



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

Federica Mogherini
High Representative of the European Union for Foreign Affairs and Security Policy and
Vice-President of the European Commission

Brussels, 19 February 2019

Dear High Representative/Vice-President Federica Mogherini,

We, Members of the European Parliament, are writing to you to express our deep concern about the several reports on the removal of judges from office in Kazakhstan based on purely political grounds. The latest of these concerns the removal of Mr Malik Kenzhaliyev, chairman of the City Court in Aktau, after his ruling declaring the acquittal of Ms Aigul Akberdiyeva, accused of ‘calling for rallies and for the seizure of power after she accompanied her husband Mr Ablovas Dzhumaev to the peaceful protests in Aktau.

In the framework of this judicial case, please note that on 6 February 2019, Ms Gulnara Baiturova, the judge of the City Court of Aktau handed down a conviction in the case of Ms Aigul Akberdiyeva, While the general prosecutor demanded Ms Akberdiyeva to be sentenced, the judge of the City Court of Aktau, acquitted her. The following day, Mr Malik Kenzhaliyev was removed from his post and suspended allegedly due an “offense to the judicial ethics”.

Mr Kenzhaliyev has declared that his removal from the post of judge constitute a persecution related to his ruling on the case of Ms Aigul Akberdiyeva. Already this week, a press conference was scheduled to take place in the city of Aktau, in which Mr Kenzhaliyev was going to comment on his removal from office and where the international monitoring mission of the Italian Federation for Human Rights, several journalists and representatives of the civil society also gathered. The press conference did however not take place. An unidentified group turned off the lights, activated the fire alarm and forced everyone present to leave the room, in a clear demonstration of the restrictions in place for the freedom of assembly. Mr Kenzhaliyev and those presented ended up doing the press conference in the street, but were detained by the police who took everyone to the police station for interrogation.



Европейски парламент Parlamento Europeo Evropský parlament Europa-Parlamentet Europäisches Parlament
Euroopa Parlament Ευρωπαϊκό Κοινοβούλιο European Parliament Parlement européen Parlaimint na hEorpa
Europski parlament Parlamento europeo Eiropas Parlaments Europos Parlamentas Európai Parlament
Parlament Ewropew Europees Parlement Parlament Europejski Parlamento Europeu Parlamentul European
Európsky parlament Evropski parlament Euroopan parlamentti Europaparlamentet

Furthermore, Mr Kenzhaliyev has also reported pressure received from the security services of Kazakhstan and has been appealing to the international community for assistance in this case.

Therefore, we urge you to raise this case with the authorities of Kazakhstan, namely through the EU Delegation in Astana, and to press the Kazakh authorities to comply with their commitments, in particular under the Enhanced Partnership and Cooperation Agreement (EPCA) signed in Astana on 21 December 2015. Furthermore, the reported case also shows how important is to step up the support from the EU to Kazakhstan's ongoing legal reforms, notably under the European Instrument for Democracy and Human Rights (EIDHR), as well to encourage a pluralistic political system in the country while strengthening the role of civil society.

We take this opportunity to remind you that nearly all the court sentences in Kazakhstan are indictment and freedoms are strongly restricted. Not only the security services force the accused to admit their guilty, underlining how predetermined the cases are, but also they face serious ill-treatment and torture while in prison. We strongly believe that such pressures exercised on judges will not bring fair verdicts in the future, particularly in politically motivated cases. There are serious concerns that the next appeal hearings of sensitive trials, such as those of political prisoners who have been already sentenced to long-term prison terms like Mr Iskander Yerimbetov, Mr Almat Zhumagulov, Mr Kenzhebek Abishev, Mr Aset Abishev and Mr Ablovas Dzhumayev, will be carried out in disregard with the principles of fair trial. Moreover, the acquittal of Ms Aigul Akberdiyeva can be appealed by the general prosecutor within 15 days before the decision gets into force.

Cases as the one of Mr Malik Kenzhaliyev clearly show how the judicial system, as a whole, and the criminal justice, in particular, in Kazakhstan are complex environments, in which the state institutions and policy makers struggle for influence by promoting contradictory interests and motives to the authorities. The independence of the judiciary is inexistent and the soviet legacy of excessive state power and harsh sentencing remains very influential.

Ana Gomes (S&D)

Barbara Lochbihler (Greens/EFA)

Mady Delvaux-Stehres (S&D)

Tunne Kelam (EPP)

Elmar Brok (EPP)

Patricia Lalonde (ALDE)

Brando Benifei (S&D)

Julie Ward (S&D)