legal repercussions. The self-censorship environment was further solidified following the July 2010 adoption of a law granting President 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. In 2012, the owners of independent political websites have reportedly received “friendly warnings,” urging them to remove sensitive (usually, president-related) material. These warnings came from their hosting providers, who, in their turn, were approached by the special services.

From 2012–2013, no new methods were used by the government or non-state actors to proactively manipulate the content and online news landscape, although the presence of government-paid commentators continued to be observed during this period.

The 2008 blocking of LiveJournal, at the time the most popular blogging platform in Kazakhstan, combined with unstable access to Wordpress and Blogspot, have generated significant changes to the country’s blogosphere.⁶⁰ At that time, there were no major local blogging sites. Since then, Yvision.kz has become the most popular Kazakhstan-based blog-hosting platform, with over 80,000

⁵⁷ “Гульжан Ергалиева: Я еще не знаю, в чем меня обвиняют” [Guljan Yergaliyeva: I don't know what are the charges they bring against me], December 5, 2012,

http://forbes.kz/massmedia/guljan_ergaliyeva_ya_esche_ne_znayu_v_chem_menya_obvinyayut

⁵⁸ “Суд приостановил guljan.org из-за январских призывов к митингам” [“Court suspended guljan.org for the January 2012 calls for participation in an unsanctioned rally”], KazTAG report republished by Headline.kz news aggregator

http://news.headline.kz/chto_v_strane/sud_priostanovil_guljanorg_iz-za_yanvarskih_prizyvov_k_mitingam.html

⁵⁹ 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>.

⁶⁰ SUP Media, “LiveJournal in Figures. Autumn 2007,” presentation, November 30, 2007,

http://www.sup.com/stat_autumn07.pdf.

users as of January 2013, most of them blogging in Russian. A number of other blogging projects (both mass market and niche) are emerging, testing new formats of user-generated content (UGC) and services in commercial and non-commercial fields. Many users have migrated to Twitter and Facebook, which appear to be popular choices for new users as well.

The Kazakhstani blogosphere is dominated by the younger generation, but recent years have shown broader engagement on the part of professionals, journalists, academics, members of parliament, and other public figures, particularly on social networks. In 2012, as political activists continued to vigorously use social media to spread their message, the authorities kept recruiting popular, yet relatively loyal, bloggers to engage in “special coverage” propaganda campaigns, inviting them on “blogger tours,” starting with the visit to oilfields and the Cosmodrome space launch facility, but then recruiting bloggers to report from the trials that followed the clashes in Zhanaozen.⁶¹ Their coverage was heavily in line with the prosecutor's position. Both the government and bloggers deny having any financial ties to one another.

In an effort to demonstrate a willingness to engage with citizens online, officials and government institutions continue setting up and maintaining blogs on popular social-networking platforms. The website of every government body and local administration is required to have a blog. In November 2012, Bolat Kalyanbekov, the chairman of the Committee for Information and Archives at the Ministry of Culture and Information, recommended that all government press secretaries have their own Twitter accounts “to regularly monitor and participate in discussions, and resolve issues right where they occur.”⁶² In another instance, the deputy chief of the Presidential Administration, the country's main policy-making body, acknowledged that his staff is keeping an eye on online debates.⁶³

Several grassroots campaigns have been actively employing social media to reach out to potential supporters and to coordinate activities. The most notable examples include the environmentalist group “Protect Kok-Zhailyau!,” which opposes plans of large-scale construction on the territory of a nature reserve near Almaty, and BlogBasta.kz, a non-partisan initiative that supports the political mobilization of creative urban youth. Additionally, a movement to oppose budget cuts to maternity benefits and an increase in the retirement age, which also used Facebook to organize supporters, was able to develop suggestions to improve legislation and was invited by the government to deliver their report to members of parliament. These cases have shown serious self-organizing potential that was not previously present in the online sphere in Kazakhstan.

⁶¹ “Усилились постжанаозенские баталии блогеров” [“Post-Zhanaozen battles between bloggers have intensified”], Azattyq.org, August 20, 2012, <http://rus.azattyq.org/content/twitter-bloggers-battle-about-zhanaozen-trial/24680408.html>

⁶² “МКИ Казахстана рекомендует пресс-секретарям госорганов «переехать» в Твиттер” [MCI of Kazakhstan suggests press secretaries of state bodies “moving” to Twitter], November 23, 2012, <http://www.inform.kz/rus/article/2512711>

⁶³ “Замглавы Администрации Президента прокомментировал критику алматинцев в адрес Есимова” [Deputy chief of presidential administration commented upon the critic of Almaty residents towards Yesimov], December 21, 2012, http://tengrinews.kz/kazakhstan_news/zamglavyi-administratsii-prezidenta-prokommentiroval-kritiku-almatintsev-adres-225559/

VIOLATIONS OF USER RIGHTS

The government of Kazakhstan continued to use legal and extralegal mechanisms to control the activities of internet users in 2012–2013. Restrictions on the use of anonymizing tools remain in place, and in March 2012 the Tor Project found evidence that deep packet inspection (DPI) was being used by at least one telecommunications service provider. Additionally, in 2013 two individuals were sentenced to one year “restraint of freedom” for posting an anonymous comment about corruption on the blog of a tax committee chairman.

The constitution of Kazakhstan guarantees freedom of the press, but the criminal code also provides special protection for state officials, members of parliament, and in particular, the president. In practice, the authorities use various legislative and administrative tactics to control the media and limit free expression. There are additional restrictions applied during elections and the coverage of court trials.

In 2010, the parliament passed a law granting President Nazarbayev the status of “Leader of the Nation,” which attached criminal responsibility to any damage done to his image, including public insults or distortion of his private biographical facts, among other provisions. More broadly, defamation remains a criminal offense and Kazakhstani officials have a track record of using libel to punish critical reporting.

While no bloggers were legally prosecuted from late 2012 to early 2013, in April 2012, Lukpan Akhmedyarov, a journalist of the independent weekly *Uralskaya Nedelya*, was violently beaten near his home by unidentified attackers.⁶⁴ Akhmedyarov had repeatedly reported on high-level corruption in the western province of Uralsk, appeared in defamation cases before the court, co-organized political rallies, and ran a personal blog on the official website of his newspaper.⁶⁵ The case was investigated and, in December 2012, police arrested four suspects, declaring the crime cleared,⁶⁶ although there still has been no information about the instigators of the crime or their potential motives.⁶⁷

In late January 2013, the media reported the first case in Kazakhstan of online libel to reach the courts. Two officers of the Almaty tax department published an anonymous post on the official blog of the chairman of the tax committee, claiming that their supervisor was implicated in crimes of corruption. The police inquired into the crime and six months later the offenders appeared in court after a series of investigatory activities that included internet protocol (IP) analysis, retrieval of video recordings from cameras installed inside the cybercafe from which the comments had been

⁶⁴ “Совершено покушение на Лукпана Ахмедьярова” [Attempt on Lukpan Akhmedyarov's life], April 20, 2012, http://rus.azattyq.org/content/lukpan_ahmediyarov_attacked_uralksaya_nedelya/24554128.html

⁶⁵ See the page of Lukpan Akhmedyarov's personal blog on the website of “Uralskaya Nedelya” (Uralsk Week) newspaper <http://bit.ly/19Kts03>.

⁶⁶ “Нападение на Лукпана Ахмедьярова раскрыто” [Attack on Lukpan Akhmedyarov cleared], December 28, 2012, <http://newskaz.ru/society/20121228/4533449.html>

⁶⁷ “За жизнь Лукпана Ахмедьярова исполнителям обещали \$10 тыс” [\$10,000 was promised to the attackers for life of Lukpan Akhmedyarov], January 8, 2013, <http://www.zakon.kz/4534211-za-zhizn-lukpana-akhmedjarova.html>

posted, and the cybercafe's server data regarding online activities from certain PCs. The defendants maintained their innocence; however, the court sentenced both to one year of restraint of freedom, which requires notifying the police prior to leaving one's place of residence, education, or work.⁶⁸

Beginning in early 2011, anonymizing tools, including proxy websites and specific circumvention software, were increasingly being blocked in Kazakhstan, though no court decision had been issued against them. Many users wishing to circumvent censorship instead switched to browsers designed by the Opera Corporation,⁶⁹ whose traffic compression feature was initially meant to facilitate browsing with slow connections but also enables users to access blocked websites. On April 21, 2012, Kazakhstani users reported problems with Opera browsers, particularly the inability to access websites outside of the ".kz" country code zone.⁷⁰ The problem was resolved on the same day; however, no explanations were provided.⁷¹ In March 2012, the Tor Project announced that the service provider KazTransCom JSC had started using deep packet inspection (DPI) to censor and monitor the internet, particularly SSL-based encryption protocols.⁷² At approximately the same time, users were no longer able to download Tor software from Kazakhstan (at the time of the report's update in May 2013, however, the download was possible).

It is difficult to track or verify efforts by the National Security Committee (KNB) or other agencies to monitor internet and mobile phone communications. However, a series of regulations approved in 2004 and updated in 2009 oblige telecom operators (both ISPs and mobile phone providers) to retain records of users' online activities, including phone numbers, billing details, IP addresses, browsing history, protocols of data transmission, and other data, via the installation of special software and hardware when necessary.⁷³ Providers must store user data for two years and grant access to "operative-investigatory bodies" when sanctioned by a prosecutor.⁷⁴ Furthermore, SIM card registration is required for mobile phone users at the point of purchase under the civil code; however, the requirement is not tightly enforced, and SIM card vendors view the registration as optional.⁷⁵

The new amendments to the law on countering terrorism, which were signed by the president on January 8, 2013 and became effective on January 18, 2013,⁷⁶ granted extra powers to the security

⁶⁸ "Клевета в Интернете" [Libel on the internet], January 29, 2013, <http://www.nomad.su/?a=13-201301300007>

⁶⁹ "Web browser that bypasses big brother a Kazakh hit," Reuters, April 13, 2010, <http://www.reuters.com/article/2010/04/13/us-kazakhstan-internet-browser-idUSTRE63C37N20100413>.

⁷⁰ "Казахстанские интернет-пользователи испытывают трудности с браузером Опера" [Kazakhstani users experience problems with Opera browser], April 21, 2012, <http://tengrinews.kz/internet/kazahstanskije-internet-polzovateli-ispivityvivayut-trudnosti-s-brauzerom-Opera-212610/>

⁷¹ See <http://my.opera.com/community/forums/topic.dml?id=1369952>

⁷² "Updates on Kazakhstan Internet Censorship", March 2, 2012, <http://bit.ly/yhkSVQ>.

⁷³ Ksenia Bondal, "Следи за базаром - нас слушают" [Watch out, we are watched], *Respublika*, republished by Zakon.kz, November 5, 2009, http://www.zakon.kz/top_news/152528-objazyvaet-li-ais-i-knb-sotovykh.html.

⁷⁴ See, "Rules of rendering internet access services," adopted by the governmental decree #1718 on December 30, 2011, and the Law on operative-investigatory activities, dated September 15, 1994, <http://www.minjust.kz/ru/node/10182>.

⁷⁵ "Сотовая связь: абонент не определен и опасен" [Cellular: caller is uncertain and dangerous], Ipr.kz, June 21, 2011, <http://www.ipr.kz/kipr/3/1/51#.T7t40tx1BLc>.

⁷⁶ Law of the Republic of Kazakhstan on amendments and addenda into several legislative acts of the Republic of Kazakhstan regarding counteraction to terrorism [In Russian], January 8, 2013, http://online.zakon.kz/Document/?doc_id=31318154

bodies,⁷⁷ reiterated a vague term of “fomenting social discord,” and obliged all mass media (thereby including online resources and citizen journalists) to “assist” the state bodies involved in counter terrorism. The exact mechanisms of assistance are not specified.

On December 30, 2011, the government issued a decree tightening surveillance in cybercafes. Under the decree, cybercafe owners are obliged to gather the personal information of customers and retain data about their online activities and browsing history. This information is to be retained for no less than six months and can be accessed by “operative-investigatory bodies.”⁷⁸ The decree also banned the use of circumvention tools in cybercafes. Beginning in early 2012, parts of the decree came into force, including the requirement to install video surveillance equipment and filtering software.⁷⁹ As of early 2013, none of the cybercafes specifically reviewed for this report required an identification card or passport before granting access to internet. It is still unclear how these regulations might apply to public Wi-Fi access points.

The administrators of several opposition-related or independent news websites such as *Respublika*, *Zonakz.net* and *Guljan.org* have reported suffering sporadic DDoS cyberattacks since 2009.⁸⁰ Although many suspect that regime actors were behind the attacks, their origin has been neither independently confirmed nor investigated by the police or the Computer Emergency Response Team (CERT),⁸¹ whose responsibility is to address such incidents.

⁷⁷ Alexandr Gribanov, “Закон особого назначения” [“Law of special task”], *Vecherniy Almaty* newspaper, January 31, 2013, <http://www.vecher.kz/node/18716>

⁷⁸ See, “Rules of rendering internet access services,” adopted by the governmental decree #1718 on December 30, 2011, <http://medialawca.org/old/document/-11242>.

⁷⁹ “В интернет-клубы теперь будут пускать только с удостоверением личности” [Internet clubs will demand IDs], *Zakon.kz*, January 25, 2012, <http://www.zakon.kz/kazakhstan/4469529-takie-pravila-okazaniya-uslug-dostupa-k.html>.

⁸⁰ “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>.

⁸¹ Computer Emergency Response Team (CERT), accessed July 1, 2013, <http://kz-cert.kz/en/>