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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the case of Yevgeni Zhovtis in Kazakhstan

Heidi Hautala, Bart Staes

on behalf of the Verts/ALE Group

European Parliament resolution on the case of Yevgeni Zhovtis in Kazakhstan

The European Parliament,

- having regard to its previous resolutions on Kazakhstan and the Central Asia Republics,
 - having regard to its resolution on a EU Strategy for Central Asia of 20 February 2008,
 - having regard to the Partnership and Cooperation Agreement between the EC and Kazakhstan that entered into force on 1 July 1999,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the relations and the cooperation between the EU and Kazakhstan are constantly growing at all levels and whereas Kazakhstan plays a crucial role for the stability and the security of Central Asia and the economic development of the whole region,
- B. whereas in 2010 Kazakhstan will take over the chairmanship of the Organisation for Security and Cooperation in Europe (OSCE), whereas this position will increase the visibility and responsibility of this country in the fields of democracy and human rights, whereas the OSCE has urged Kazakhstan to deepen democratic reforms before taking over the presidency,
- C. whereas in spite of this important international task Kazakhstan's internal situation has been marred in the past few months by a recent tightening of media restrictions and a series of controversial prosecutions,
- D. whereas on 3 September 2009 Yevgeny Zhovtis, the director of the International Bureau for Human Rights and the Rule of Law in Kazakhstan, was convicted of manslaughter for striking and killing a pedestrian with his car on 26 July 2009 and sentenced to four years in a labour camp,
- E. whereas according to international human rights organisations the two-day trial did not meet basic fair trial standards, whereas according to the defence lawyer the court refused to take into consideration the defendant's evidence, did not question any of the defence's experts and did not allow the defence to engage in a debate,
- F. whereas the Office for Democratic Institutions and Human Rights, an affiliate of the OSCE, said "questionable procedures may have violated Zhovtis' rights to a fair trial as guaranteed by the constitution of Kazakhstan, the country's OSCE commitments and fundamental international standards",
- G. whereas at recent OSCE meetings Zhovtis had detailed human rights abuses in his

country that call into question its suitability to chair an organisation dedicated to upholding democratic principles,

- H. whereas Article 2 of the Partnership and Cooperation Agreement provides for the respect of democracy, the principles of international law and human rights,
1. Urges Kazakh authorities to review the case of Yevgeny Zhovtis, annul the verdict and release him allowing Zhovtis the access to legal proceedings in line with Kazakhstan's law;
 2. Expresses its deep concern at the human rights' situation in Kazakhstan and expects Kazakh authorities to make every effort to improve and make concrete progress in the field of democratisation and the respect of human rights before assuming the presidency of the OSCE;
 3. Calls on the Commission, in this respect, to step up EU assistance and cooperation in these fields with Astana in order to better prepare the Kazakh Government to take over this important international task;
 4. Urges the Council to firmly raise this case with the Astana authorities and, in particular, to address Zhovtis' case within the framework of the EU-Kazakhstan human rights dialogue of which the second round is scheduled for 21 October 2009;
 5. Urges the Commission to increase its projects and programmes in Kazakhstan within the framework of the European Instrument for Democracy and Human Rights (EIDHR);
 6. Instructs its President to forward this resolution to the Council, the Commission and the Member States, the Government and the Parliament of Kazakhstan and the OSCE.