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Plenary sitting

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B7-0177/2013

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a 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 human rights situation in Kazakhstan
(2013/2600(RSP))

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on behalf of the GUE/NGL Group

B7-0177/2013

**European Parliament resolution on the human rights situation in Kazakhstan
(2013/2600(RSP))**

The European Parliament,

- having regard to its resolution on an EU Strategy for Central Asia of 15 December 2011,
- having regard to the EU Strategy for Central Asia,
- having regard to the Partnership and Cooperation Agreement (PCA) between the EC and Kazakhstan which entered into force in 1999,
- having regard to its Report on the European Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations for an EU-Kazakhstan enhanced Partnership and Cooperation Agreement from November 2012,
- having regard to its 2012 Annual Report on Human Rights in the world and the European Union's policy on the matter, including implications for the EU's strategic human rights policy and in particular paragraph 26 thereof,
- having regard to the address of the OSCE Representative on Freedom of Media from 29 November 2012 in relation to the threat to media pluralism in Kazakhstan,
- having regard to the EU statement on the treatment of the opposition and civil society in Tajikistan and Kazakhstan from 13 December 2012,
- having regard to the statement by the spokesperson of the High Representative Catherine Ashton on the trial of Vladimir Kozlov in Kazakhstan,
- having regard to the statement by EU HR/VP Catherine Ashton on the occasion of her visit to Astana as part of a four day visit to Central Asia on 30 November 2012,
- having regard to its resolution of 16 February 2012 on the Parliament's position on the 19th session of the UN Human Rights Council and in particular paragraph 23 thereof,
- having regard to its resolution of 7 February 2013 on the Parliament's position on the 22nd session of the UN Human Rights Council and in particular paragraph 7 thereof,
- having regard to its previous resolutions on Kazakhstan and in particular its resolution of March 2012,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the United Nation's Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to Rule 110(2) of its Rules of Procedure,

- A. whereas the EU and Kazakhstan are negotiating a new ambitious agreement to replace the PCA which is aimed at enhancing and deepening relations between the two parties, whereas human rights are meant to be an integral part of this agreement;
- B. whereas Kazakhstan and the EU continue to have close economic and trade relations despite the noticeable and documented deterioration of the human rights situation in the country, in particular since the brutal killings of peaceful protesters in Zhanaozen (western Kazakhstan) by Kazakhstan state forces which resulted in, according to official reports, the deaths of at least 16 people (14 in the town of Zhanaozen and 2 in the neighbouring town Shetpe) but many more according to independent sources, with as many as 500 people injured;
- C. whereas the Republic of Kazakhstan's three year term as member of the UNHRC (United Nations Human Rights' Council) took effect on 1 January 2013;
- D. whereas the European Parliament resolution from March 2012 strongly condemned the violent crackdown by the police against demonstrators in Zhanaozen, and called for an independent and credible investigation into the events, with an international component, whereas the Kazakhstan authorities have proven not to be cooperative in this regard;
- E. whereas the events in Zhanaozen have led to a dramatic worsening of the human rights situation in Kazakhstan and resulted in intimidation, arrests and convictions of leading strike activists of the oil workers' strike, leading activists of the political opposition movement, human rights defenders and journalists;
- F. whereas on 6 January 2012, the President of Kazakhstan signed the Law on National Security that boosts the authority of the security services and affirms that persons considered to harm the country's image on the world stage can be deemed 'destructive' and are subject to repression;
- G. whereas the politically motivated obstacles to register opposition parties, independent trade unions and civil society organisations remain a fundamental issue of concern as they are increasingly being used to restrict the rights of opposition groups to organise;
- H. whereas in November 2012, Kazakhstan sued opposition media outlets, accusing their publications of being "extremist"; whereas in December 2012, Almaty courts banned online video portals Stan.TV and K+ from producing or broadcasting material in Kazakhstan and shut down newspapers Golos Respubliki, Vzgl'yad as well as other newspapers and websites; whereas Molodozhnaya gazeta was banned by the Zhekazgan court in March 2013;
- I. whereas in December 2012, a court ruling ordered the unregistered opposition party ALGA to be shut down;
- J. whereas the High Representative of the Union, Catherine Ashton, visited Astana/Kazakhstan as part of a visit to the Central Asia region on 30 November 2012; whereas NGOs and other civil society stake holders expressed their disappointment with the High Representative for not sufficiently addressing the human rights situation in light of the clamp down on opposition media;

- K. whereas the leader of the political opposition party ALGA, Vladimir Kozlov, was arrested in January 2012 on charges of 'inciting social discord' according to Article 164 of the Kazakhstan penal code and for calling for the violent overthrow and change of the constitutional order by force and the violation of unity of the Republic of Kazakhstan; whereas his arrest followed shortly after a visit by Vladimir Kozlov to the European Parliament where he met with Members of the European Parliament and informed them about the human rights situation in Kazakhstan;
- L. whereas Vladimir Kozlov was subsequently sentenced to 7.5 years in prison; whereas observers of the trial have declared that the trial fell short of meeting international standards in relation to the right of a fair trial, whereas the court of cassation dismissed the appeal filed on behalf of Vladimir Kozlov on 13 March 2013;
- M. whereas Vladimir Kozlov is serving his sentence in one of the notorious penal colonies (EC 164/3) in Petropavlosk in northern Kazakhstan, whereas reports by his wife, Aliya Turusbekova, who recently visited Vladimir Kozlov in prison, indicate that his health situation is deteriorating and that Vladimir Kozlov is not receiving adequate medical treatment;
- N. whereas Vadim Kuramshin, a well known human rights defender and campaigner against corruption, arrested in the aftermath of the Zhanaozen killings in January 2012, was cleared of all but one minor charge by the jury court in Taraz on 28 August 2012; whereas the Appeal Court of the Zhambul region decided to revoke the court's decision; whereas Vadim Kuramshin was re-arrested on 31 October 2012 and cut his wrists open in protest;
- O. whereas Vadim Kuramshin's re-arrest took place shortly after returning from an OSCE conference in Warsaw where he spoke on human rights violations in Kazakhstan in September 2012;
- P. whereas Vadim Kuramshin was sentenced to 12 years in prison on charges of blackmailing the assistant of the district attorney; whereas members of the jury that cleared Kuramshin of all but one minor charge have protested against the court's decision;
- Q. whereas the situation in Kazakhstan's prisons gives reason for great concern; whereas torture and maltreatment of prisoners remains widespread and has led to a series of self immolations by prisoners as a sign of protest; whereas prisoners' rights campaigner Vadim Kuramshin has played a vital role in exposing the inhumane conditions in Kazakhstan prisons and in penal colony EC 164/4 in particular; whereas the subsequent reform of the prison system has fallen short of improving the situation;
- R. whereas Vadim Kuramshin is serving his sentence in that same notorious penal colony EC 164/4 in Gornyi village (northern Kazakhstan) under a 'strict regime' since March 2013, whereas concerns have been raised that he may become the victim of retaliation by the prison administration; whereas NGOs have expressed serious concerns about his physical and psychological wellbeing due to the harsh conditions in the penal colony;
- S. whereas Roza Tuletaeva, leader of the oil workers' strike committee, was arrested by members of the Kazakh State Security Committee on 3 January 2012; whereas she was subsequently sentenced to 7 years in prison which was reduced to 5 years as a result of an appeal; whereas Roza Tuletaeva testified that she was subjected to torture while in pre-

trial detention;

- T. whereas Aleksandr Bozhenko, a witness of the tragic events in Zhanaozen was killed in October 2012; whereas during the trial against the 37 oil workers, he accused the authorities of using torture in order to extract false testimonies from defendants;
- U. whereas human rights activist Aleksandr Kharlamov was arrested in eastern Kazakhstan on 17 March 2013 on the basis of article 164 of the Criminal Code for 'inciting social, national and religious discord'; whereas he is accused of "propagating atheism" and of having offended religious believers;
1. Takes the view that the current policy of engagement with the authoritarian government of Kazakhstan has failed and calls for a change in strategy in relations between the European Union and Kazakhstan;
 2. Demands that due to the significant retreats made by the government of Kazakhstan in the recent period in the fields of human rights, including workers' rights and prisoners' rights, the rule of law, electoral democracy, democratic freedoms, media freedom and in light of the wide scale arrest of opposition activists, negotiations on a new and enhanced agreement with Kazakhstan should be suspended until significant progress on these issues is made by the government of Kazakhstan;
 3. Notes that the Republic of Kazakhstan's three year term as member of the UNHRC took effect on 1 January 2013; reiterates that according to the General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights;
 4. Condemns the ongoing crackdown against parties and organisations of the opposition as well as the crackdown against independent trade unions and their leaders and calls on the authorities to abide by the principles and commitments guaranteeing freedom of speech and freedom of assembly, in order to allow political and worker activists to exercise their democratic rights;
 6. Calls on the government of Kazakhstan to remove without further delay all politically motivated obstacles that hinder political parties, organisations, civil society organisations and independent trade unions from registering and demands that they can operate without fear of intimidation and repression;
 7. Calls on the government of Kazakhstan to respect the rights of workers to form independent trade unions and to respect and adhere to ILO conventions that defend the right to strike and collective bargaining;
 8. Urges the Kazakhstan authorities to revoke Article 164 of Kazakhstan's Criminal Code on 'inciting social discord' and to refrain from introducing a new Code of Criminal Procedure that enhances the powers of the law enforcement authorities and poses a danger of further human rights' restrictions;

9. Condemns the ongoing clamp down against the media and freedom of expression, and calls on the government of Kazakhstan to completely lift its control over the electronic and printed media;
10. Is appalled by the recent ban of opposition media outlets such as Stan.TV, K+, Golos Respubliki, Vzglyad and Molodozhnaya gazeta and the repression and intimidation against journalists and their families, calls on the Kazakh authorities to lift the ban as a matter of urgency and to allow journalists to express their opinions freely and without fear of repression;
11. Urges the Kazakhstan authorities to revoke the restrictive amendments to the administrative and labour code and the recent law on religion;
12. Shares the concerns and criticisms made by human rights organisations and observers of the trials against Vladimir Kozlov, Vadim Kuramshin and other defendants, such as the leading activists of the oil workers' strike, who have expressed serious concerns about the legal proceedings and demands that the right to a fair trial needs to be respected in all circumstances;
13. Expresses its deepest concern about the physical and psychological wellbeing of Vladimir Kozlov and Vadim Kuramshin, demands that all prisoners have access to adequate medical treatment and be taken to hospital for treatment if necessary; urges the Kazakhstan authorities to immediately transfer Vladimir Kozlov and Vadim Kuramshin as well as other prisoners under threat from physical or psychological harm to places where their safety can be guaranteed, calls in particular for an independent international investigation into the conditions in penal colony EC 164/3 and EC 164/4 and a closure of those colonies if the allegations about the maltreatment of prisoners are being confirmed;
14. Calls for the immediate release and dropping of all charges against Vladimir Kozlov, leader of the opposition party ALGA, Vadim Kuramshin, human rights lawyer and defender of prisoners' rights and Roza Tuletaeva, leading strike activist of the Zhanaozen workers;
15. Urges the Kazakhstan authorities to equally release, without further delay, all other prisoners convicted on political grounds and to end politically motivated arrests carried out on the vague criminal charge of 'inciting social discord';
16. Takes note of the declared willingness of the Kazakh government to address the legitimate requests of the oil workers, points out the record of the Kazakhstan government in making similar promises which it subsequently ignored, supports the call by independent trade unions for an International Commission of Inquiry which includes trade union and human rights activists that can contribute towards establishing the facts of all aspects of the events in Zhanaozen and Shetpe, as well as the death of Bazarbai Kenzhebaev and the killing of Aleksandr Bozhenko in October 2012; demands that full compensation to all those who have been injured by the forces of the state and the families of those who have been killed needs to be guaranteed;
17. Calls on the High Representative of the European Union, Catherine Ashton, and the EU External Action Service to raise these concerns with the Kazakh authorities and calls on the EU delegation in Astana to play a more pro- active role in monitoring the situation,

including the sending of representatives to observe trials against opposition activists and human rights defenders and to visit them in prison and to collaborate more closely with international human rights and civil society groups and to report back to the European Parliament on a regular basis;

18. Instructs its President to forward this resolution to the HR/VP, the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Republic of Kazakhstan, the United Nations and the Organisation for Security and Cooperation in Europe;