

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# KAZAKHSTAN: IMMEDIATELY RELEASE RIGHTS DEFENDER RAIGUL SADYRBAEVA AND HOLD POLICE ACCOUNTABLE FOR HER REPORTED TORTURE

Amnesty International is deeply concerned by the arbitrary arrest of human rights defender Raigul Sadyrbaeva in apparent retaliation for her peaceful monitoring of protests in Kazakhstan this past January. We call on judicial authorities to drop the unfounded criminal charges against Sadyrbaeva and immediately order her release. The Prosecutor General's Office should ensure prompt and effective investigation of her allegations of torture, including being strangled, held at gunpoint, and threatened with rape by police; and those officers suspected of responsibility for her abuse should be held accountable in accordance with international human rights standards.

### ARRESTED FOR MONITORING HUMAN RIGHTS

50-year-old rights defender Raigul Sadyrbaeva took to the streets on 5 January 2022 as protests swept through her hometown of Semey in eastern Kazakhstan. She and her lawyer have stated that she was there to monitor the demonstration and report on any rights violations. Sadyrbaeva used her cell phone to make video recordings of events as they unfolded during the day.

As elsewhere in the country, demonstrators in Semey called for economic and political reform in the wake of rising fuel prices and a surge of popular discontent. The initially peaceful gathering in Semey turned violent with reported clashes between some protestors and police, and due to some protestors' breach of the local government administration building (Akimat), according to Radio Azattyk.<sup>1</sup> Sadyrbaeva urged those in attendance to remain calm and follow the law, according to her lawyer, who has stated there is video evidence of her efforts to calm the crowd.

However, on 12 January, a week after the 5 January demonstration, police arrived at Sadyrbaeva's home, conducted a search, confiscated her cell phone and other electronic devices and placed her under arrest. On 14 January, a local judge sanctioned her detention pending investigation of criminal charges against her, including alleged participation in a mass riot (Criminal Code Article 272, part 2, punishable by up to eight years' imprisonment). Sadyrbaeva has vehemently denied the charges.

### REPORTED TORTURE IN DETENTION

Police first held Sadyrbaeva in Semey and then transferred her to a detention facility in Ust-Kamenogorsk, more than 200 kilometres (about 120 miles) from her hometown. Authorities effectively subjected her to enforced disappearance for two weeks, in violation of domestic and international law requiring that a person's whereabouts in detention be revealed, family notified, and that they be given access to their lawyer and to health care if needed. Sadyrbaeva, who has an officially registered disability, was denied her essential medication in detention, according to her mother.<sup>2</sup>

Police allegedly exploited Sadyrbaeva's isolation and vulnerability in detention to abuse and intimidate her. Immediately upon taking her into custody, officers allegedly threatened to put a plastic bag over her head and to kill her. In a complaint she later filed with Kazakhstan's Prosecutor General, Sadyrbaeva described in detail the harsh conditions and torture she experienced while in detention in Semey.<sup>3</sup> She wrote:

<sup>1</sup> <https://rus.azattyq.org/a/31646877.html>

<sup>2</sup> <https://rus.azattyq.org/a/east-kazakhstan-region-activist-raygul-sadyrbayeva-torture/31706550.html>

<sup>3</sup> Statement to the Prosecutor General of the Republic of Kazakhstan, signed by Raigul Sadyrbaeva, submitted on 4 February 2022. For a photo of the original copy, see here: <https://www.facebook.com/photo/?fbid=5149542088418289&set=pcb.3194810084171586>

*“I was placed in a cold isolation cell of the temporary detention facility in Semey without electricity, water, access to fresh air, a toilet... [or] mattress. I had to sleep on an iron bed and I had to refuse food because of the horrible smell.”*

Sadyrbaeva reported that the supervising officer attempted to extract a self-incriminating statement from her. She said that the police major “demanded that I ‘cooperate’ with the investigation, and sign a confession in exchange for a more comfortable cell. After I refused to incriminate myself, the major said that everything would ‘go badly’ for me. After that I was tortured by his three officers.” Under pressure, she was forced to unlock her cell phone for them.

Sadyrbaeva reported that one officer in Semey “repeatedly strangled me with the hood of my sweater until I lost consciousness.” She said that another officer threatened her with rape. A third officer threatened her life in an apparent mock execution. She said: “[he] put a gun to my head and said, ‘you’re finished old woman.’” Throughout these torture sessions, she said, officers used obscene language, insulted her, humiliated her and made threats of physical violence against her son.

Amnesty International is profoundly disturbed by this account of police torture of rights defender Sadyrbaeva. While an investigation into Sadyrbaeva’s allegations has now been opened, Amnesty International is disheartened by the lack of progress in that investigation and urges the Prosecutor General’s Office to treat this case with the utmost seriousness, complete the investigation forthwith and ensure the officers involved are held to account.

In consideration of Sadyrbaeva’s deteriorating medical condition, on 14 March a court remanded her to house arrest for another two months, until 11 May, pending completion of the criminal investigation against her. At a 29 April hearing, about which Sadyrbaeva and her lawyer were not notified in advance, her term of house arrest was extended until 11 June. While we acknowledge Sadyrbaeva’s transfer from police detention to house arrest provides her some relief, Amnesty International reiterates its call for her immediate release and for all charges against her to be dropped.

## **WRONGFUL ARRESTS, TORTURE AND OTHER VIOLATIONS FOLLOWING THE JANUARY PROTESTS**

Raigul Sadyrbaeva is one of thousands of people in Kazakhstan who have been harmed by the government’s brutal response to the January demonstrations. In early January 2022, in protest against a dramatic rise in fuel prices, thousands of people took to the streets of Kazakhstan. Their economic discontent was quickly followed by broader popular calls against corruption, political stagnation, and widespread injustice. Authorities responded with hostility to the protestors, by targeting and silencing journalists and activists, and by suppressing the right to freedom of expression, including the flow of independent information. Law enforcement officers beat and forcibly dispersed demonstrators; independent human rights monitors reported that in some cases police used unnecessary and excessive force, including lethal force against protestors and rioters.<sup>4</sup> Some individuals who joined the protests also engaged in violence, attacked police and others and damaged property. Official figures provided by the government indicate 232 people, including 19 individuals identified as law enforcement or military personnel, were killed during the days of protest. Many others were injured.

Participants in the demonstrations and passers-by were caught up in police sweeps and thousands of people were placed in detention. Many peaceful protestors were detained simply for being present at the demonstrations. In contravention of international law protecting the right to peaceful assembly, participation in an “unsanctioned” gathering, including a peaceful demonstration, is an offence under overly restrictive national law in Kazakhstan. Rights defenders documented an array of serious due process violations related to the detentions, including the routine use of incommunicado detention and enforced disappearance. Families were panicked as news of deaths and injuries came in and they were unable to locate their loved ones. Those held incommunicado were at particular risk of torture.

Local rights groups and journalists have now documented hundreds of cases of torture of people by police following the January events, including cases of people being beaten, having their limbs broken, being suffocated, tortured with electric

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<http://tirik.info/sadyrbaeva-raigul-rasskazyvaet-o-pytkah-i-ugrozah-primenyonnyh-k-nej/>

<sup>4</sup> <https://www.hrw.org/news/2022/01/26/kazakhstan-killings-excessive-use-force-almaty>

shock, burned with hot irons, and raped by police.<sup>5</sup> The Coalition against Torture has received 142 reports of torture from 11 different towns so far after the events in January.<sup>6</sup> In March, the Anticorruption Service of Kazakhstan (an agency which, alongside the Prosecutor General's Office, has the authority to investigate alleged torture cases) announced that 8 people had died in police detention. By April the Anticorruption Service said it had investigated 309 complaints against law enforcement officers; including 279 cases of alleged torture and another 30 involving abuse of power. The Prosecutor General's Office said it was investigating 10 additional cases.<sup>7</sup>

Rights defender Tatyana Chernobil from the Coalition against Torture raised concern about denial of detainees' due process rights. Chernobil reported: *"During January, the rapid administrative trials throughout the country without due process of the law, and the ensuing mass jailing, including of several journalists, was a huge issue. People reported that hundreds, and probably thousands, of arrested people were denied access to their lawyers and families."*<sup>8</sup>

## THE PATH TO RECKONING AND A RIGHTS-RESPECTING KAZAKHSTAN

Members of the international community have pointed to the urgency of addressing the injustice done to Raigul Sadyrbaeva and the need to recognize also that her story and others like it can be found many times over in Kazakhstan. In its 20 January 2022 resolution on the situation in Kazakhstan, the European Parliament referred specifically to Sadyrbaeva's politically-motivated arrest and detention, and called for her release. The resolution stated that the European Parliament: *"Calls on the Government of Kazakhstan to drop politically motivated charges and to put an end to all forms of arbitrary detention, reprisals and harassment against human rights defenders, activists, religious organisations, civil society organisations, trade unions, journalists and political opposition movements, and to allow people to freely express their political, religious and other views..."*<sup>9</sup>

Justice and access to effective legal remedies, safeguards against torture and full respect for the right to a fair trial are fundamental to ensuring full and effective accountability for the abuses committed in Kazakhstan during the turbulent events of January 2022. The government of Kazakhstan should commit itself to implementing these principles and should heed calls for it to undertake a thorough, independent and effective investigation of the January events that delivers accountability for violations committed and makes its findings publicly available.

The government of Kazakhstan also should be guided by the admonition of UN High Commissioner for Human Rights Michelle Bachelet who strongly encouraged *"further steps towards comprehensively addressing the grievances that led to these demonstrations, including allegations of corruption and deep underlying inequalities."*<sup>10</sup> It must be recognized that the political crisis that erupted in Kazakhstan in January was the result of many years of government restrictions and repression, the systemic undermining of human rights, and relentless persecution of those who exercised their rights to freedom of expression, peaceful assembly, political participation and association. The only way out of the crisis for Kazakhstan is a thorough reckoning with its past and a genuine commitment to full respect for all human rights for all people in the country.

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<sup>5</sup> <https://www.notorture.kz/report-11-march-2022/>

<https://pana-defenders.info/publications/monithrd202201/>

<https://www.hrw.org/news/2022/02/01/kazakhstan-protesters-arbitrarily-arrested-beaten>

<https://www.rferl.org/a/burned-with-an-iron-relatives-say-detainees-tortured-after-massive-kazakh-protests/31708700.html>

<https://orda.kz/v-taldykorgane-policejskie-nasilovali-zaderzhannyh-dubinkoj-i-snimali-jeto-na-video/>

<sup>6</sup> <https://www.notorture.kz/vlasti-povtorjajut-proshloe/>

<sup>7</sup> <https://www.hrw.org/news/2022/05/05/kazakhstan-no-justice-january-protest-victims>

<sup>8</sup> <https://www.amnesty.org/en/latest/research/2022/01/the-calm-in-kazakhstan-is-restored-but-the-pressing-questions-on-multiple-human-rights-violations-remain-unanswered/>

<sup>9</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2022/2505\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2022/2505(RSP))

<sup>10</sup> <https://www.ohchr.org/en/speeches/2022/03/global-update-bachelet-urges-inclusion-combat-sharply-escalating-misery-and-fear?LangID=E&NewsID=28225>