



EUROPEAN UNION

DELEGATION TO THE REPUBLIC OF KAZAKHSTAN

Head of Delegation

Mrs. Ana Gomes
Member of the European Parliament
Bât. Altiero Spinelli, 14G201
Rue Wiertz 60
B - 1047 Brussels

Nur-Sultan, 23 May 2019

Dear Honourable Member,

Dear Ms Gomes,

Thank you for your letter dated 15 May 2019, in which you raise a number of important human rights issues, in particular the inspection of prisoners which took place on 23 April 2019 in the prison of Zarechny. Let me assure you that we are aware of this event and the EU Delegation in Astana is carefully following developments. On 6 May I personally met Ombudsman Askar Shakirov and expressed our concerns over the troubling practice of searches of this kind in Zarechny and other penitentiary facilities. Mr Shakirov acknowledged that there were cases of illegal force against prisoners, particularly during the searches by the National Guard. He stressed that his office is supporting the idea to limit searches in prisons.

In your letter you rightly mentioned the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement (EPCA), which has now been ratified by 27 EU Member States. It provides the EU and Kazakhstan with a solid framework to advance our bilateral cooperation.

At the Human Rights Dialogue and Justice and Home Affairs Sub-Committee meetings held in Brussel on 20 and 21 November 2018 respectively, the importance of zero tolerance to torture or mistreatment in prison was underlined. The EU welcomed the fact that the Prosecutor General's Office of Kazakhstan adopted a Plan of Comprehensive Measures to Counter Torture in early 2017, but we also stressed that for real change there needs to be more vigorous action to address systemic problems with police pre-trial investigation and to ensure court independence and impartiality. More work also needs to be done to put in place civilian oversight mechanisms for the police and the prison facilities. This issue was

also raised during the EU-Kazakhstan Cooperation Committee, held on 30 January 2019, in Brussels.

The rule of law will remain a key priority sector of support for the EU in Kazakhstan through the new regional EU-Central Asia Rule of Law programme which will begin in 2019. Kazakhstan has finalised the implementation of the EU bilateral programme “Support to Judicial Reform in Kazakhstan”, a 12 million euro programme (2014-2018) which focused on strengthening the rule of law and improving the quality and efficiency of the judiciary. The EU Project was also engaged in the design of the anti-torture strategy at the invitation of the General Prosecutor’s office. In particular the project’s contribution focused on supporting data analysis and evidence building, as well as international law consultations in order to present a comprehensive Action plan.

Concerning the individual cases mentioned in your letter, I would like to inform you that Mr Zoltan Szalai, Head of Political, Press and Information Section visited Mr Yerimbetov in the Almaty detention centre last year. Before that the Delegation also paid a visit to Petropavlovsk prison, where Max Bokayev was kept. Together with our Member States' embassies we will keep visiting correctional facilities in the future, although I must admit, it is a considerable challenge for us as the distances in the country are substantial and our human resources are limited.

May I also assure you that we will continue to raise the issue of zero tolerance on torture and other cruel, inhuman or degrading treatment as it is enshrined in core UN Human Rights Conventions as well as, at EU level, in the EU Charter of Fundamental Rights. No circumstance can ever justify the use of torture and we will continuously urge Kazakhstan to adhere to its international commitments.

Yours sincerely,

Best regards,



Sven-Olov Carlsson

Head of Delegation