

To the Prosecutor of Almaty
B.K. Zhuriktaev.
Akylzhan Adabiatovich Kiysymbaev
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Suspect in a criminal case under article 272, part 2
of the Criminal Code of the Republic of Kazakhstan.

Complaint on the use of torture

The brutal torture described below was used against me, A.A. Kiysymbaev, during the period from January 8, 2022 to January 25, 2022.

Please, take immediate prosecutorial response measures and immediately register this complaint of torture in the Unified register of pre-trial investigations and involve police officers (including members of the investigation team), prosecutors, the head of the

Republican State Institution "LA-155/18" Department of Criminal Executive System in the city of Almaty, A.S. Dzhumadiev and employees of the same institution to criminal liability under Article 146 of the Criminal Code of the Republic of Kazakhstan for torture of the suspect A.A. Kiysymbaev.

Description of torture:

On January the 5th, 2022, I was at my workplace, doing internal repairs in one of the premises of a shopping center at 114 Gogol Street, at the intersection of Seyfullin Street.

At about 2:30 p.m., a group of people walked along Seyfullin Street in front of the storefronts of the premises where I worked. As far as I could see, these people had only sticks and stones. They proceeded breaking windows, including the window of the room where I worked. I ran outside to check to see what was going on. Outside, I heard the sounds of gunshots and out of fright I decided to run home and ran up the Seyfullin Street. There was a military vehicle following these people, and behind them there were men in uniforms, and these men in uniforms seemed to start shooting. There was a fuss, I couldn't see everything in detail, I was panicking. Suddenly, a bullet hit my right leg on the back side. It went all the way through. I fell to the ground and lay there in shock, bleeding. After about 10 minutes I lost consciousness from the pain and woke up in the 12th city hospital, at Zhandosov-Satpaev Street, Almaty city. On the same day, on January the 5th, 2022, at about 5 p.m. I had surgery done on my leg.

On January 8, 2022, three days after my surgery, I was lying in bed in an ill state. I was put on an IV. I had no clothes on except my underwear and a bandage on my leg. At around 8 p.m. armed soldiers wearing armor vests and military masks, similar to the Special Rapid Response Unit soldiers, burst into my room at the hospital. There were 7 - 8 of them, all men, all ranked as sergeant/senior sergeant. There were two

more seriously wounded people in the same room with me. The armed men did not introduce themselves, did not explain anything to us, only shouted, threatened and swore in Kazakh, calling us "Wahhabis". One of them grabbed me by my hair and abruptly pulled me off the bed to the floor.

They shouted at us to lie on the floor, face down. Then they ordered us to get up and walk into the corridor. We were beaten with rifle butts and kicked to make us move faster. I could not walk, so somehow, leaning on the bed, I got up and hopped down the corridor on one good leg. I was unclothed and barefoot. There were many other patients in the corridor. As I understood, they were all the injured and wounded from the protests and their suppression in Almaty.

We were made to stand in the corridor along the wall, bent low. Those who couldn't stand like that and fell down were hit in the head, wounds and chest and were forced to stand up again in this position. While some of the armed men led the patients out of the wards, another part beat those standing in the corridor for every question and movement. After a while we were forced at gunpoint to go down the stairs and out into the street. My room was on the fourth floor, and I could not walk, nor could many of the patients around me. Almost everyone was post-op, with tubes still sticking out of some of them. We were all without clothes and shoes, we were not given the opportunity to get dressed.

The military personnel beat us and forced us to go down a flight of stairs. Many times I fell and rolled down the stairs, sometimes crawled on my hands down the stairs. I think there were about 30 sick people around us, maybe even more. They took us outside and forced us all to lie face down on the cold ground for 15 - 20 minutes. We were beaten and cursed at if we moved, asked questions, or even made any sound. I don't know the names and ranks of the officials who beat us, as we were not even allowed to turn our heads, and they did not introduce themselves. Then they put me and other ill people into two police cars, like a police truck. There was a cage in the police car, where they put me, and they put 17 of us, the wounded into that cage. There was not enough space in the cage, people were forced to lie on top of each other. We were not allowed to talk and were beaten on the head if anyone made any sounds in the cage. After about an hour and a half we were brought to the detention center Institution "LA-155/18", but at that time it was not explained to us. None of the detainees knew where we were taken and why.

They made us get out of the car one by one and again - made us lie face down on the cold ground for 20 minutes, we still wore no clothes nor shoes. Then they took us one by one down the corridor to a cold room, where there were already a lot of people, about 40-50 people, wearing khaki military uniforms, with batons and masks like those of the Special Response Unit (only their eyes were visible). They shouted at us in Russian and Kazakh, threatened us, swore at us, and wouldn't let us raise our heads or look around. They hit my head with truncheons for every move. Then one by one they took us to another room.

There were five people in that room: four men and one woman. They were wearing police uniforms, without masks on their faces. I could not make out their ranks. None of these people introduced themselves, nor did they explain to us the reasons for our arrest. One person filmed me on camera. The others were asking questions and recording the answers. I was ordered to stand against a wall, raise my head and answer the questions: "name and surname", "date of birth", "address of residence", "...detained", "where and how I got wounded".

After questioning they took me to another room, like a cell, on the first floor, where two interrogators awaited me. They wore civilian clothes. These people started interrogating me: they beat me with fists and shouted at me, cursing, demanding for me to answer their questions, which I didn't even understand.

They were mixing Russian and Kazakh. They accused me of being at a rally, "helping terrorists", "killing". They hit my head, hit my body, the kidneys, and even kicked me on my wounded leg, right on the bandaged area. I was bleeding from the wound. I had two drainage tubes near the wound. Mocking me, the two of them ripped the bandage off my leg and pulled both tubes out of my body and tore one of the stitches. Blood and some kind of fluid started oozing out of the wound.

I was not allowed to rest, I experienced extreme fear, pain and terror. From time to time I even fainted from the pain. There was blood all over the floor. They made me sign some documents without letting me read their contents. I wrote "I don't agree" on some of them, and they beat me harder for that. This went on all night, until the morning of January 9, 2022.

In the morning of January 9, 2022 we were taken to our cells in groups of 10. I was placed in a cell number 268 on the third floor of Institution "LA-155/18". It was very cold in the cell and I did not have any clothes on, not even underwear. The others were also naked. Only those who were already in the cell were dressed. There were 11 people in the cell. The windows of the cell 268 were broken, even though the temperature outside was below zero degrees. There were iron beds in the cell without mattresses nor blankets. I had to lie naked on the cold floor, along with other naked people. The whole time I was in great pain all over my body, especially my head and the wounded leg.

On January 10, 2022, in the evening, I was lead out of my cell by by guards and an investigator in civilian clothes; he wore a mask on his face.

This investigator took me down the stairs, I think to the basement of Institution "LA-155/18". There was a long dark hallway. I couldn't see the numbers on the doors because they made me put my head down. The people around me wore military masks covering their faces completely. I was led into another cell that had a small window at the top. I knew immediately that this cell was made for torturing. On the wall of the cell hung a saw, scissors and knives. There were mountings on the walls for tying people up. The investigator and two others in khakis (also wearing masks), then proceeded torturing me.

They tied me, naked, to the wall with my legs spread and my arms raised and spread, in an 'X' shape. All three of them took turns beating me with a baton and fists all over my body. The investigator asked me questions and tried to make me admit, that: on January the 6th, 2022 I was at some kind of protest, albeit the fact that I was admitted to the hospital with a gunshot wound on January the 5th. I was beaten and demanded to sign some papers, but was not allowed to see the documents. When they untied my hands I wrote "I do not agree", and so, they kept beating me. From time to time I fainted from pain. Then they poured cold water on my face and I came to my senses. I screamed in pain and asked them to stop. But they kept on going. This went on for about two hours. Then they brought me back, naked, to my cell.

Only on January 14, 2022, I was told where I was - in Institution "LA-155/18". I was brought in for interrogation into a room. There, a young investigator asked me another series of questions in Kazakh, informed me that there would be a closed trial and that I was accused of committing a crime under Article 272 (part 2) of the Criminal Code of the Republic of Kazakhstan. On the afternoon of January 14, the court was held in the same place in "Institution LA-155/18". Fifteen minutes before the trial, I was provided with a lawyer, Ulan Shalayev. He didn't consult me, we didn't have any opportunity to talk one on one as a lawyer and the defendant. He only told me that the court would put everyone in custody. There were many other detainees, many without clothes. We were beaten if anyone tried to talk. We were taken to court by two. I was in court without clothes and barefoot, only in my underpants that someone gave me

in my cell. My wound was also without a bandage. I found some cloth in the cell and wrapped it around my leg so it wouldn't bleed.

The trial went as follows: the judge, the female secretary, the prosecutor, and lawyer Shalaev. They all saw that I was without clothes, barefoot, beaten, that I had a dirty bloody rag on my leg, that I was jumping on one leg, could not walk on my own, and was in pain, but no one said anything about it. The other prisoners looked as bad as I did. Some were lying down and were being carried to court on stretchers.

The trial, which took only 3 - 4 minutes gave me a measure of restraint in the form of detention for 2 months. During the trial I told the judge that I wasn't even at the rally, but no one listened to me and they didn't let me explain anything. I was given some papers to sign, but was not given the opportunity to read them. The lawyer didn't give any advice and was there just for the sake of formality.

Every day from 10th of January until 20th of January 2022 a group of masked individuals in khakis, with truncheons, came to the cell where I was held and beat all of the detainees. These beatings lasted from 15 minutes to an hour. Those people would try to hit me on the wound and on the head. As a result I suffer from dizziness and headaches.

I was at the "Institution LA-155/18" from January 8th to January 25th. I was kept in a cell with others, wounded, just like me. I was held first in a cell number 268, then in the cells 262, 258, 259 and another one, the number of which I cannot remember now. Since I was naked, other inmates shared their clothes with me. Neither the administration nor the investigators, who saw that I was naked, provided me with clothes.

Despite my injury, the administration of the "Institution LA-155/18" did not provide me with any medical care. The first time my dirty and wet from blood rag that I tied on the wound myself was replaced about a week after I'd been detained.

Around January 17, I was taken to a medical room where a paramedic had my stitches removed and the bandage replaced. They only replaced the soiled old bandage just before I was released, on January the 25th. I was not given any antibiotics nor painkillers, although my wound hurt profoundly, all the time, I was also in pain all over my body from all the torture in the basement and the beatings. I was only given a tablet of antipyretic a few times when I asked for painkillers. The antipyretic did not provide any relief from the pain.

On January 25th, in the morning they changed my measure of restraint from arrest to written agreement not to leave the place. In the afternoon seven of us were released. I know that eleven people altogether were released that day. On my way out, the prosecutor named Azamat threatened me not to say anything about the torture and the beatings if I didn't want to be arrested again. However, the only document that I was given was paper #166189 RGU LA-155/18 of January 25, 2022. This document falsely states that I was in custody from January 11, 2022 to January 25, 2022, although I have been in custody since I was forcibly taken from the hospital on January 08, 2022.

At the same time the fabricated criminal case against me was not closed, and the perpetrators for violating my rights were not punished. I was not at the protest, but at work, I was wounded by unknown people, and I was kidnapped from the hospital after surgery and tortured. In fact I was tortured and beaten, while being deprived of the medical care I needed after being wounded.

As a result of beatings I had numerous bruises on my body, internal organs were damaged, I suffered brain concussion, my right leg can not move, I can not lean on it. Now I feel very bad, I can't move, I am constantly lying down, my temperature is high, I feel pain in my leg. Moreover, I feel crushed and humiliated after being abused by law enforcement officers. After my release I cannot get qualified medical assistance, as doctors are afraid to accept and treat me.

I consider the above described actions of the investigators, prosecutors and employees of "Institution LA-155/18" as torture, which were applied to me in order to cause physical and mental suffering in order to obtain from me a confession of committing a crime that I did not commit, as well as to intimidate me and make me incriminate myself, instead of investigating who exactly shot me without warning.

The torture and cruel treatment inflicted on me in the form of failure to provide me with medical care violates my fundamental rights enshrined in the Constitution of the Republic of Kazakhstan, namely Article 17 - "no one shall be subjected to torture, violence, other cruel or degrading treatment or punishment, and Article 29 - everyone has the right to health protection and medical care".

Also, according to part 5 of Article 14 of the Criminal Procedure Code of the Republic of Kazakhstan "no one involved in criminal proceedings may be subjected to torture and other cruel, inhuman or degrading treatment or punishment".

Torture inflicted on me is a criminal offense under Article 146 of the Criminal Code of the Republic of Kazakhstan and entails the criminal responsibility of the persons who committed torture, instigators, as well as the persons with whose knowledge or acquiescence torture was committed: police officers (including members of the investigation team), prosecutors, the head of the RGU "Institution LA-155/18" DUIS in Almaty A.S. Dzhumadiev and employees of the same institution.

Based on the abovementioned, in accordance with the Criminal Procedure Code, the Law of the Republic of Kazakhstan "On Prosecutor's Office", the order of the Prosecutor General of the Republic of Kazakhstan dated December 30, 2020 # 165 "On approval of the Instruction on the organization of supervision of the legality of criminal prosecution," I ask to immediately take prosecutorial response and immediately register the present complaint of torture in the Unified Register of pre-trial investigations and bring police officers (including members of the investigation team), prosecutors, chief officer of the Republican State Institution "LA 155/18"

at the Department of Criminal Executive System in Almaty city, A.S. Dzhumadiev and employees of the same institution to criminal liability under Article 146 of the Criminal Code of the Republic of Kazakhstan for torture of suspect A.A. Kiysymbaev.

Kisymbaev A. A.

06 February 2022