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Kazakhstan: Zhovtis appeal hearing failed to meet international fair trial standards

There are strong indications that the proceedings against Evgeniy Zhovtis failed to meet international fair trial standards, the International Commission of Jurists (ICJ) said today, as it published the final report of a trial observation of the appeal hearing.

Mr Zhovtis, a prominent Kazakhstan human rights defender and lawyer, and director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, was convicted in September 2009 of vehicular manslaughter following a car accident. Questions regarding the fairness of the trial at first instance have not been put to rest by the appeal process.

Karina Moskalenko, ICJ Commissioner and Member of its Executive Committee, observed the trial on behalf of the ICJ, and Yuri Djibladze, President of the Centre for the Development of Democracy and Human Rights, joined the mission as a co-observer on behalf of the World Movement for Democracy.

In the report, the observers pointed to a number of aspects of the appeal hearing which indicate that Kazakhstan failed to meet its domestic law requirements as well as its international obligations, including under the International Covenant on Civil and Political Rights (ICCPR).

The observers especially stressed the striking disparity in treatment of the prosecution and defence evidence and witnesses in the case. The observers noted that Mr. Zhovtis was not informed of his actual legal status during the investigation; that he was not allowed to participate in the appeal hearing; that most of the defence motions were dismissed without sufficient reasons; and that attempts were made to prevent a witness testifying on behalf of Mr. Zhovtis. Furthermore, the majority of the public was not allowed to be present at the hearing; and the text of the judgement was amended contrary to the requirements of Kazakhstan law.

The ICJ joined the observers in calling on the Kazakhstan authorities to take appropriate measures to ensure that fair trial standards are effectively guaranteed in practice, that Kazakhstan ensures in full the rights afforded to everyone under both Kazakhstan domestic law and its international obligations. In the case of Mr Zhovtis, it calls on the appropriate authorities to act to remedy the deficiencies in the proceedings, which contravene the right to a fair trial.

For further information, please contact Róisín Pillay on + 41 22 9793830.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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