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Statement of the Italian Federation for Human Rights on the Working session 4: Rule of law I: including independence of judiciary, right to a fair trial, democratic lawmaking of the 2018 Human Dimension Implementation Meeting OSCE

As a member of human rights monitoring mission to Kazakhstan of the Italian Federation for Human Rights I would like to draw your attention to the serious problems with rule of law in Kazakhstan.

The independence of judiciary is one of the basic principles of democratic states. The Universal Declaration of Human Rights proclaims the principle of equality of all before the law, the presumption of innocence, and the right to a fair trial.

In countries like Kazakhstan where democratic institutions are poorly developed and the rule of law does not work, innocent people often become victims of persecution, pressure and restriction. This especially concerns politically motivated cases, where even lawyers and attorneys are attacked by state institutions and authorities. The restriction of the right to defense in politically motivated cases proves an accusatory tendency of the political trials in Kazakhstan.

Dozens of politically motivated trials take place in Kazakhstan now. Political prisoners are being treated and charged as dangerous criminals. They are tortured either physically or psychologically demanding to sign an indictment. Businessman Iskander Yerimbetov, who is a brother of human rights defender, and lawyer of exiled Kazakhstani regime opponent Mukhtar Ablyazov, Botagoz Jardemalie, was tortured in the detention facility during 1,5 months, demanding that he convince his sister to return to Kazakhstan and falsely testify against Mr. Ablyazov; activist Aset Nurzhaubay cut his veins after psychological and physical tortures in the detention facility; blogger Murat Tungishbaev was tortured by refusal to provide medical assistance; political prisoner Mukhtar Dzhakishev has already spent 9 years in the prison, he almost lost the ability to move, because he refused to sign false confession against Mukhtar Ablyazov; citizen of Azerbaijan Azer Guliev was tortured by the National Security Committee of Kazakhstan officers, then he was acquitted, but now he is waiting for appeal of the Prosecutors Office and can not return to his home. No one was responsible for the crimes against these people.

The Italian Federation for Human Rights appeals to all OSCE member states to make a constant monitoring of the situation with the restriction of rule of law in the Republic of Kazakhstan to prevent systematic violation of the international obligations, and deliberately use torture and politically motivated prosecutions.

Thank you for your attention,

Maksym Sytnikov

Member of the FIDU human rights monitoring mission to Kazakhstan