

Introductory remarks

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**Chairperson of the OSCE Parliamentary Assembly's General Committee on Democracy,
Human Rights and Humanitarian Questions –**

Special Debate on Rule of Law

at the OSCE Parliamentary Assembly's Winter Meeting in Vienna, 13 February 2014

Dear Colleagues,

We now move to the special debate on rule of law. I come from a country that, for forty eight years, lived under a dictatorship. Many men and women were arrested, tortured and many died for their political ideas. This year we are celebrating forty years of democracy. Are we a perfect democracy? There is no such thing as a perfect democracy. Do we know any country where the Rule of Law is perfect? No, there is no such thing as a country where Rule of Law is perfect.

Our democracies are a permanent construction that demands a constant and vigilant effort. In a community like ours in the OSCE, built over fundamental values like democracy and respect for human rights - when one of us fails, everybody fails. As members of Parliament, as legislators ourselves, we take a particular interest in this subject and play a fundamental role in this daily effort.

As we all know, rule of law is a cornerstone of democracy and therefore should be a major priority for the Organization for Security and Co-operation in Europe. As members of parliament, as legislators ourselves, we take a particular interest in this subject.

Independence of the judiciary is a topic that has been discussed in this Committee over the years. And I regret to note, that along with democratic elections – whole regions of the OSCE area are regressing, not progressing in this regard.

The reason I wanted to focus specifically on rule of law this year, is my deep concern for the situation regarding political prisoners in many OSCE countries. I know that there is a heated debate in many institutions and international circles on the definition of a “political prisoner,” and I hope to see a debate on this topic at our upcoming sessions. What we can say is that political prisoners are the result of a politicized judiciary, selective justice, lack of oversight and checks and balances, corruption and other factors which lead to governments abusing power and undermining justice. Potentially innocent people are regularly imprisoned through unfair trials, or lack of access to justice altogether, from Vancouver to Vladivostok. This is why I wanted us to discuss this issue today.

To start in the West, I have requested the United States to allow me to visit the Base at Guantanamo Bay. I hope to be able to visit this prison this year. I am pleased that the OSCE/ODIHR conducted a visit earlier this year, and I hope that the ODIHR will monitor the

legal proceedings for these detainees closely. Our Assembly has addressed this issue before, repeatedly. Major political forces in the United States have stated on record their wish to close Guantanamo. Yet, this prison remains open. Many European countries, in coalition with the United States in the “war on terror” are unwilling to share the burden of resettling men who have been cleared of all wrong-doing. We must respect human rights in the fight against terror. We must remember what values we are fighting so hard to preserve. All participating States must work hard to meet their commitments to respect human rights in the fight against terrorism, by safeguarding rule of law, individual liberties and the right to equal justice under the law.

I have also requested to visit political prisoners in Kazakhstan and Ukraine. And I have expressed deep concern in regard to the rule of law situation in Russia, Azerbaijan and other participating States. In Ukraine, I am following the case of Ukrainian opposition activist, Mr. Dmytro Bulatov, and the allegations of torture. I am also following the kidnapping case of Mr. Leonid Razzvozhaev, where there are also allegations of torture and gross violations of rule of law. The OSCE upholds freedom of expression and assembly – and I am following the situation with political prisoners around the so-called “Bolotnaya case” in Russia.

I plan to continue following individual cases, and to make requests for personal visits to those detained.

In our debate today, I am very pleased to have distinguished speakers who have come here from Belarus, Kazakhstan, Turkey and Azerbaijan. These people come here at great risk to themselves and their loved ones, and I commend them on their commitment and courage, as well as on their willingness to speak out on behalf of themselves and others in similar situations.

Other speakers have also been invited, but were not able to make it for a range of reasons. I truly hope we can continue this tradition of guest speakers from among civil society in our countries at our Winter Meetings here at the Hofburg. I encourage the leadership of the Assembly, and all my colleagues here in the room, to work closely with civil society and to maintain regular contact on key issues such as rule of law. I believe this is an important contribution that our Assembly makes to the OSCE as an Organization, and to the quality of life of our collective constituencies – across the OSCE area.

I would like to give the floor to the following guest speakers today:

Mr. Andrei Sannikov from Belarus. Mr. Sannikov leads the Civil Campaign “European Belarus.” He is a former presidential candidate and a former political prisoner. Mr. Sannikov has also served as Deputy Foreign Minister of Belarus. Many of you know him in these different capacities. In December 2010, Mr. Sannikov - a candidate in the election, was arrested and later sentenced for his civic activities in the presidential election campaign and big protests that followed. Our Committee, as well as the OSCE PA Working Group on Belarus, has expressed deep concern for the fairness of his trial, the merit of his conviction and his treatment in prison.

Mr. Evguenii Zhovtis from Kazakhstan. Mr. Zhovtis is a long-time friend of the OSCE. He has briefed our Assembly during our visits to Kazakhstan, and has been a prominent figure at the OSCE’s Human Dimension Implementation Meetings in Warsaw, the US Helsinki Commission,

and countless other international forums. Mr. Zhovtis will speak on the rule of law situation in his country, with particular attention to the tragic cases of Mr. Vladimir Kozlov and Ms. Roza Tuletaeva, serving long sentences for their work with striking labor workers and with Kazakhstani opposition.

Mr. Rashid Hajili is joining us from Baku. Mr. Hajili is legal counsel to Mr. Anar Mammadli – a name that will sound familiar to you. Mr. Mammadli is the head of the Azerbaijani Election Monitoring and Democracy Studies Centre. This Centre has worked closely with the OSCE for many years, in particular during election observation missions. Domestic election observation is an important element of the democratic process. Together with my colleagues from the OSCE/ODIHR, we have expressed our deep concern for the detention of Mr. Mammadli. We look forward to Mr. Hajili's comments.

Many of you have been closely following developments in Turkey. We had a fascinating Annual Session in Istanbul, and many of you had a chance to visit Taksim square and speak to demonstrators personally. Turkey is undergoing complex and important changes, and today we will hear from Mr. Nurettin Demir. Dr. Demir is a member of the Turkish Parliament, and a member of the Republican People's Party in Turkey. He is the author of an important report on rule of law, focusing on politicians who have been jailed in his country – many on politically-motivated charges. Turkey is a key country for the OSCE, facing several elections this year, and developments there are of particular interest to us here in our committee.