

September 9, 2010

Honorable Hillary Clinton, Secretary  
U.S. Department of State  
2201 C St. NW  
Washington, DC 20520

Dear Madam Secretary:

One year ago, Kazakhstan's leading human rights defender, Mr. Yevgeniy Zhovtis, was convicted of vehicular manslaughter and sentenced to four years' imprisonment. As you know, Mr. Zhovtis was involved in a tragic accident, in which a car he was driving struck and killed a pedestrian who was walking down the middle of an unlit country road at night. The loss of life was a tragedy for which Mr. Zhovtis has expressed his sincere regret. However, there are serious concerns about his criminally liability in this case, as he was driving in accordance with all traffic rules and could not possibly have stopped in time to prevent the accident.

The investigation, trial, and appeal of Mr. Zhovtis' case were all replete with fundamental violations of Kazakhstan law. Ultimately these violations appear to be politically motivated actions by the Kazakh government to exploit the tragedy, cast doubt on Mr. Zhovtis' credibility, and thereby prevent him from carrying out his important human rights work. Among the most glaring violations were the investigator's failure to inform Mr. Zhovtis in a timely manner that he was a suspect in the case and the trial judge's refusal to allow expert testimony supporting Mr. Zhovtis' contention that he could not have prevented the accident.

Mr. Zhovtis has now been incarcerated for one year, during which time he has been the victim of arbitrary treatment by prison authorities: the penal establishment where he is serving his four-year sentence allows inmates to work and settle outside the establishment, subject to the discretion of its director. The director, however, chose not to allow Mr. Zhovtis to do this. His continued incarceration is emblematic of the systematic failures in the Kazakhstani justice system and speaks poorly of the state of human rights and rule of law in Kazakhstan. Before any more time passes, the government of Kazakhstan should take whatever steps are necessary, consonant with local legislation, to undo this miscarriage of justice and release Mr. Zhovtis.

We understand that you will join the leaders from other OSCE participating states at a summit meeting in Astana in early December in this, the thirty-fifth anniversary year of the Helsinki Final Act. Prior to that, encourage you and other senior U.S. officials to take every opportunity, including President Nazarbayev's upcoming visit to New

York for this year's session of the UN General Assembly, to urge your Kazakhstani counterparts to secure Mr. Zhovtis' release.

Sincerely,

Stephen Rickard  
Washington Director  
Open Society Institute

Robert Herman  
Director of Programs  
Freedom House

Rachel Denber  
Acting Director, Europe and Central Asia Division  
Human Rights Watch

The Rt. Hon. Kim Campbell  
Member (Canada) and Chair, Steering Committee  
World Movement for Democracy

Paul LeGendre  
Director, Fighting Discrimination Program  
Human Rights First

Ellen Bork  
Director, Democracy and Human Rights  
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David J. Kramer  
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