
Brussels, 2 February 2015

Mrs Federica Mogherini
High Representative of the Union for Foreign Affairs and Security Policy
European External Action Service
1046 Brussels
Belgium

Dear Mrs Vice President / High Representative,

Given the recent initialling of the Enhanced Partnership and Cooperation Agreement (EPCA) by the European Union and the Republic of Kazakhstan on 20 January, 2015, we are addressing you to draw your attention to the high level of human rights violations, including the problem of use of torture, which significantly undermines human rights record in the country. Despite the fact that the text of the agreement has not yet been made public, Members of the European Parliament and civil society representatives have been assured, most recently in an answer to a written question submitted by 11 MEPs, that the EPCA “places strong emphasis on democracy, the rule of law, human rights and fundamental freedoms”.¹

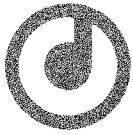
Taking the above mentioned assurance into account, we particularly would like to sensitize you to the fact that the Kazakh authorities have been trying to whitewash the human rights violations and build their positive PR, claiming that initiatives such as the law against torture and the National Preventive Mechanism (NPM), established in July 2013, are successful and have been bringing results.

Since in your answer to the written question, cited above, you seem to share the positive opinion on the NPM, we would like to draw your attention to numerous statements of criticism of the efficiency of the mechanism, both by local – Kazakh, and international civil society.

Firstly, more than 150 initial inspections within the NPM, which have been carried out in a variety of detention facilities in Kazakhstan, refer only to a tenth of the overall number of allegations of use of torture in the country. The mechanism is also excessively centralised, dependent on governmental financial resources, and thereby not independent in its decision making.

Secondly, the NPM does not cover all places of detention nor does it address other relevant issues including difficult conditions in detention facilities, refusal to provide medical aid, as well as interference into the work of human rights defenders requesting a possibility to visit those imprisoned. On the basis of opinions presented during the last 53rd Session of the UN Committee Against Torture on 3-28 November, 2014, in Geneva, as well as shared by well-established

¹ Answer given by Vice President/High Representative on behalf of the Commission to a written question asked by Jadwiga Wiśniewska (ECR), Anna Elżbieta Fotyga (ECR), Zdzisław Krasnodębski (ECR), Janusz Wojciechowski (ECR), Stanisław Ożóg (ECR), Beata Gosiewska (ECR), Marek Jurek (ECR), Kazimierz Michał Ujazdowski (ECR), Marek Józef Gróbarczyk (ECR), Bolesław G. Piecha (ECR), Andrzej Duda (ECR) on 10 October, 2014 ([LINK](#))



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nongovernmental organisations and individual human rights activists, both from Kazakhstan and abroad, it is clear that the mere implementation of the NPM is not enough to counteract the systemic problem of torture in Kazakhstan.

Such a statement may be confirmed also by the particular case of Mr Maksat Dosmagambetov, one of the leaders of the tragic oil-workers' protests in Zhanaozen, in 2011, who was a later victim of severe torture during the investigation carried out by the Kazakh authorities.

Our letter is thereby an answer to the common and deceptive rhetoric that the Kazakh officials have been using in order to mislead its international partners, and which refers to 'the effective combat of torture' in the country. We, therefore, call on you to raise the problem of torture and the ineffective NPM in Kazakhstan within your and the EEAS every contacts with the Kazakh authorities. We strongly believe that your and the EEAS political engagement, as well as the EU professional and financial support to a reform of criminal and judicial justice in the country may bring significant results only when addressed properly, with all problems correctly identified.

Attached, please find our recent reports with a brief overview of the situation surrounding the use of torture in Kazakhstan in 2013 and 2014, the case of Mr Maksat Dosmagambetov, as well as the additional material provided by the NGO Coalition Against Torture, a Kazakh informal association of 30 independent civil society organizations and experts specializing on anti-torture programs.

Yours sincerely,

Anna Koj
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