

Statement by Delegation of Kazakhstan to OSCE  
at the Briefing "Victims of former Kazakh ambassador in Austria  
appeal to OSCE for support"  
Vienna Hofburg, April 10, 2014.

I would like to take this opportunity to once again draw the public attention of countries involved to the issue of bringing Mr. Rakhat Aliyev to justice.

I will not comment on the specific accusations that have been leveled today against this individual. I would only like to remind that during the time that he held various public offices in Kazakhstan, he committed crimes, including the organization of torture and murders, for which he was summarily convicted in 2008 by Kazakhstan courts and sentenced to 40 years' imprisonment. This was done in absentia because Mr. Aliyev was at that time, and still remains, in Europe and is taking advantage of the European system of legal protection. At the same time we do not exclude a political motive. In addition, Mr. Aliyev is currently also accused of committing other crimes for which he is under investigation .

The judicial authorities of Kazakhstan have made appropriate inquiries to the Austrian authorities requesting extradition. At the present time, the Vienna Prosecutor's Office is conducting its own investigation on the basis of materials that had been submitted by Kazakhstan's judicial and law enforcement authorities, as well as a large number of witness testimonies. We hope that the Austrian justice system will deliver a legally-sound verdict.

Kazakhstan is seeking the support of European countries on issues related to its accession to European conventions such as the Convention on Extradition, the Convention on Mutual Assistance in Criminal Matters, the Convention on the International Validity of Criminal Judgments, and the Convention on the Transfer of Proceedings in Criminal Matters. At the same time, Kazakhstan has demonstrated its readiness to enter into bilateral agreements with the EU countries on these matters.

In Kazakhstan we consider all cases of torture associated with Aliyev as stand-alone and extraordinary. Precisely in order to exclude similar incidents from Kazakh society, our Government is taking systematic measures to combat torture.

The right to freedom from torture, or cruel, inhuman or degrading treatment or punishment is classified as an absolute right inherent to human from birth, along with the right to life and freedom of conscience. Based on this belief, Kazakhstan has become a co-sponsor of today's Supplementary Human Dimension Meeting.

Since gaining independence, Kazakhstan has progressed on a path towards a democratic, secular and legal State in which human rights and freedoms serve as the main backbone of public policy.

Our country is a party to 49 multilateral universal conventions on humanitarian law and human rights, including the basic human rights conventions of the United Nations, referred to as the "Core International Human Rights instruments."

Having been elected to the UN Human Rights Council for the period 2013-2015, Kazakhstan intends to contribute to solving the issues of protecting human rights and freedoms at the national and global levels, and enhance the potential of United Nations human rights mechanisms.

Article 17 of the Constitution of the Republic of Kazakhstan guarantees that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

The country has implemented a number of important reforms to its national legislation to fight torture.

Each case of the use of special means and physical strength in places of incarceration is communicated to the office of the prosecutor and is officially investigated.

No critical media report relating to law enforcement is ignored. Each and every violation of the constitutional rights and freedoms of citizens is viewed as an emergency, and officials that have committed such violations bear the strictest liability for their actions.

Compliance with the constitutional rights of citizens is one of the priorities of all law enforcement agencies, and the Government is constantly monitoring the implementation of measures that have been taken to strengthen this provision.

Kazakhstan is ready to further improve its legislation and practices in the fight against torture and is open for cooperation in this area with all international partners and organizations, including the OSCE.

Thank you for your attention.