



EUROPEAN PARLIAMENT

2009 - 2014

Session document

15.9.2009

B7-0064/2009

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 le cas de Yevgeni Zhovtis au Kazakhstan

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on behalf of the S&D Group

European Parliament resolution on le cas de Yevgeni Zhovtis au Kazakhstan

The European Parliament,

- having regard to its previous resolutions on Kazakhstan and the Central Asia Republics,
 - having regards to the conclusion of the 8th Kazakhstan -EU parliamentary Cooperation committee meeting in Brussels on 31 March 2008,
 - 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, 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 is supposed to 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 the first point of the 31 March 2008 conclusions underlined that EU-Kazakhstan partnership is based on commitment to shared values, which include observance of internationally agreed standards of democracy and human rights and point 5 underlines the importance of political pluralism in both the EU and in Kazakhstan and the implementation of the principals of freedom of expression and human rights in both the EU and Kazakhstan,
- D. 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,
- E. 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,
- F. 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,

- G. 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",
- H. whereas at recent OSCE meetings Zhovtis had detailed human rights abuses in his country that question its suitability to chair an organisation dedicated to upholding democratic principles,
- I. 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 so as to improve and make concrete progress in the field of democratisation and the respect of human rights before being able to assume 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 Astana Government to take over this important international task;
 - 4. Urges the Council to firmly raise this case with the Astana authorities and to start a genuine dialogue on human rights issues at the next Cooperation Council meeting et souhaite que l'examen du cas de Yevgeni Zhovtis soit un préalable au deuxième tour du Dialogue sur les Droits de l'Homme de la Troïka avec le Kazakhstan en octobre prochain;
 - 5. rappelle les fortes réserves des Organisations de défense des Droits de l'Homme qui avaient exprimé leurs doutes quant à l'engagement réel du gouvernement du Kazakhstan sur des voies de progrès, lors de l'annonce en 2007 de la décision de lui confier la présidence de l'OSCE;
 - 6. s'étonne de la précipitation de la justice kazakh à condamner Evgeni Zhovtis, militant pour la défense des Droits de l'Homme dans son pays, à une longue peine de prison, 4 années de travaux forcés, pour un accident de circulation, sans qu'il ait eu l'occasion d'assumer sa défense;
 - 7. déplore que l'attitude du gouvernement kazakh discrédite certains récents efforts de progrès en matière de Droits de l'Homme;

8. comprend l'attitude des militants kazakhs des Droits de l'Homme qui considèrent Evgeni Zhovtis comme un prisonnier politique et qui réclament une enquête internationale et indépendante sur son cas;
9. presse le gouvernement du Kazakhstan de ne pas influencer la justice de son pays lorsque les défenseurs de Evgeni Zhovtis présenteront un recours en appel, motivé notamment par le fait que des experts n'ont pu être entendu lors du procès;
10. Urges the Commission to increase its projects and programmes in Kazakhstan within the framework of the European Instrument for Democracy and Human Rights (EIDHR);
11. 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.