

107TH CONGRESS
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H. CON. RES. 422

Expressing concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with the Organization for Security and Cooperation in Europe (OSCE) commitments on human rights and democratization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2002

Mr. SMITH of New Jersey submitted the following concurrent resolution;
which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing concern about continuing serious violations of human rights and fundamental freedoms in Kazakhstan, including substantial noncompliance with the Organization for Security and Cooperation in Europe (OSCE) commitments on human rights and democratization, and for other purposes.

Whereas Kazakhstan has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and has freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas Kazakhstan, as an OSCE participating state, has affirmed that every individual has the right to freedom

of thought, conscience, religion or belief, expression, association, peaceful assembly, and movement, the right to freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and, if charged with an offense, the right to a fair and public trial;

Whereas the OSCE participating states have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are also obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas Kazakhstan's President Nursultan Nazarbaev pledged, while visiting President Bush on December 21, 2001, to "strengthen democratic institutions and processes, such as independent media, local government, pluralism, and free and fair elections";

Whereas the policies of the Government of Kazakhstan have imposed restrictions on the activities of opposition parties, have led to the exile of opposition figures and independent journalists, and have resulted in the closure of independent and opposition media;

Whereas such assaults on basic freedoms have seriously limited the fora in which individuals and groups may address grievances or otherwise participate legally in the political process;

Whereas President Nazarbaev dissolved the Parliament of Kazakhstan in 1993 and again in 1995 when he also annulled scheduled presidential elections and extended his tenure in office until 2000 through a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was re-elected in preterm presidential elections from which a leading challenger was excluded for having addressed the organization “For Free Elections”, only because that organization had not registered in accordance with the government’s mandatory registration process, and the OSCE assessed the elections as falling far short of international standards;

Whereas Kazakhstan’s October 1999 parliamentary election fell short of OSCE standards because of widespread interference by government authorities, according to the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR);

Whereas the Parliament of Kazakhstan on June 22, 2000, approved draft legislation that grants President Nazarbaev powers and privileges for the remainder of his life that allow him to influence the legislative and judicial branches of the government;

Whereas 2 Swiss bank accounts of President Nazarbaev and some accounts of his immediate family members were frozen at the request of the United States Department of Justice in connection with an ongoing investigation into corruption and money laundering;

Whereas President Nazarbaev’s family reportedly owns or controls all major media outlets in Kazakhstan, including television, radio, and newspapers;

Whereas the independent media in Kazakhstan, which have a history of relative freedom, have been pressured, co-opted, or fully silenced, so that only a few underground outlets for the expression of independent or opposition views remain, limiting the ability of the press to criticize or comment on the President's policies or on high-level corruption;

Whereas the human rights situation of Kazakh citizens continues to decline, opposition leaders remain in exile, and independent Kazakh journalists have been physically attacked and their offices firebombed, attacked, or robbed, most recently on May 21 and May 22, 2002;

Whereas the United States Department of State issued a statement on May 23, 2002, expressing "deep concern" that the attacks on members of the media and on their offices "suggest an effort to intimidate political opposition leaders and the independent media and raise serious questions about the safety of the independent media in Kazakhstan";

Whereas President Nazarbaev in August 2001 orchestrated a trial in absentia against his chief political rival, former Prime Minister Akezhan Kazhegeldin, which the representative of the OSCE Center in Almaty, Kazakhstan, observed and described as "political and unfair", and about which the United States Department of State delivered a demarche to the Government of Kazakhstan;

Whereas 2 members of a recently emerged opposition party, known as the Democratic Choice for Kazakhstan, have been imprisoned; and

Whereas freedom of religion in Kazakhstan is jeopardized by Article 375 of the Administrative Code of Kazakhstan,

which mandates registration of all religious groups and creates criminal penalties for groups and individual leaders choosing not to comply, and which government authorities have used to justify the imprisonment and beatings of leaders of unregistered religious groups: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring), That the Congress—*

3 (1) expresses deep concern about the efforts by
 4 Kazakhstan’s President Nursultan Nazarbaev to re-
 5 main in power indefinitely and his willingness to ma-
 6 nipulate constitutions, elections, and legislative and
 7 judicial systems to do so;

8 (2) urges the President of the United States,
 9 the Secretary of State, the Secretary of Defense,
 10 and other United States officials to make a more
 11 concerted and stronger effort to raise with President
 12 Nazarbaev at every opportunity the concern about
 13 serious violations of human rights, including non-
 14 compliance with Organization for Security and Co-
 15 operation in Europe (OSCE) commitments on
 16 human rights, democracy, and the rule of law;

17 (3) urges President Nazarbaev to bring
 18 Kazakhstan into compliance with OSCE commit-
 19 ments on human rights, democracy, and the rule of
 20 law, by ensuring the conduct of free and fair elec-
 21 tions at all levels and allowing all citizens to partici-

1 pate in the political process on an equal basis, with-
2 out intimidation or fear of reprisal;

3 (4) calls on the Government of Kazakhstan to
4 take every necessary step to make possible the re-
5 turn of exiled political leaders, most notably former
6 Prime Minister Akezhan Kazhegeldin, as well as
7 other activists and journalists;

8 (5) expresses support for independent organiza-
9 tions which are qualified to review the Constitution
10 of Kazakhstan and recommend amendments which
11 would protect human rights, democracy, and the rule
12 of law;

13 (6) calls on President Nazarbaev to establish
14 conditions for independent and opposition media to
15 function without constraint, limitation, or fear of
16 harassment; and

17 (7) urges the Voice of America and RFE/RL,
18 Incorporated to expand broadcasting into
19 Kazakhstan, in order to assure that the peoples of
20 the region have access to unbiased news and pro-
21 grams that support respect for human rights and
22 the establishment of democracy and the rule of law.

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