

ARTICLE19

Kazakhstan: Protection of freedom of expression online

Country report

1 January 2022

ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. We do this by working on two interlocking freedoms, which set the foundation for all our work. The Freedom to Speak concerns everyone's right to express and disseminate opinions, ideas and information through any means, as well as to disagree from, and question power-holders. The Freedom to Know concerns the right to demand and receive information by power-holders for transparency, good governance, and sustainable development. When either of these freedoms comes under threat, by the failure of power-holders to adequately protect them, ARTICLE 19 speaks with one voice, through courts of law, through global and regional organisations, and through civil society wherever we are present.

E: info@article19.org

W: www.article19.org

Tw: @article19org

Fb: facebook.com/article19org

This report is produced by ARTICLE 19 in the framework of the programme *Defending Digital Rights in Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan* implemented by ARTICLE 19 together with the local partners from these countries in 2021–2022. This is one of the four country reports which are based on the digital rights monitoring conducted locally in each of the target countries.

The programme's overall goal is to promote freedom of expression and the related rights in digital environment in Central Asia by challenging restrictive legislation, policies and practices both domestically and internationally through strengthening ability of civil society organisations working in the field of the media to promote and protect digital rights, increasing the availability of quality digital rights training resources and capacity, encouraging governments and legislative bodies to address laws and policies restricting online freedom of expression through coordinated national and international advocacy.

© ARTICLE 19, 2022 (Creative Commons License 3.0)

This work is provided under the Creative Commons Attribution-Non-Commercial-ShareAlike 3.0 licence. You are free to copy, distribute, and display this work and to make derivative works, provided you:

- 1) give credit to ARTICLE 19;
- 2) do not use this work for commercial purposes;
- 3) distribute any works derived from this publication under a licence identical to this one.

To access the full legal text of this licence, please visit:
<https://creativecommons.org/licenses/by-sa/3.0/legalcode>

ARTICLE 19 would appreciate receiving a copy of any materials in which information from this report is used.

Contents

Executive summary	5
Recommendations	7

Introduction	10
Applicable international human rights standards	12
The right to freedom of expression	12
The right to privacy	13
Access to the internet and digital technologies	14

Protection of human rights online in Kazakhstan	18
New legislative developments concerning freedom of expression online	18
Misuse of ‘extremism’ legislation	19
Persecution of satire and caricature	20
Misuse of defamation law against journalistic investigation	21
Misuse of secrecy and accreditation rules against journalists	21
Protection of privacy online	22
Restrictions on access to the internet	23
Blocking and filtering	23
Democratic participation online	24
Safety of journalists and activists online	25
Surveillance of activists and independent media	25

ARTICLE 19’s recommendations	27
Appendix: Monitoring framework	30
Freedom of expression online	30

Right to privacy online	30
Internet infrastructure	31
Use of digital technologies in protests	32
Safety of journalists and activists online	32
<hr/>	
Endnotes	33

Executive summary

In this report, ARTICLE 19 examines challenges to the protection of the right to freedom of expression online in Kazakhstan based on local sources.

The report finds that Kazakhstan has adopted a range of broad legislation with heavy sanctions that have caused a severe chilling effect on freedom of expression online. Several existing and proposed laws do not meet international standards on freedom of expression. In particular:

- In 2021, there was an attempt to include a ‘landing provision’ in the Law on Informatisation that would require social networks to set up representative offices in Kazakhstan. However, this would lead many social networks to stop operating in the country which in turn would have dire consequences on the right to freedom of expression and information of individuals in the country. Civil society was vocal about the concerns and the provision ended up not being featured in the final version of the law in 2022. The final version transformed the requirement into simply having a contact person or representative that did not need to be based in the country.
- The Law on Cyberbullying was presented as a tool to protect children online. While the aim to protect children online is legitimate, the requirements set in the law could result in an entire website being blocked at the request of the parents or due to state monitoring. Under international standards, website blocking is a severe restriction that should be taken as a last resort and in extreme circumstances.
- In 2021, amendments were made to the data protection legislation. A journalistic ‘exception’ was introduced which meant that media outlets could use personal data without the data subject’s consent if the use of the data is related to their professional activities. In order to benefit from this exception, the media outlet needs to undergo official registration in the country.

- During the Covid-19 pandemic, new rules were introduced that severely hindered media reporting. During press conferences, an appointed ‘moderator’ was able to ‘switch off’ ‘undesirable’ journalists at any time.
- ARTICLE 19 also remains concerned that the country’s terrorism legislation is overly broad and contains restrictions on speech which does not contain direct incitement to violence. The scope is overly broad and does not meet international freedom of expression standards.

Not only is the legislation problematic, but its implementation leaves much to be desired as there are numerous instances of misuse and over-application of legislation in cases of legitimate speech and silencing opposing voices:

- Terrorism and ‘extremism’ legislation is applied in a disproportionate manner. Individuals have been charged with terrorism offences without a proper assessment of the content published online being carried out. In practice, this legislation is often used to silence opposition and limit the work of human rights activists.
- Individuals publishing satire or caricature have been prosecuted for spreading disinformation for their publications, particularly when the content relates to high government officials. This shows that there is a low level of tolerance for comments directed at state officials. Instead, government officials should be subject to a higher degree of legitimate criticism than average individuals.
- Defamation laws have been used as a tool against journalists who criticise the government. This severely reduces the media’s role as a watchdog and makes it difficult for them to report on matters of public interest and hold the government to account.
- The threat of prosecution for revealing ‘investigation secrets’ is a common threat used to hinder the work of journalists. While journalists have not been sent to jail under these

rules, it remains a highly concerning trend which will undoubtedly lead journalists to self-censor and avoid certain investigative work.

- We also remain concerned about the safety of journalists in the country and those reporting about issues of public interest through social media as there is a severe lack of prompt and effective investigation in cases involving online threats against them.

Recommendations

- All 'anti-extremist' legislation in the current form should be repealed. At minimum, all forms of expression that do not constitute direct incitement to violence should be removed from the scope of the 'anti-extremism' laws and, accordingly, from the application of 'counter-extremist' measures such as lists of prohibited extremist materials and bans on 'extremist' not-for-profit organisations and media outlets.
- Criminal law provisions on 'extremism' should not be enforced against freedom of expression online and offline or used to persecute journalists, activists, and oppositional voices.
- In any criminal or administrative case concerning online speech, the courts should ensure that a sanction applied is proportional and that their judgments satisfy the requirement of necessity and proportionality of the three-part test.
- The government should develop a comprehensive plan for the implementation of the Rabat Plan of Action. In particular, it should adopt and implement a comprehensive plan for training law enforcement authorities, the judiciary, and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred and hate speech.
- The practice of extrajudicial blocking of online resources should be stopped and the related provisions in national legislation should be repealed or amended. Any requirement to block unlawful content must be provided by law that fully meets

international freedom of expression standards. Blocking should only be ordered by an independent and impartial court or adjudicatory body.

- State authorities should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media play in a democratic society. For this purpose, a specialised training programme for public officials should be developed and systematically implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The government should create more platforms for inclusive public discussion both online and offline.
- The government and law enforcement should cease prosecutions of journalists merely for doing their job, including for producing and publishing journalistic investigations.
- Activists and oppositional politicians should not be targeted with criminal or administrative cases for their critical speech or active participation in public debate.
- Law enforcement and other public authorities should ensure adequate protection of personal data which they obtain and store in the course of their work. Law enforcement agencies should also develop their own internal expertise in the investigation of cases of infringement of the right to privacy online.
- Social media companies and social networks should develop and implement cooperation mechanisms with the local civil society in order to ensure that coordinated inauthentic online behaviour like ‘farms’ of trolls and/or bots does not jeopardise the democratic processes and/or online safety of journalists and civic activists in the country.
- All cases of illegitimate surveillance targeting journalists and activists should be properly investigated and perpetrators held accountable.

- Civil society and media organisations should invest more efforts into developing their digital security skills and practices and in raising public awareness about the importance of ‘digital hygiene’.
- Civil society and media organisations should work with their international partners to obtain adequate support and resources to step up their resilience towards online threats.

Introduction

In recent years, freedom of expression in Central Asia has become increasingly restricted, especially in relation to digital technologies. As physical civic space becomes more and more controlled by governments and with the Covid-19 pandemic heightening the risk of in-person engagements, the internet has become one of the last bastions of civic space in the region. A free and inclusive online environment is increasingly necessary for people to conduct activism, access health services and education, find employment, and promote gender equality. However, broadly-worded legislation providing for disproportionate sanctions, combined with abuse of this legislation by governments and their law enforcement agencies, has been having a chilling effect on freedom of expression. Independent media websites are often being blocked, either temporarily or permanently, without legal recourse to appeal. Journalists are having cases brought against them for public comments on their online articles. Members of the public are being arrested for 'liking' or 'reposting' information on social media networks, and journalists are victims of trolling and cyberbullying, particularly women, leading to self-censorship.

The defence of freedom of expression online is compounded by the fact that relatively few lawyers in Central Asia specialise in media law and have 'digital rights' expertise. Journalism and law faculties in higher education institutions across the region do not include human rights and digital environment training in their educational programmes and, as a result, graduates are ill-equipped to uphold and defend these rights.

In ARTICLE 19's *Global Expression Report*, Kazakhstan is listed as a country 'in crisis'.¹ In the Freedom House Internet Freedom Report for 2021, Kazakhstan was ranked 33rd and was categorised as 'Not Free Internet'.² In the 2021 Press Freedom Index, it ranked 155th place,³ and though, at the moment, the country holds the 122nd position in the 2022 Index, Kazakhstan's freedom of expression remains tense as access to online resources is regularly blocked without explanation and justification, oppositional voices risk persecution, and there are persistent attempts to introduce even more control over online expression at the legislative level.

With this report, ARTICLE 19, together with its partners in Kazakhstan, aims to contribute to such initiatives. Following a comprehensive training course on freedom of expression and the related rights in the digital environment, partners engaged in regular and disaggregated monitoring of digital rights violations in the country throughout 2021, based on the agreed monitoring and research methodology. The monitoring also covered emerging legislation and regulatory activities (such as new draft laws and amendments to existing laws), cases of impeded or distorted practical realisation of rights online either because of incorrect interpretation of the respective laws or because of technical barriers to implementation, and court cases raising the issues of implementation or violation of rights online. Monitoring findings were assembled quarterly and informed the ongoing advocacy activities.

This report presents the key findings from the monitoring and recommendations on how to ensure better protection of human rights online. It does not aim to cover all possible incidents of violations of freedom of expression and the related rights in the digital space. Instead, it focuses on high-profile cases – those which had justified publicity and/or those that local partners considered to be strategic in terms of their potential influence over the online sector.

This report is intended to support advocacy efforts of the local civil society at the national, regional, and international levels. It will also inform international assistance programmes to Kazakhstan in the area of freedom of expression and serve as a guideline for the reform of media law and policy in the country.

Applicable international human rights standards

The right to freedom of expression

The right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights,⁴ and given legal force through Article 19 of the International Covenant on Civil and Political Rights (ICCPR)⁵ and in the regional treaties.⁶

The scope of the right to freedom of expression is broad and applies to all forms of electronic and internet-based modes of expression. It requires states to guarantee to all people the freedom to seek, receive, or impart information or ideas of any kind, regardless of frontiers, through any media of a person's choice. Under international human rights standards, the legal framework regulating mass media should consider the differences between the print and broadcast media and the internet,⁷ as the telecommunications and broadcasting sectors could not simply be transferred to the internet.⁸ States should adopt a tailored approach to address illegal content online and promote self-regulation as an effective tool in redressing harmful speech online.⁹

Under international human rights standards, states may, exceptionally, limit the right to freedom of expression, provided that such limitations conform to the strict requirements of the three-part test. This requires that limitations be:

- **Provided for by law:** any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly (requirement of *legality*);
- **In pursuit of a legitimate aim:** listed exhaustively as the respect of the rights or reputations of others, or the protection of national security or public order (*ordre public*), or of public health or morals (requirement of *legitimacy*); and
- **Necessary and proportionate in a democratic society:** requiring inter alia that if a less intrusive measure is capable of achieving the same purpose as a more restrictive one, the less restrictive measure must be applied (requirement of *necessity*).¹⁰

Further, Article 20(2) of the ICCPR provides that any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence must be prohibited by law. The same principles apply to electronic forms of communication or expression disseminated over the internet.¹¹

The **right of access to information** is recognised as an element of the right to freedom of expression. The UN Human Rights Committee, a body tasked with interpreting the ICCPR, interpreted the scope and limits of the right to information in 2011, stating that Article 19 of the ICCPR ensures the right to information held by public bodies. It requires that states proactively disseminate information in the public interest and that the access is ‘easy, prompt, effective and practical’.¹² The Committee also stipulated that ‘States must enact “necessary procedures” such as legislation to give effect to the right to information and that fees for access must be limited, responses to requests must be timely, authorities must provide explanations for withholding information, and States need to establish appeals mechanisms.’¹³

The right to privacy

The right to privacy, as enshrined in Article 17 of the ICCPR, includes the right of individuals to respect for their private and family life, home, and communications and the right to the protection of the law against arbitrary or unlawful interference or attacks against them. The right to private life extends to aspects relating to personal identity, such as a person’s name, images, or physical and moral integrity; it is primarily intended to ensure the development, without outside interference, of the personality of each individual in their relations with other human beings.¹⁴

The right to personal data protection, which may be derived from, and be related to, the right to privacy, regulates the way information about individuals, which may be either private or public, is collected, processed, stored, and retained electronically by both public and private bodies. Personal data must be processed lawfully and fairly for specified purposes and on the basis of the informed consent of the person concerned, or some

other legitimate basis laid down by law. Everyone should have the right of access to data held by third parties (data controllers) concerning them, and the right to have it rectified or deleted, subject to legitimate exceptions.

Guaranteeing the right to privacy in online communications is essential for ensuring that individuals have the confidence to freely exercise their right to freedom of expression.¹⁵ The inability to communicate privately substantially affects individuals' freedom of expression rights.

This was recognised in several reports by David Kaye, the UN Special Rapporteur on Freedom of Expression, in which he expressed concerns over states and private actors monitoring and collecting information about individuals' communications and activities on the internet. These practices can constitute a violation of internet users' right to privacy, and ultimately impede the free flow of information and ideas online.¹⁶ The Special Rapporteur on Freedom of Expression also recommended that states should ensure individuals can express themselves anonymously online and refrain from adopting real-name registration systems.¹⁷ Further, he recommended that states should not make the identification of users a precondition for access to digital communications and online services and from requiring SIM-card registration for mobile users.¹⁸ He also recommended that corporate actors reconsider their own policies that restrict encryption and anonymity (including through the use of pseudonyms).¹⁹

Access to the internet and digital technologies

As the internet has become a vital communications medium which individuals use to exercise their right to freedom of expression and other human rights, states, in cooperation with the private sector and civil society, should develop strategies which promote sustainable economic growth via competitive market structures in order to stimulate investment into critical internet resources and information and communications technologies, especially in areas with a low communication and information infrastructure.²⁰

International human rights bodies have expressed their deep concern about blocking/filtering measures.²¹ In particular, the four special mandates on freedom of expression in their 2011 Joint Declaration on Freedom of Expression on the internet held that:²²

- Mandatory blocking of entire websites, IP addresses, ports, network protocols, or types of uses (such as social networking) is an extreme measure – analogous to banning a newspaper or broadcaster – which can only be justified in accordance with international standards, for example where necessary to protect children against sexual abuse.
- Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.
- Products designed to facilitate end-user filtering should be required to be accompanied by clear information to end users about how they work and their potential pitfalls in terms of over-inclusive filtering.

At the same time, the Special Rapporteur has recognised that website blocking may be justified in limited circumstances in order to deal with categories of content which are prohibited under international law, namely: child sex abuse images (child pornography); incitement to commit genocide; advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence; and incitement to terrorism.²³ In the case of child pornography, he opined that this was one of the clear exceptions where website blocking may be justified.

Nonetheless, he made it absolutely clear that blocking measures must always comply with the three-part test under Article 19(3) of the ICCPR.²⁴ In this respect, he laid down some minimum criteria that must be met in order for website blocking and filtering to be justified under international law, namely:²⁵

- Blocking/filtering provisions should be clearly established by law.
- Any determination on what content should be blocked must be undertaken by a competent judicial authority or body which is independent of any political, commercial, or other unwarranted influences.
- Blocking orders must be strictly limited in scope in line with the requirements of necessity and proportionality under Article 19(3).
- Lists of blocked websites together with full details regarding the necessity and justification for blocking each individual website should be published.
- An explanation as to why a page has been blocked should also be provided on a page that is substituted in for the affected websites, and HTTP status code 451²⁶ should be served.

These standards have been echoed by regional mechanisms for the protection of human rights, including the Council of Europe,²⁷ the European Court of Human Rights,²⁸ and the Organization of American States Special Rapporteur on Freedom of Expression.²⁹ Importantly, they have confirmed that:

- Search engines and other intermediaries should not be required to monitor their networks proactively in order to detect possible illegal content.³⁰
- It should be possible to challenge blocking and filtering orders before an independent and impartial tribunal and seek clarification and remedies.³¹ In this regard, the Human Rights Committee has clarified that there should be no generic bans on the operation of sites or systems.³²

More generally, international human rights bodies have recommended that filtering should be end-user controlled and that, at minimum, users should be informed when a filter is active and given as much control as possible over the level of filtering.³³



Protection of human rights online in Kazakhstan

New legislative developments concerning freedom of expression online

The major legislative development concerning digital technologies of 2021 was the **Law on Cyberbullying**. It consisted of amendments to the Law on Informatisation which was proposed in autumn 2021 as a tool to protect children against online attacks and harmful content and to prevent suicide among children and youth.³⁴ The original draft law required major social networks to open representative offices in Kazakhstan.

The draft was criticised by journalists and digital rights defenders who expressed concerns that in case of adoption of the ‘landing’ provision, all major social media companies would quit Kazakhstan’s market.³⁵ It also provided the possibility to shut down social media and messaging platforms to protect users from cyberbullying. Around 18,000 users signed an online petition against the draft law.³⁶

Apart from public discussions of the draft, certain negotiations also took place between the Kazakhstan Government and some of the major social media companies; local experts even suggested that the main goal of proposing the draft law was to ensure a proper contact channel between the government and social media companies. When the final draft was finally adopted in 2022,³⁷ the ‘landing’ provision was substituted with a requirement for social media companies to have a special representative/contact person for this purpose (not necessarily based in Kazakhstan). Though Kazakh civil society managed to effectively fight back against the ‘landing’ provision, the law still introduced ‘cyberbullying’ as one more ground for extrajudicial blocking of web resources. A blocking order could be initiated either on the basis of a complaint from parents or in the case of state monitoring.

Amendments to the data protection legislation were adopted at the end of 2021.³⁸ They introduced a ‘journalistic exception’ to data processing. Registered media outlets can use available personal data without the data subject’s permission if this use of data is related

to their professional activities. Online outlets need to undergo voluntary registration to be eligible to benefit from this ‘journalistic exception’.

In April 2021, there was an attempt to adopt a version of the ‘right to be forgotten’ legislation via amendments to the existing laws.³⁹ However, due to active criticism of this initiative from civil society and the media, this provision was dropped.

Misuse of ‘extremism’ legislation

As ARTICLE 19 and the Legal Media Centre documented in 2021, ‘anti-extremism’ legislation in Kazakhstan fails to meet international freedom of expression standards.⁴⁰ We urged Kazakhstan’s authorities to repeal all ‘extremism’ provisions in the national legislation or, at minimum, exempt from their reach and scope all speech which does not contain direct incitement to violence. We also recommended that, where it concerns potentially dangerous or harmful but legal speech, systemic educational measures should be used proactively by the authorities rather than legal persecution which is reactive by its nature. Radicalisation is most effectively counteracted with education and awareness-raising at an early stage.

The anti-extremism legislation is continuously applied in a harsh and disproportionate manner. People are often persecuted for posts and/or comments on social media without proper assessment of the gravity of the impugned speech. Even local media are reluctant to report on such cases in detail for the fear of being implicated in spreading ‘dangerous content’ in this or that way.

Extremism-related charges are also used to silence political opposition. For instance, in March 2021, the Court of Taraz city sentenced activists Nazira Lepesova and Nazira Lesova to 2 years of restraint of liberty on charges of ‘participation in the activities of a prohibited organization’.⁴¹ The activists were also banned for 5 years from engaging in social and political activities, which included using social networks. Both activists were associated with the oppositional political movements Koshe Partiyasy and the Democratic

Choice of Kazakhstan, which are recognised as ‘extremist’ in Kazakhstan, though the EU Parliament called them ‘peaceful oppositional movements’.

Persecution of satire and caricature

Humorous and satirical criticism of authorities seems to be regularly punished in Kazakhstan, especially if it targets high-level public officials or government policies. Such a situation contradicts both international freedom of expression standards and good practices of high tolerance which should be exhibited by senior public officials and/or politicians. For instance:

- In May 2021, Almaty police detained Temirlan Yensebek, an author of the satirical Instagram blog Qaznews24 and 25-year-old blogger and entrepreneur from Almaty. He was interrogated for several hours.⁴² His equipment was seized, he risked being charged with an offence of ‘knowingly spreading false information that creates a danger of disturbing public order’ since his blog publishes satirical fiction news about Kazakhstan. Yensebek’s blog has about 5,000 subscribers and gathers millions of views. Yensebek is also an activist in the civic movement Oyan, Qazaqstan (Wake Up, Kazakhstan), which advocates for sweeping political reforms. Some of Qaznews24’s satirical posts have been actively discussed online, for example the post claiming that the Spiritual Administration of Muslims of Kazakhstan allegedly proposed to assign the status of God to former President Nursultan Nazarbayev and to enshrine this in the Constitution. The blog profile notifies users that the posts are not real but fiction news and that any resemblance to real events is coincidental. This case has drawn a lot of attention nationally⁴³ and internationally.⁴⁴ After only 1 year of the proceedings, the case against Yensebek was closed.⁴⁵
- In May 2021, the editorial staff of the Village outlet was requested by the Information Committee of the Ministry of Information and Public Development of Kazakhstan to remove information ‘desecrating the image of the First President of the Republic of Kazakhstan – Yelbasy’.⁴⁶ The Committee in their letter referred to Article 1 para 9 of the

Constitutional Law 'On the First President of the Republic of Kazakhstan – Yelbasy', Article 131(2) and Article 373(2) of the Criminal Code on public insult of Yelbasy, and to Article 2(4) of the Law on Mass Media which prohibits the use of mass media for the purpose of committing administrative or criminal offences. The publication in question was a news piece about a mural featuring Nazarbayev's (Yelbasy) portrait and the word 'Cancel' which appeared on it. The editorial team refused to remove a news item but blurred the photo with Yelbasy's portrait and the word 'Cancel'.

Misuse of defamation law against journalistic investigation

Defamation lawsuits have been a long-standing tool used to silence criticism and continue to put mounting pressure on independent media in Kazakhstan as defamation cases are brought against both political opposition and journalists when they criticise authorities.

For example, in June 2021, oppositional politician and activist Zhanbolat Mamay was found guilty in the defamation case launched by Nur Otan First Deputy Chairman and former akim, Bauyrzhan Baybek. The case was filed in relation to an investigation published by Mamay on their YouTube channel. Baybek also filed a lawsuit against the activist's wife and journalist, Inga Imanbai. The court fully satisfied Baybek's claim and ordered Mamay and Imanbai to remove the investigation film about the former akim, to refute the data presented in it and to pay the applicant's legal fees.⁴⁷ Zhanbolat Mamay decided to file a counterclaim against Bauyrzhan Baybek.⁴⁸

Misuse of secrecy and accreditation rules against journalists

Law enforcement authorities in Kazakhstan regularly use 'investigation secrecy' as a pretext to restrict journalists' access to information or to intimidate them with possible criminal prosecution in cases where they disclose 'investigation secrets'.

For instance, in 2021, Lukpan Akhmedyarov, editor-in-chief of *Uralskaya Nedelya*, was persecuted for an article on the illegal allocation of land in Uralsk (a mother of a public prosecutor allegedly owned five land plots). He was repeatedly summoned by police as a

‘witness’ in the case of an alleged disclosure of investigation secrecy. *Uralskaya Nedelya* is one of the few independent regional publications in Kazakhstan. Akhmedyarov is a well-known journalist and a recipient of numerous awards for his investigative reporting. This is not the first time that law enforcement agencies have tried to prosecute him for his publications. In this case, ‘investigation secrecy’ was used as a tool of exerting pressure on the journalist.⁴⁹

According to the monitoring results, at the time of this report’s publication, no journalist has been jailed specifically for violating ‘investigation secrecy’; however, the ‘investigation secrecy’ argument is often used by law enforcement authorities to keep information away from public scrutiny and/or to exert pressure on journalists in certain cases.

Further, new accreditation rules were adopted in January 2021 and have been used to restrict media reporting. The rules provided in particular for a ‘moderator’ role at every press conference. In practice, during the pandemic, when most of the events were held online, this rule meant that an appointed ‘moderator’ had the power of ‘switching off’ undesirable journalists and/or media. For example, in April 2021, a journalist of the online outlet Informburo.kz was removed from a press conference for asking Deputy Prime Minister Tugzhanov a pandemic-related question.⁵⁰

Protection of privacy online

In autumn 2021, the Kazakhstan Government and a Russian group of companies ‘Sber’ signed ‘a digitalisation memorandum’.⁵¹ The memorandum proposed the introduction of GovTech, Sber’s digital platform, in Kazakhstan and the use of this platform for the whole Kazakhstani e-governance system. The platform model of digital architecture, according to officials, should have increased the speed and efficiency of providing public services to the population.

However, after substantial public criticism of this initiative pointing at the associated risks for personal data protection of Kazakhstani citizens, this initiative did not get any further traction.⁵²

Restrictions on access to the internet

Kazakhstan's online space is characterised by periodical disruptions in access to social networks and independent media as well as by internet shutdowns of various scales. For example:

- On 28 February 2021, Kazakhstan's authorities implemented local internet shutdowns in the cities of Almaty and Nur-Sultan to suppress anti-government protests calling for the release of political prisoners. In 2021, Kazakhstan was included on the list of countries that used mobile network shutdowns to deliberately disable access to mobile internet.⁵³
- In February 2021, a website of the Coalition for Security and Protection of Human Rights Defenders was blocked under Article 274 of the Criminal Code of Kazakhstan for disseminating knowingly false information. The state agency demanded that the Coalition remove the disputed material – the text of the court decision – from its website even though the decision in question was already publicly available online in the information system of the 'Judicial Cabinet'.⁵⁴
- In April 2021, SoundCloud was blocked again in Kazakhstan. The service which hosts music and podcasts was unavailable in Kazakhstan for several days.⁵⁵ It is not the first time that the site was temporarily restricted in the country.
- In July 2021, LinkedIn was blocked in Kazakhstan for alleged illegal advertising of online casinos and hosting fake accounts. The company later 'acknowledged and corrected' violations, and access was restored.⁵⁶

Blocking and filtering

In Kazakhstan, cases of unexplained blocking of online resources and/or content are quite widespread. In these instances, authorities refuse to take responsibility for the restriction of access, and it remains unclear how such blocking could be appealed or otherwise remedied. For example:

- A human rights protection website kuresker.org, created to support civic activists, has remained blocked in Kazakhstan since 2020. The reasons of this blocking are unknown, but activists believe the site was blocked for publishing information about the use of torture and persecution of activists.⁵⁷
- The work of the HOLA news website was blocked in October 2021. The site was inaccessible through all major providers in Kazakhstan: Kazakhtelecom, Kcell, Beeline, TELE2, etc.; users abroad were also denied access to the site because the site server, according to the law, is located in Kazakhstan. The hosting and communication providers said they did not block the resource. Public authorities also claimed they did not order any blocking. Access to the website was eventually restored after 10 days. Some media experts believe that the blocking could have been related to HOLA's posting of the news about the Pandora Papers investigation where high-level Kazakhstani officials had been implicated.⁵⁸

Democratic participation online

Troll farms have been actively used in Kazakhstan for political purposes. In particular, trolls would effectively attack and silence criticism of the government policies. This tactic is profoundly destructive as it corrodes genuine public debate and, with time, demotivates internet users from engaging in discussions of the matters of public interest.

For instance, Facebook and Instagram deleted 59 accounts and one group set up by Kazakhstan's National Security Committee. The network likely began to expand after the 2019 protests and had almost no followers as reported by the social media company.⁵⁹

Apart from the coordinated inauthentic behaviour, administrative prosecution is also employed to control election-related discourse and prevent citizens from actively discussing candidates and political programmes. Kazakh authorities seem to view active citizenry as a threat rather than as an indispensable asset of a democratic society.

For instance, in January 2021, Kairat Abdrahman, a local blogger in Taldykorgan, was found guilty of violating election law by the administrative court. He was charged under Article 120 para 3 of the Administrative Code and sentenced to a fine of KZT 41,670 (USD 90). Abdrahman created an improvised questionnaire on his social media account ‘Taldykorganets’ and invited his subscribers to rate acting MPs and candidates in Majilis and Maslikhats elections. As a result, he was held administratively liable for conducting an ‘illegal poll’.⁶⁰

Safety of journalists and activists online

Journalists and the media in Kazakhstan are often targeted with online threats of various degrees of seriousness. It is highly problematic that even in the most serious cases, law enforcement authorities seem to be reluctant to conduct prompt and effective investigation.

For example, in June 2021, the editor-in-chief of *Ak Zhaiyk* newspaper in Atyrau has been receiving repeated death threats according to Adil Soz International Foundation for the Protection of Freedom of Speech.⁶¹ Representatives of *Ak Zhaiyk* sent an official letter to Khamza Umbetkaliev, head of the Atyrau Police Department, asking to track down the internet user with nickname ‘Satan’ and to bring him to criminal liability under Article 115 of the Criminal Code on threatening. According to Adil Soz, someone or a group of people periodically sent life threats to the newspaper’s journalists, as well as to its editor, Azamat Maitanov and his family from this account. According to the information provided for this report, repeated phone calls to the police department from the editorial board and requests to identify an internet user who continues to send threats did not produce any tangible results, even though a user IP address is specified in the application.⁶²

Surveillance of activists and independent media

Journalistic work remains a high-risk enterprise in Kazakhstan as both direct intimidation and technical means are used to silence independent critical voices through surveillance.

On 18 July 2021, news broke to the world from the Organized Crime and Corruption Reporting Project: they had teamed up with 16 global media outlets to unveil that Pegasus software had been used in a number of countries to monitor the phones of journalists, activists, and politicians.⁶³ Kazakhstan was among the countries implicated in this investigation. This news received extensive coverage in Kazakhstan's media.⁶⁴

Kazakhstan's Union of Journalists together with Adil Soz International Foundation for the Protection of Freedom of Speech published an open appeal to the parliament, government, and law enforcement authorities demanding investigation into the use of Pegasus in Kazakhstan.⁶⁵ Kazakhstani media experts say the reports of journalists being spied on are nothing new, but it is the first time that evidence of this surveillance activity has been revealed at such a high international level.

Revelations continued further in the autumn when the list of Pegasus targets in Kazakhstan was updated. For instance, on 24 November 2021, six activists of the civic movement Oyan, Qazaqstan were notified by Apple that their gadgets were infected with spyware. They assumed it could be Pegasus.⁶⁶ Later in December 2021, Amnesty International confirmed that the smartphones of four Oyan, Qazaqstan activists Tamina Ospanova, Dimash Alzhanov, Darkhan Sharipov, and Aizat Abilseit had been hacked between 3 and 5 June and infected with Pegasus spyware. Surveillance lasted until at least July. Amnesty International carried out a forensic examination of the smartphones of nine Kazakh human rights activists to confirm the fact of hacking and surveillance.⁶⁷

Technical disruptions and distributed denial-of-service (DDoS) attacks against online outlets are not an exception, especially in the context of elections or protests. For instance, Vlast website came under continuous DDoS attacks on election day.⁶⁸

ARTICLE 19's recommendations

In order to address the violations of the right to freedom of expression online, ARTICLE 19 makes the following recommendations to the Kazakhstan Government and other relevant stakeholders:

- All 'anti-extremist' legislation in the current form should be repealed. At minimum, all forms of expression that do not constitute direct incitement to violence should be removed from the scope of the 'anti-extremism' laws and, accordingly, from the application of 'counter-extremist' measures such as lists of prohibited extremist materials and bans on 'extremist' not-for-profit organisations and media outlets.
- Criminal law provisions on 'extremism' should not be enforced against freedom of expression online and offline or used to persecute journalists, activists, and oppositional voices.
- In any criminal or administrative case concerning online speech, the courts should ensure that a sanction applied is proportional and that their judgments satisfy the requirement of necessity and proportionality of the three-part test.
- The government should develop a comprehensive plan for the implementation of the Rabat Plan of Action. In particular, it should adopt and implement a comprehensive plan for training law enforcement authorities, the judiciary, and those involved in the administration of justice on issues concerning the prohibition of incitement to hatred and hate speech.
- The practice of extrajudicial blocking of online resources should be stopped and the related provisions in national legislation should be repealed or amended. Any requirement to block unlawful content must be provided by law that fully meets international freedom of expression standards. Blocking should only be ordered by an independent and impartial court or adjudicatory body.

- State authorities should make a greater effort to appreciate the importance of freedom of expression for democracy and the special watchdog role which independent media play in a democratic society. For this purpose, a specialised training programme for public officials should be developed and systematically implemented, and dialogues involving civil society and media representatives should be organised on a regular basis. The government should create more platforms for inclusive public discussion both online and offline.
- The government and law enforcement should cease prosecutions of journalists merely for doing their job, including for producing and publishing journalistic investigations.
- Activists and oppositional politicians should not be targeted with criminal or administrative cases for their critical speech or active participation in public debate.
- Law enforcement and other public authorities should ensure adequate protection of personal data which they obtain and store in the course of their work. Law enforcement agencies should also develop their own internal expertise in the investigation of cases of infringement of the right to privacy online.
- Social media companies and social networks should develop and implement cooperation mechanisms with the local civil society in order to ensure that coordinated inauthentic online behaviour like 'farms' of trolls and/or bots does not jeopardise the democratic processes and/or online safety of journalists and civic activists in the country.
- All cases of illegitimate surveillance targeting journalists and activists should be properly investigated and perpetrators held accountable.
- Civil society and media organisations should invest more efforts into developing their digital security skills and practices and in raising public awareness about the importance of 'digital hygiene'.

- Civil society and media organisations should work with their international partners to obtain adequate support and resources to step up their resilience towards online threats.

Appendix: Monitoring framework

The research for this report was structured to monitor the following issues.

Freedom of expression online

This category included subtopics such as online hate speech, disinformation, online 'extremist' speech, regulation of social media platforms and intermediaries, online defamation, access to information on the internet, and media/journalistic activities online. Local partners were asked to report on the following developments (non-exhaustive list):

- Instances where hate speech, disinformation, or extremism legislation was used to prosecute journalists, activists, or ordinary citizens for posting something online and how these laws were applied to the online environment;
- Instances where media were prosecuted for their online reporting;
- Defamation cases initiated for online statements;
- Legislative proposals to regulate social media/impose content moderation requirements; and
- Instances where online access to publicly important information was seriously impeded.

Right to privacy online

This category included subtopics such as online data protection, online surveillance, intrusive technologies like facial or emotional recognition, the right to be forgotten, online anonymity, and encryption. Local partners were asked to report on the following developments (non-exhaustive list):

- Requests to remove or delist online information which allegedly infringes upon someone's reputation or privacy rights;

- Legislative proposals to introduce the ‘right to be forgotten’;
- Introduction of facial or emotional recognition technologies (either via new regulatory acts or in practice) and application of these technologies in a way that is targeting individuals for their exercise of the right to freedom of expression (e.g. prosecution of protesters based on footage obtained via these technologies); and
- Legislative initiatives aimed at impeding or scrapping encryption and anonymity online and/or enabling simplified access of the law enforcement authorities to personal or private data online.

Internet infrastructure

This covered subtopics such as access to the internet, online shutdowns and blocking, net neutrality, regulation of Internet Service Providers (ISP), and commercial and business impediments to online freedom. Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile cases of internet shutdowns or blocking (e.g. if supposedly politically motivated or related to important political processes like elections, protests, etc.).
- Systemic attempts to impede access to the internet or block certain content. Local monitors were asked to specify whether such instances were the result of the respective court decisions, administrative orders, or had no known legal basis whatsoever.
- Legislative initiatives to regulate ISPs, including imposing harsher sanctions on them for not complying with the blocking orders, and/or attempts to introduce broader legal grounds for blocking access to the internet or to specific content online.
- Attempts to monopolise internet infrastructure by state or private actors.

Use of digital technologies in protests

This covered subtopics such as the right of assembly and right to protest online, regulation of online election-related expression, and political advertising and campaigning on the internet. Local partners were asked to report on the following developments (non-exhaustive list):

- Legislative proposals potentially restricting the right of assembly online;
- Prosecution of activists/citizens for participation in online protests/campaigns;
- Blocking access to online campaigns/protests websites;
- Regulatory proposals on online political advertising and/or campaigning; and
- Legislative proposals or social media companies' own initiatives aimed at restricting election-related information on social networks.

Safety of journalists and activists online

This covered subtopics such as cases of online harassment, bullying, or online smear campaigns with a special focus on the experiences of female journalists and activists. Local partners were asked to report on the following developments (non-exhaustive list):

- High-profile or systemic instances of online harassment, bullying, or smear campaigns against journalists, activists, and lawyers, especially if they are targeted for their critical views, political position or activism, or because they are women. Where possible, local monitors were asked to verify whether any action was taken in such cases by law enforcement or the courts.
- Instances of government or state-sponsored hacking of online accounts of journalists, activists, or media, especially if allegedly related to their critical reporting, journalistic investigations, or election coverage, etc.

Endnotes

¹ ARTICLE 19, [Global Expression Report](#), 2022.

² Freedom House, [Freedom on the Net 2021: The Global Drive to Control Big Tech](#).

³ Reporters without Borders (RSF), [Press Freedom Index: Kazakhstan](#), 2021.

⁴ Through its adoption in a resolution of the UN General Assembly, the Universal Declaration of Human Rights is not strictly binding on states. However, many of its provisions are regarded as having acquired legal force as customary international law since its adoption in 1948; see [Filartiga v. Pena-Irala](#), 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2nd circuit).

⁵ International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, UN Treaty Series, vol. 999, p.171. Kazakhstan ratified the ICCPR on 24 January 2006.

⁶ Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 September 1950; Article 9 of the African Charter on Human and Peoples' Rights (Banjul Charter), 27 June 1981; Article 13 of the American Convention on Human Rights, 22 November 1969.

⁷ Human Rights Committee, [General Comment No. 34 on Article 19: Freedoms of opinion and expression](#), CCPR/C/GC/34, 12 September 2011, paras 12, 17, and 39.

⁸ The 2011 [Joint Declaration on Freedom of Expression and the Internet](#), adopted by the UN Special Rapporteur on freedom of opinion and expression (Special Rapporteur on FoE), the Organization for Security and Co-operation in Europe Representative on freedom of the media, the Organization of American States Special Rapporteur on freedom of expression (OAS Special Rapporteur on FoE), and the African Commission on Human and Peoples' Rights Special Rapporteur on freedom of expression and access to information, June 2011.

⁹ 2011 Joint Declaration. See also the Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression to the General Assembly, [A/66/290](#), 10 August 2011, para 16.

¹⁰ Human Rights Committee, [Belichkin v. Belarus](#), Comm. No. 1022/2001, UN Doc. CCPR/C/85/D/1022/2001 (2005).

¹¹ General Comment No. 34, para 43.

¹² General Comment No. 34, para 18.

¹³ General Comment No. 34, para 19. The same language is repeated in regional human rights conventions, most notably Article 13 of the American Convention, Article 9 of the African Charter, Article 10 of the European Convention, and Article 23 of the Association of Southeast Asian Nations Human Rights Declaration.

¹⁴ This provision should not be used to prevent states from providing full protection of rights as provided for by Article 18 of the ICCPR.

¹⁵ See Article 17 of the ICCPR. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has argued that, like restrictions on the right to freedom of expression under Article 19, restrictions of the right to privacy under Article 17 of the ICCPR should be interpreted as subject to the three-part test; see the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, [A/HRC/13/37](#), 28 December 2009.

¹⁶ See Report of the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, Frank LaRue, [A/HRC/17/27](#), 16 May 2011, para 53.

¹⁷ A/HRC/17/27, para 84.

¹⁸ Report of the Special Rapporteur to the Human Rights Council on the use of encryption and anonymity to exercise the rights to freedom of opinion and expression in the digital age, [A/HRC/29/32](#), 22 May 2015, para 60.

¹⁹ A/HRC/29/32. See also the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression, [Encryption and anonymity follow-up report](#), Research Paper 1/2018, June 2018.

²⁰ Council of Europe, [Recommendation CM/Rec\(2007\)16 of the Committee of Ministers to Member States on measures to promote the public service value of the Internet](#) (Adopted by the Committee of Ministers on 7 November 2007 at the 1010th meeting of the Ministers' Deputies), chapter II.

²¹ General Comment No. 34, para 43.

²² 2011 Joint Declaration.

²³ A/66/290.

²⁴ A/66/290, para 81.

²⁵ A/66/290. See also A/HRC/17/27, paras 70 and 71.

²⁶ In computer networking, HTTP 451 Unavailable for Legal Reasons is an error status code of the HTTP protocol to be displayed when the user requests a resource which cannot be served for legal reasons.

²⁷ Council of Europe, [Recommendation CM/Rec\(2012\)3 of the Committee of Ministers to Member States on the protection of human rights with regard to search engines](#), para 12 ff.

²⁸ European Court of Human Rights, [Yildirim v. Turkey](#), App No. 3111/10, 18 December 2012.

²⁹ Inter-American Commission on Human Rights, [Freedom of Expression and the Internet](#), December 2013, p.36.

³⁰ 2011 Joint Declaration, para 22; Council of Europe, Recommendation CM/Rec(2012)3, para 13; European Commission, [e-Commerce Directive](#), Article 15; and Council of Europe, [Declaration on Freedom of Communication on the Internet](#), May 2003, Principle 3. See also the Court of Justice of the European Union, [Case C-70/10 Scarlet Extended SA v. Société belge des auteurs compositeurs et éditeurs \(SABAM\)](#), 24 November 2011 and [Case C-360/10 Sabam v. Netlog](#), 16 February 2012.

³¹ A/HRC/17/27, para 31; Council of Europe, [Recommendation CM/Rec\(2008\)6 of the Committee of Ministers to Member States on measures to promote the respect for freedom of expression and information with regard to Internet filters](#), 26 March 2008, Section III (vi); [Yildirim v. Turkey](#), para 64.

³² General Comment No. 34, para 43; also [Yildirim v. Turkey](#), para 68.

³³ Council of Europe, [Recommendation CM/Rec\(2008\)6](#), Section I; [Recommendation CM/Rec\(2012\)3](#), para 16.

³⁴ See e.g. Inform Biuro, [The Senate returned to the Mazhilis a bill on the possible blocking of social networks](#), 14 April 2022 (in Russian).

³⁵ See e.g. New Reporter, [Kazakhstani human rights activists and journalists oppose amendments to strengthen social media regulation](#), 11 March 2022 (in Russian).

³⁶ See a copy of the petition – [Against amendments to social networking laws](#) – on Avaaz (in Kazakh and Russian).

³⁷ Law of the Republic of Kazakhstan on amendments and additions to certain legislative acts of the Republic of Kazakhstan on the protection of the rights of the child, education, information and informatization, [Law No. 118-VII ZRK](#), 3 May 2022.

³⁸ See e.g. Open Society Kazakhstan, [Top five questions about the data protection amendments](#), 29 June 2021 (in Russian).

- ³⁹ [Law on the introduction of amendments and additions](#) to some legislative acts of the Republic of Kazakhstan on the promotion of innovation, the development of digitalization and information security, 13 April 2021.
- ⁴⁰ ARTICLE 19 and the Legal Media Centre, [Kazakhstan: Right to freedom of expression and ‘extremism’ restrictions](#), November 2020.
- ⁴¹ See e.g. Radio Azattyk, [Two Activists Sentenced to Restriction of Freedom for ‘Participation’ in the Activities of the DCK and Koshe Partiyasy](#), 4 March 2021 (in Russian); or the European Parliament, [European Parliament Resolution on human rights situation in Kazakhstan](#), 11 February 2021.
- ⁴² See e.g. Current Time, [The author of the Qaznews24 blog was detained in Kazakhstan](#), 15 May 2021.
- ⁴³ See e.g. Tengrinews, [The author of the Qaznews24 publicity board was taken to the police](#), 15 May 2021 (in Russian); Radio Azattyk, [‘Satire is not a crime’. Journalists have appealed to the head of the Interior Ministry because of harassment of the author of Qaznews24](#), 17 May 2021 (in Russian); Vlast, [No time for jokes](#), 18 May 2021 (in Russian); or Tengrinews, [Qaznews24 author taken to police](#), 15 May 2021 (in Russian).
- ⁴⁴ See e.g. Human Rights Watch, [Authorities in Kazakhstan Can’t Take a Joke](#), 20 May 2021; or Amnesty International, [Marathon of Writing](#).
- ⁴⁵ See e.g. Vlast, [Criminal case against Temirlan Yensebek dismissed](#), 15 September 2021 (in Russian).
- ⁴⁶ See e.g. The Village, [Mininform demanded we remove news about ‘Cancel’ on mural of Nazarbayev](#), 29 May 2021 (in Russian).
- ⁴⁷ See e.g. Radio Azattyk, [Baybek vs Mamay. How did the fight between the ex-akim and the activist end?](#), 15 June 2021 (in Russian).
- ⁴⁸ See e.g. Inform Biuro, [Zhanbolat Mamay decided to file a counterclaim against Bauyrzhan Baybek](#), 19 May 2021 (in Russian).
- ⁴⁹ See e.g. Vlast, [Uralskaya Nedelya editor-in-chief to be prosecuted for article on illegal land distribution. Relatives of prosecutor were beneficiaries of land distribution](#), 30 January 2021 (in Russian); or Mediazona, [‘The investigator sat dumbly at his desk and I sat across from him’. The chief editor of Uralskaya Nedelya on criminal prosecution and paranoia](#), 6 February 2021 (in Russian).
- ⁵⁰ See e.g. Inform Biuro, [Informburo.kz journalist removed from press conference for asking Deputy Prime Minister Tugzhanov about pandemic](#), 9 April 2021 (in Russian).
- ⁵¹ See the Prime Minister of Kazakhstan, [Kazakhstan to move to GovTech platform model of digitalisation](#), 3 September 2021 (in Russian).
- ⁵² See e.g. Baige News, [How does the memorandum with Sber violate the rights of Kazakhstanis? Opinions of experts](#), 14 September 2021 (in Russian).
- ⁵³ See e.g. DRFL, [The return of digital authoritarianism: internet shutdowns in 2021 – Restricting internet content](#), 7 May 2022 (in Russian).
- ⁵⁴ See e.g. Internet Freedom, [Telegram Chanel post](#). The website <https://pana-defenders.info> is blocked in Kazakhstan under Article 274 of the Criminal Code of Kazakhstan for dissemination of knowingly false information.
- ⁵⁵ See e.g. Vlast, [SoundCloud blocked again in Kazakhstan](#), 19 April 2021 (in Russian).
- ⁵⁶ Zakon, [LinkedIn is blocked in Kazakhstan](#), 27 July 2021 (in Russian); Internet Freedom, Telegram post, [The social network LinkedIn is restricted in Kazakhstan](#), 27 July 2021.
- ⁵⁷ See e.g. Radio Azattyk, [The website about harassment and torture is inaccessible in Kazakhstan](#), 20 May 2020 (in Russian).

-
- ⁵⁸ See e.g. Orda, [Trouble within the country - HOLA News editor-in-chief on website blocking](#), 7 October 2021 (in Russian).
- ⁵⁹ See e.g. Bureau, [Facebook and Instagram deleted 59 accounts belonging to the KNB of Kazakhstan](#), 15 January 2021 (in Russian).
- ⁶⁰ See e.g. Ratel, [Blogger who talked to subscribers about elections fined 41,000 tenge](#), 11 January 2021 (in Russian).
- ⁶¹ See e.g. Tengrinews, [Ak Jaiyk editor-in-chief threatened with reprisal - Adil Soz](#), 12 June 2021 (in Russian).
- ⁶² Interview with *Ak Zhaiyk* newspaper, on file with local partners.
- ⁶³ See e.g. Vlast, [Kazakhstan has been using spyware Pegasus software](#), 19 July 2021 (in Russian).
- ⁶⁴ See e.g. The Village, [Spying on journalists: Kazakhstan used Israel's spyware](#), 19 July 2021 (in Russian); or Radio Azattyk, [OCCRP investigation: Kazakhstan uses spyware to spy on journalists](#), 19 July 2021 (in Russian).
- ⁶⁵ See e.g. Inform Biuro, [The Kazakh Journalists' Union calls on the KNB and the Prosecutor General's Office to investigate surveillance by Pegasus](#), 21 July 2021 (in Russian); or Radio Azzatyk, [Kazakhstan calls for investigation of allegations of possible surveillance through Pegasus](#), 21 July 2021 (in Russian).
- ⁶⁶ See e.g. Orda, [List of Kazakhs possibly tracked by Pegasus updated](#), 24 November 2021 (in Russian).
- ⁶⁷ See e.g. Amnesty International, [Kazakhstan: Four activists' mobile devices infected with Pegasus Spyware](#), 9 December 2021.
- ⁶⁸ See e.g. Vlast, [The domain is under continuous DDoS attack: It has been going on with brief interruptions for more than 11 hours](#), 10 January 2021 (in Russian).