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SUPPLEMENTARY ITEM

DRAFT RESOLUTION

ON

THE SITUATION IN KAZAKHSTAN

**Principal Sponsor
Ms. Viola von Cramon
Germany**

ISTANBUL, 29 JUNE - 3 JULY 2013

DRAFT RESOLUTION

The Situation in Kazakhstan

Principal Sponsor: Ms. Viola von Cramon (Germany)

1. Welcoming Kazakhstan's active role in the OSCE and the important Eurasian perspective provided by Kazakhstan in the Organization,
2. Recalling Kazakhstan's 2010 OSCE Chairmanship, the OSCE Summit in Astana and the so-called "Madrid commitments" made by Kazakhstan ahead of its bid for the OSCE Chairmanship, in particular in the field of the human dimension,
3. Regretting the lack of progress in implementing the "Madrid commitments", demonstrated particularly by the assessments by the OSCE election observation missions that the April 2011 presidential and the January 2012 parliamentary elections again did not meet fundamental principles of democratic elections and by the authorities' reactions to the 2011 labour strikes in western Kazakhstan's petroleum sector, which on December 16, 2011, ended with the death of 17 people, according to official figures/sources, in and around the city of Zhanaozen, while unofficial estimates suggest an even higher death toll,
4. Noting the measures taken by the Kazakh government and the justice system to establish political and legal accountability for the tragedy of Zhanaozen,
5. Criticizing the lack of an independent investigation into the tragedy of Zhanaozen and the arrest of peaceful political supporters of the striking oil workers, as well as the banning of the unregistered opposition party "Alga!" and of many media outlets, including *Vzglyad* and *Respublika*, labelled as extremist,
6. Deeply concerned about reports of torture in pre-trial custody of defendants related to the tragedy of Zhanaozen and the detention conditions of oil workers' activist Roza Tuletayeva and of "Alga!" leader Vladimir Kozlov, and about reports of threats, pressure and intimidation directed against independent media journalists and members of prisoners' families including Aliya Turusbekova, the wife of Vladimir Kozlov, who may face criminal prosecution for any political activity allegedly related to the "Alga!" party,
7. Recalling the advice of the UN High Commissioner for Human Rights, Navi Pillay, to the Kazakh government in Astana in July 2012 "to authorize an independent international investigation into the events [of Zhanaozen] itself, their causes and their aftermath" to prevent further damage to Kazakhstan's reputation and as a key chance to address "many of the human rights concerns and critical gaps in the country's laws and rule-of-law institutions",
8. Noting with concern reports that the currently ongoing reform of the criminal code and the code of criminal procedure expands the range of punishable crimes and tougher sentences, and grants more powers to the law enforcement authorities, which does not eliminate but in some cases even exacerbates existing problems concerning the violation of the right to defence at trial, the right to freedom of peaceful assembly and gatherings, and the freedom of expression and dissemination of information;

9. Condemning the fact that human rights activist Vadim Kuramshin, after actively participating in the OSCE Human Dimension Implementation meeting in Warsaw in September/October 2012, was arrested, tried and sentenced to 12 years imprisonment for the same charges of extortion he had already been acquitted of by a court in August 2012,

The OSCE Parliamentary Assembly:

10. Recommends that the Kazakh government publicly reaffirms its “Madrid commitments” and takes new steps to work on their implementation;
11. Calls on the Kazakh Parliament to review election-related legislation, with a particular view to improving compliance with the 1990 Copenhagen Document, specifically when it comes to political pluralism in the country; to carry out the currently ongoing review of the criminal code and the code of criminal procedure in accordance with the principles of the rule of law, democratization and due process; and to review labour rights legislation to guarantee freedom of association and the right to bargain collectively and to strike in accordance with Kazakhstan’s constitution;
12. Calls for a review of the cases of oil workers and their political supporters, including Roza Tuletayeva and Vladimir Kozlov, who were sentenced in relation to the tragic events of Zhanaozen; an investigation into the allegations of pre-trial torture voiced by oil workers during the trial; and the transfer of Vladimir Kozlov to a penal institution near his last place of residence, Almaty, in accordance with Kazakh law;
13. Calls on the Kazakh authorities to ensure all prisoners have appropriate access to legal counsel, are permitted visits from their families and friends, and receive adequate medical care in accordance with OSCE standards, and to suspend threats and pressure on the families of prisoners;
14. Calls on the Kazakh government to follow the advice of the UN High Commissioner for Human Rights, Navi Pillay, and authorize an independent international investigation into the tragic events in Zhanaozen;
15. Calls for a review of the ban on the nonregistered opposition party “Alga!”, of undue restrictions on other political movements and on the ban of the media outlets *Vzglyad*, *Respublika* and others to ensure a diverse media landscape free of censorship, including self-censorship, and to ensure that print and other online news sources remain accessible to the public, as called for by the OSCE Representative on Freedom of the Media, Dunja Mijatović, in December 2011 and November 2012;
16. Strongly calls on the Kazakh authorities to review the case of Vadim Kuramshin and immediately remove him from penal colony EC 164/4 which is – including through Kuramshin’s own work as a human rights activist – known for ill-treatment of prisoners.