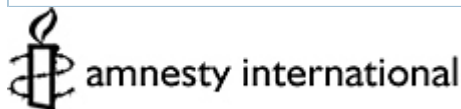


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Amnesty International Report 2010 - The State of the World's Human Rights

Head of state **Nursultan Nazarbaev**
 Head of government **Karim Massimov**
 Death penalty **abolitionist for ordinary crimes**
 Population **15.6 million**
 Life expectancy **64.9 years**
 Under-5 mortality (m/f) **34/26 per 1,000**
 Adult literacy **99.6 per cent**

Confessions extracted under torture continued to be admitted as evidence in trials. Criminal proceedings failed to comply with international standards of fair trial. Torture and other ill-treatment by members of the security forces remained widespread, in particular by officers of the National Security Service in the context of operations in the name of national security, and the fight against terrorism and corruption. Freedom of expression and freedom of religion continued to be restricted.

Background

In May, President Nazarbaev approved a National Human Rights Action Plan for 2009 to 2012. This was to allay concerns of domestic and international human rights organizations that Kazakhstan was failing to comply with its human rights obligations on the eve of assuming the chairmanship of the OSCE in January 2010.

In July, the President signed amendments to a law on the internet which classified all online resources as mass media and made them subject to the same stringent rules that governed other mass media, such as criminal sanctions for criticizing the President and government officials.

Torture and other ill-treatment

In November the European Court of Human Rights ruled in the case of *Kaboulov v. Ukraine* that the extradition to Kazakhstan of any criminal suspect, including Amir Damirovich Kaboulov, would be in violation of Article 3 of the European Convention on Human Rights, as they would run a serious risk of being subjected to torture or inhuman or degrading treatment.

Despite amendments to the criminal and criminal procedural codes to clamp down on abusive practices, torture and other ill-treatment remained widespread. Confessions reportedly extracted under torture continued to be admitted as evidence in criminal trials, and individuals continued to be held in unregistered detention for longer than the three hours allowed for in national law. The lack of a clear definition of detention remained unaddressed despite recommendations of the UN Committee against Torture in November 2008.

Following his visit to Kazakhstan in May 2009, the UN Special Rapporteur on torture concluded that he “received many credible allegations of beatings with hands and fists, plastic bottles filled with sand and police truncheons and of kicking, asphyxiation through plastic bags and gas masks used to obtain confessions from suspects. In several cases, these allegations were supported by forensic medical evidence.”

- In June, Dmitri Tian and Oleg Evloev were sentenced to 25 years' and life imprisonment respectively by a court in the capital Astana for the premeditated murders of a woman and her three children. Both men claimed that they had not committed the murders, but that they had been tortured in detention in order to force them to confess. According to observers of the trial, the judge instructed the jury not to consider the allegations of torture. Reportedly, a video tape recorded by the police following Oleg Evloev's arrest, showed him covered in bruises, but it was lost by the prosecution. In November, the Supreme Court turned down the appeals by both defendants. No investigations into the allegations of torture were conducted.

Prison conditions

- Inessa Karkhu, an accountant serving an eight-year prison sentence for fraud handed down in 2007, continued to be denied essential medical treatment for glaucoma, a disease that progressively damages vision. Her condition continued to deteriorate throughout the year and it was feared that she could end up losing her sight if she was not treated as a matter of urgency. She had to rely on medication delivered by her family which became difficult when she was transferred to a prison in Almaty, some 1,000km from the capital Astana. Following international pressure, Inessa Karkhu was examined by an independent ophthalmologist in November, who found that the disease had significantly progressed and that both her eyes were affected. Nevertheless, Inessa Karkhu had not received the recommended medical treatment by December.

Counter-terror and security

The National Security Service (NSS), which carries out special operations relating to national security and corruption, continued to use counter-terrorism operations to target minority groups perceived as a threat to national and regional security. Groups particularly affected were asylum-seekers and refugees from Uzbekistan, and members or suspected members of Islamic groups or Islamist parties, either unregistered or banned in Kazakhstan. Some high-profile political actors targeted in anticorruption operations continued to be held in arbitrary and incommunicado detention.

In May, the UN Special Rapporteur on torture stated that “some groups run larger risks of cruel, inhuman and degrading treatment than others”, noting that the likeliness for foreigners to be subjected to such treatment seemed to be “higher than average”.

NSS officers were accused of routinely using torture and other ill-treatment in pre-charge and pretrial detention centres under their jurisdiction. Public Monitoring Commissions, tasked with inspecting detention facilities, were denied access to NSS detention centres.

- In September, armed and masked NSS officers conducted a night-time raid on the homes of three refugees and two asylum-seekers from Uzbekistan in Almaty. The officers, who did not identify themselves, detained the men and took them to an unidentified location for interrogation, later identified as the NSS building in Almaty. Allegedly, the men were handcuffed and beaten which resulted in one of them having a broken nose, and plastic bags were put over their heads. They reported that the officers threatened them with extradition to Uzbekistan, allegedly for the murder of a policeman. Several hours later they were released without charge. During arrest, they were refused permission to contact their families, a legal representative or UNHCR, the UN refugee agency. A spokesperson of the NSS later denied any use of excessive force and described the raids and detentions as a mere document check.

Unfair trials

Criminal proceedings continued to fall short of international fair trial standards, undermining the rule of law.

- In September, Evgeni Zhovtis, a prominent human rights defender and director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, was sentenced to four years' imprisonment following his conviction for causing the death of a pedestrian in a traffic accident at the end of July. Evgeni Zhovtis had admitted to having hit and fatally injured the pedestrian with his car, but pleaded not guilty by default. An appeal court in October upheld the conviction. The trial reportedly fell short of meeting national and international fair trial standards. The failure to inform Evgeni Zhovtis that he was being interrogated as a suspect rather than as a witness deprived him of a number of rights during investigation, such as the right to remain silent and the right to have access to reports of forensic

experts. In October, he was transferred to an open prison in Ust- Kamenogorsk. His lawyers lodged a complaint against the appeal court's decision.

Freedom of religion

The right to freedom of religion remained restricted and religious minorities continued to report harassment by police and local authorities. Muslims worshipping outside state-registered mosques, such as the Ahmadi community and followers of the Salafi movement, reported being increasingly targeted by police and the NSS.

- In March, NSS and local police conducted several raids on an Ahmadi Muslim community in Semipalatinsk as members of the community were gathering for Friday prayers. Reportedly, those present were forced to give personal details. During one of the raids, members of the community were detained and questioned at the local police station for several hours.

In February, following a request from the President, the Constitutional Council assessed a controversial draft law on freedom of conscience which would severely restrict the rights of religious minorities. The Council held that the draft law was incompatible with the Constitution and international human rights obligations. A revision of the draft law remained pending at the end of December.

Amnesty International visit/report

Amnesty International delegates visited Kazakhstan in June.

[Kazakhstan: Submission to the UN Universal Periodic Review](#) (8 September 2009)

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