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## MOTION FOR A RESOLUTION

with request for inclusion in the debate on topical and urgent subjects of major importance

pursuant to Rule 50(1) of the Rules of Procedure

by Max van den BERG, KOUKIADIS, ~~Guy~~ FORD, Richard Corbett

on behalf of the PSE Group

on Situation in Kazakhstan

*[Handwritten signatures and initials]*  
*[Signature: K. K. K.]*  
*[Signature: R. G. G.]*  
*[Signature: R. G. G.]*

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**Resolution on**

*The European Parliament,*

- Having regard to its previous resolutions on Kazakhstan,
  - Having regard to the Partnership and Cooperation Agreement signed with Kazakhstan which contains a clause on human rights which includes respect for OSCE standards and commitments to human rights,
  - Having regard to Mr. Duvanov conviction on 28/01/2003 and his sentence to three and a half years in prison for raping a girl;
  - Having regard to the fact that neither Mr. Duvanov nor his lawyers were given enough time to review the case against him and prepare his defence, and that the numerous complaints filed by the defence lawyers of procedural irregularities were all rejected by the judge;
  - Having regard to the fact that Mr. Duvanov's right to confidential consultations with his lawyers reportedly was severely restricted and although the judge admitted that procedural irregularities had occurred during pre-trial investigations, this was not taken into account in favour of the defendant as the basic principles of criminal law require;
  - Having regard to the recent creation of a national human rights institution in Kazakhstan, but called for the strengthening of its mandate in order to bring it in line with international standards;
  - Having regard to the fact that Kazakhstan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998;
- A. Considers that freedom of expression overall gives rise to serious concerns, as the Government remain strict against political opposition, and members of opposition movements are regularly subjected to harassment, including grave violence;
- B. Is preoccupied, that judicial system remains weak and dependent on the executive power; the 2000 Law on the Judicial System and the Status of Judges granted the President wide-ranging powers in terms of the judicial system: including inter alia the right to determine the organisation of the system of district and local courts, appoint and dismiss judges, adopt regulations guiding the work of the boards deciding on qualifications of and disciplinary measures against judges, suspend the authority of the Supreme Court Chairman and sanction the prosecution of judges;
- C. Expresses its deep concern about the trial of Kazakh journalist and human rights defender Sergei Duvanov and calls for an immediate review by the Appeals Court;
- E. Extremely concerned that the numerous procedural irregularities and the apparent lack of evidence in this case indicate that this trial may have been politically motivated;
1. Calls for the immediate release of Sergei Duvanov;
  2. Condemns that the crime of torture remained undefined in the Criminal Code, but the widespread practice of torture and other forms of cruel treatment by law enforcement officials persist; the torture methods used included inter alia beatings with truncheons, chairs, bottles and fists; suffocating with the help of gas masks or plastic bags; and forced stays in cold places after being soaked with water; the victims of such abuse includ

- political opponents and members of religious and other minorities;
3. Regrets that the powers of the new Ombudsman for human rights are very restricted and asks that, the presidential decree on which this national human rights institution is based should be replaced by an improved law adopted by the Parliament as soon as possible;
  4. Invites the Kazakhstan to bring the institution's legal framework in conformity with international standards, notably the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights endorsed by the UN General Assembly in 1993;
  5. Calls on the Commission and the Council to strengthen their support for the democratisation process and respect for human and citizens' rights in Kazakhstan and to link the further implementation of the Partnership and Cooperation Agreement with substantial progress in the democratisation process;
  6. Instructs its President to forward this resolution to the Council, the Commission, the President, the government and the Parliament of Kazakhstan and the OSCE mission to Kazakhstan.

*Kirsten E. Lüddecke, 72848*