

EUROPEAN PARLIAMENT

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Session document

12 February 2003

B5-0135/2003 }
B5-0136/2003 }
B5-0143/2003 }
B5-0144/2003 }
B5-0147/2003 }
B5-0152/2003 }

RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50(5) of the Rules of Procedure by

- Albert Jan Maat, John Bowis, Ari Vatanen and Jas Gawronski, on behalf of the PPE-DE Group
- Ioannis Koukiadis, Margrietus J. van den Berg, Glyn Ford and Richard Corbett, on behalf of the PSE Group
- Antonio Di Pietro, on behalf of the ELDR Group
- Bart Staes and Marie Anne Isler Béguin, on behalf of the Verts/ALE Group
- Luisa Morgantini, Jonas Sjöstedt and Pernille Frahm, on behalf of the GUE/NGL Group
- Bastiaan Belder, on behalf of the EDD Group

replacing the motions by the following groups:

- PSE (B5-0135/2003),
- GUE/NGL (B5-0136/2003),
- PPE-DE (B5-0143/2003),
- Verts/ALE (B5-0144/2003),
- ELDR (B5-0147/2003),
- EDD (B5-0152/2003),

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on Kazakhstan

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European Parliament resolution on Kazakhstan

The European Parliament,

- having regard to its previous resolutions on Kazakhstan,
 - having regard to the European Union's Partnership and Cooperation Agreement (PCA) with Kazakhstan, which was signed on 23 January 1995 and entered into force on 1 July 1999,
 - having regard to the European Commission's Central Asia Strategy Paper 2002-2006 and Indicative Programme 2002-2004,
 - having regard to the conclusions of the fourth meeting of the Cooperation Council between the EU and Kazakhstan,
 - having regard to the EU statements on the case of the journalist Sergei Duvanov,
- A. stressing that respect for human rights, democracy and the rule of law is a fundamental element of the EU-Kazakhstan Partnership and Cooperation agreement, upon which the development of future relations will be based,
- B. having regard to the recent creation of a national human rights institution in Kazakhstan and to the fact that Kazakhstan ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998,
- C. whereas there is an increasing number of instances of intimidation and persecution of the press, the political opposition and religious minorities in Kazakhstan,
- D. whereas a leading independent journalist and editor of a human rights bulletin, Sergei Duvanov, has been sentenced to three and a half years in prison despite many irregularities in the investigation and a lack of adequate legal defence during his trial, casting doubt on the decision of the court,
- E. whereas Sergei Duvanov was arrested on 28 October 2002, the day before he was due to make a tour of the USA to speak on press freedom in Kazakhstan, on charges relating to sexual offences with a minor which were based on dubious evidence,
- F. whereas Sergei Duvanov had previously been charged with 'insulting the honour and dignity of the President' on 9 July 2002 in connection with an Internet article implicating government officials in financial crimes, and was assaulted by three unidentified men and subsequently hospitalised on 28 August 2002, an incident which the authorities failed to investigate properly,
- G. whereas the chief editor of Respublika Weekly, Irina Petrushova, has been sentenced to one and a half years in prison and is now facing three new criminal charges,

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- H. whereas Mukhtar Ablyazov and Galymzhan Zhakiyanov, opposition leaders of the Democratic Choice of Kazakhstan (DCK), were sentenced to six and seven years' imprisonment respectively in July and August 2002 on politically motivated charges relating to so-called 'abuse of office' and 'misappropriation of state funds',
- I. whereas in order to be registered, political parties must have not less than 50 000 citizens' signatures, and all non-governmental organisations (NGOs) in Kazakhstan must now be registered with the authorities, with criminal charges being brought against those who fail to register,
- J. whereas under the new Constitution adopted in 1995 the President can legislate by decree and dominate the legislature and acts of the judiciary,
1. Expresses its great concern over the investigation, trial and sentencing of journalist Sergei Duvanov and calls in consequence for his immediate release;
 2. Calls on the Kazakhstan authorities to carry out an independent investigation into the case of Sergei Duvanov, as well as those of the two opposition leaders Mukhtar Ablyazov and Galymzhan Zhakiyanov, and to make this information publicly available;
 3. Calls on the Kazakhstan authorities to provide regular and open information on the status of all ongoing judicial cases;
 4. Urges Kazakhstan to bring its national human rights institution's legal framework into 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. Condemns the fact that the crime of torture remains undefined in the Criminal Code and that the widespread practice of torture and other forms of cruel treatment by law enforcement officials persists;
 6. Regrets the fact 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 be replaced by an improved law to be adopted by the parliament as soon as possible;
 7. Urges the government and parliament of Kazakhstan to review their decision on the registration of political parties and NGOs;
 8. Urges the government of Kazakhstan to invite the opposition to start a dialogue on ways and means of overcoming the existing conflict;
 9. Calls on the Council and the Commission to raise firmly the question of respect for human rights at the next Cooperation Council meeting, linking progress in this field to the further implementation of the Partnership and Cooperation Agreement, and to strengthen TACIS

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democracy programmes for Kazakhstan, aiming, in particular, at strengthening and developing democratic institutions and independent media and the fight against the practice of corruption;

10. Instructs its President to forward this resolution to the Council, the Commission, the Secretary-General of the United Nations, the OSCE, the Council of Europe and the government of Kazakhstan.