

Complaint about torture and ill-treatment

I am ADILBEKULY Sayat. I am writing to report that I was subjected to horrific torture during the period from 8 January to 12 January, 2022.

On 5 January at about 04.00 pm I was walking down Nazarbayev Avenue towards the Central Pharmacy in Almaty trying to find medicine for my daughter. I had a prescription for the medicine with me.

At that moment I was shot in the right lumbar region which caused me severe pain and I felt dizzy. It turned out that, according to my hospital discharge paper from the Hospital #7, the bullet had hit my rib and a part of my rib had damaged my internal organs (it had ruptured my right kidney). I still don't know who shot me.

After that, I walked a few hundred meters away from the place where I was shot and made it to a bus stop where one woman helped me catch a taxi. At about 06.00 p.m. when I came home, my mother and my brother saw my condition and started rendering the first medical aid to me, and my wife called the ambulance. The ambulance took me to the Hospital #7. There, on the same day, 5 January, I underwent emergency surgery to save my kidney. I had suffered a major trauma. I was supposed to stay in the hospital for at least 30 days for treatment and recovery. Two drainage catheters were placed in my body.

Being in a serious condition, I had stayed in the hospital until 8 January, 2022. On 8 January, 2022 at about 11.00 am, a group of 6 masked SOBR (Special Rapid Response Unit) officers, dressed in black clothes and armed with handguns and machine guns, arrived at the hospital. Being naked and recovering from the surgery and blood loss, I was lying in bed. Without introducing themselves, the masked SOBR officers started shouting at me, asking where my phone was, and beating me all over my body and on my head at the same time; and without explaining why they were arresting me and where they were taking me, and without giving me a chance to get dressed, they ordered me to get out of the ward and stand against the wall in the corridor (I was literally naked). They beat me all over my body and on my head every time I tried to ask questions, and then, they made me bend over like the flipped letter "L". They ignored my screaming and my begging when I was trying to explain that I couldn't bend over because of the surgery and 2 drainage catheters sticking out of my body. They just kept on beating me on the back of my head and on my chest. Having ignored all my words, they forcibly took me outside and threw me and other seriously ill patients (nearly 30 people) to the cold asphalt.

We had lain face down on the asphalt for about 20 minutes. The SOBR officers didn't let us turn our heads and if we did so, they immediately shouted at us and beat us on the heads. I was too cold, hurt and horrified not understanding what was going on. Then, they packed us (nearly 18 people, including 2 females) into a cell measuring 1.5 by 1.5 meters inside the prisoner transportation vehicle and took us in an unknown direction. The cell was too small; we literally lay on top of each other. We were beaten with a truncheon and rifle butts on the heads if we asked questions or even moaned loudly in unbearable pain. There were 4-5 SOBR officers with us in the prisoner transportation vehicle; I'm not able to describe them as they forced us to sit still with our heads down and keep our heads against the wall with our eyes closed. They beat us for disobeying them. They had driven us around for 3-4 hours until they brought us to an unknown place which later turned out to be the pre-trial detention facility "LA155/18" (commonly referred to as SI-18). By taking me away from the hospital, they had deprived

me of medical treatment I needed after being wounded and put me at risk of being infected. They had also violated my rights!

On 8 January, evening, while beating us and greeting us with the words: "Welcome, motherf*ckers!", SOBR officers took us out of the prisoner transportation vehicles and forced us to line up against the wall outside the building of the pre-trial detention facility 155/18. There were too many people, around 40-50; all of them were wearing full coverage face masks. I tried to raise my head to look around, but I got immediately hit with a truncheon on my head and heard them yell "Put your head down, motherf*cker!".

Then, they took us inside the building, and in the corridor, they forced us to undress completely although most of us were naked, including me; they forced those, who were wearing shoes, to remove their shoelaces, after which they forced us to walk fast with our heads down further into the building. And those, who couldn't walk, were beaten and kicked and forced to move however they could – some of them were crawling, some of them were jumping on one leg, and some of them were being dragged all the way down the corridor. Half the corridor was covered with blood and various yellow-colored liquids. Then, they forced us to stand in a row against the wall in the corridor, and started taking us one by one into a room where 5 people were sitting inside (4 males and 1 female). With no masks on their faces, they were wearing police uniforms showing their ranks. They didn't introduce themselves nor did they explain why we were detained in such a violent way. One of them was filming me, three of them were writing something down, and one woman with the rank of police captain was asking me questions. I was ordered to stand against the wall, raise my head and answer the following questions clearly: "What's your name and surname?", "What's your year of birth?", "What's your address?", "Where and how were you wounded?".

After that, I was taken back into the corridor where I was forced to stand with my head down for almost an hour. Then, they wrote our surnames down in a log, and took us to cell #259 covered with 1.5 cm-thick dust and dirt on the floor. It became clear that the cell hadn't been long used. In the room there was a sink with only cold water coming out of the tap because they had intentionally shut off the hot water supply to the tap. They didn't give us drinking water, so we had to drink cold water right from the tap! Later, 3 people dressed in black police uniforms entered the room, and by saying "We'll kill anyone who attempts to sit down or lie on the bed" they ordered us, being naked, to get down and lie with our noses on the floor. There were 10 beds in the cell. Then, after about an hour, by saying "Whoever sits down or lies down or even leans on the bed or the wall, will regret it" they forced us to stand in the cell, including those who were wounded in the legs and couldn't stand at all. We had stood there until the next morning. Neither of us slept that night. I was suffering from severe pain not only in my wound and the catheter-inserted areas, but also in my entire body. It was too cold, and I was still naked and barefoot.

Whenever they took us out of the cell for either interrogation or upon other requests of the staff, SI-18 employees, being blatantly disgusted by us, forced those who could walk more or less well to carry seriously ill detainees back and forth. According to my 3rd degree visual impairment I'm absolutely prohibited from lifting heavy objects and doing intense physical activities; this is confirmed by my medical files dated 6 December 2012 from the Kazakh Scientific-research Institute of Eye Diseases. On 9 January 6 severely beaten people with lots of bruises were brought into our cell. Now there were 12 people in the cell, yet we had only 10 beds in there. After we met these people, they told us that they had been detained and locked in a container for 2 days by people in civilian clothes with white arm bands, and then, they had been brought to SI-18 by SOBR officers. These people were all wearing clothes and shoes, and when they saw us being naked and half-naked, they shared their clothes with

us. The staff and security guards of the SI-18 hadn't provided any clothes to us. After a while, some people wearing police uniforms and masks came to our cell and beat us from time to time. If someone asked why they were beating us, they beat him even more by yelling back "All you, motherf*ckers, can do is decapitate police cadets. Are you so bold now?"

After that, we started to be taken for interrogation one by one, and I was brought into a room on the 3rd floor. A man in a black uniform started interrogating me. He was wearing a glove on one hand and holding a truncheon in the other one, and also, there was another person who was short and came to the room from time to time and said: "Why are you listening to him? All he is saying is bullshit." They asked me the following questions: "Where were you on 5 January?", "Where exactly were you wounded?", "Who shot you?" and so on. Then, they brought my phone in and started checking its contents. Having checked my phone, they brought me back into the cell. They hadn't given me an interrogation report, and I hadn't signed anything. 10 January passed in the same way as the previous day: people in police uniforms continued to beat us and take us for interrogation from time to time, including me. Some detainees were brought back into the cell, and some weren't. We were fed once a day, sometimes it was twice.

On 11 January, night, I was taken for interrogation again, but this time a short, slim build (approximately 30-35 y.o.) person in civilian clothes, who introduced himself as an investigator, started interrogating me while writing everything down on a sheet of paper with a pen.

He asked me follow-up questions like this one: "What was the plate number of the taxi you took?". And when I replied: "How could I possibly remember such details in such a situation like mine when I didn't even look at plate numbers?", he got angry and threatened me with physical harm by saying: "I'll knock you down if you don't answer my questions clearly!" At the end, without giving me a chance to read what was written, he ordered me to sign an interrogation report by writing the following words: "I confirm that I have read the document and written everything in my own words". I objected to this explaining that I hadn't read and reviewed the content, to which he answered threatening me: "Sign this now, son of a b*tch! Do you know how many more motherf*ckers like you I still have got here!" Fearing that I would be beaten again, I signed the interrogation report. I was in poor physical health; I was having a fever and experiencing constant pain. For all this time the investigation team hadn't provided a lawyer to me. On 12 January I was transferred to cell #263. I had been illegally held for 4 days, January 8 to 12. At night I was taken up to the 2nd floor and placed in front of a person sitting at a computer. He asked me a few questions, handed me a paper that just came out from the printer and had a heading which said "The detention report". He ordered me to put my signature next to every checkmark in it. I tried to review the detention report, but this person didn't let me do it, and harshly forced me to sign it fast. Fearing that I would be beaten again, I had to sign the document that I wasn't allowed to read.

Then, a man in civilian clothes entered the room and introduced himself as my lawyer provided by the state. I was feeling confused and intimidated, and I wasn't feeling well because I had hardly slept due to the daily beatings and night interrogations ever since I was forcibly taken from the hospital on 8 January. On 14 January, 2022 a group of people in khaki uniforms and a person in a police uniform entered cell #263. The man in the police uniform said: "Today there will be a trial in the presence of a prosecutorial commission. Don't you even try to mention who beat you or tortured you at the trial. Remember one thing, the trial will end, the commission will go, but we will stay." Then, a group of people in civilian clothes came in and introduced themselves as medical examiners. They examined everyone and required us to undress completely. Some of us were photographed by them with their phone, and some of us were just registered on a paper, including me. After that, the trial started, and

it was held in the same pre-trial detention facility but on the ground floor. We were taken to the trial in pairs.

The trial was held with the following composition: the judge, the female secretary, the young male prosecutor and lawyer Yusupov. It lasted for about 10 min, and a preventive measure in the form of a 2 months detention in the SI-18 was taken against me. Based on the definition of the offence, on 6 January at about 04.00 pm I allegedly arrived at the intersection of Nazarbayev Avenue and Gogol Street in Almaty, after which I allegedly looted, destroyed and defaced another's property, and committed a series of arson and looted the city. Yet, I was in the intensive care unit in the Hospital #7 during that day and that time. This was confirmed by my hospital discharge paper from the Hospital #7. Ignoring all these circumstances the judge ordered to place me under a 2 months detention. I wasn't provided with proper medical treatment, and I was bandaged every other day, sometimes it was every third day although I complained to security guards standing near the cell and employees in white gowns coming by the cell occasionally about my worsening condition and constant sharp pain.

On 17 January a group of people in white gowns, who introduced themselves as doctors from public health center #4, entered our cell, and, having visually examined us, they concluded that there were 3 categories among us: those who were seriously ill, those who were moderately ill, and those who were just fine to recover on their own.

My catheter was removed right in the cell by pulling it out of my body without anesthesia or painkillers in unhygienic conditions. The hole from the catheter was not stitched, it remained open and was bleeding. It was just bandaged. Yet, the catheter was supposed to be removed only on the 5th day after the surgery, on 10 January! But, in fact, it was removed after 12 days, on 17 January!

As a result of the beatings and detention without proper medical treatment after the surgery, my wound has got infected, and it's festering now. These days I'm staying in bed all the time, I'm unable to sit for long due to the pain in my lower back, and I still have a fever. Moreover, I feel devastated and humiliated after being subjected to ill-treatment by the policemen. Now I need not only medical treatment, but also psychological assistance.

The numerous beatings on my head with the use of a truncheon and other items have resulted in the worsening of my vision as any kind of head concussions are dangerous to me. Overall, I remained under detention in the pre-trial detention facility LA 155/18 January 8 to 25, 2022.

Despite my wound and trauma, I didn't receive any medical treatment while being in the SI-18. I was just given a few antipyretic pills (paracetamol). During the whole time that I remained in the SI-18 I wasn't examined with any medical equipment (X-ray and ultrasound machines), and I wasn't provided with any antibiotics, painkillers and antiseptics for my wound.

I regard the above-mentioned actions of the policemen as acts of torture which were inflicted on me to cause me physical and mental suffering in order to beat a confession out of me for the crime I haven't committed and to intimidate me and punish me for allegedly taking part in mass disorders with looting, arson, and violence against policemen and militaries involved. These acts of torture and ill-treatment (inflicted in the form of denying me access to medical treatment) that I was subjected to, have violated my fundamental rights established by the Constitution of the Republic of Kazakhstan (namely Article 17- "No one should be subjected to torture, violence, abusive or other treatment and punishment degrading human dignity." and Article 29- "Citizens of the Republic of Kazakhstan shall have the right to protection of health."). My rights have also been violated according to Article 14, part 5 of the Criminal Procedure Code of Kazakhstan which states that "none of the participants in the criminal

proceedings shall be subjected to torture and other cruel, inhuman or degrading treatment or punishment."

The acts of torture that I was subjected to are considered as criminal offences according to Article 146 of the Criminal Code of the Republic of Kazakhstan which states that "individuals who have intentionally inflicted physical and (or) mental suffering on the person as well as individuals with whose incitement or with whose consent or acquiescence the person has been subjected to torture shall incur criminal liability." The individuals who shall incur criminal liability according to paragraph 15-1 of the Regulatory Resolution of the Supreme Court of Kazakhstan ("the application of criminal law and criminal procedures regarding personal freedom and the inviolability of human dignity, the prevention of torture, violence, abusive or other treatment and punishment degrading human dignity") include the following people: the investigators of the investigation team #227 5000 31 000019, the prosecutor of Almaty BEKITAYEV G.M., deputy prosecutor of Almaty AUGANBAYEV N.Z., head of the pre-trial detention facility LA-155/18 DZHUMADIYEV A.S. and the SI-18 employees who have been using torture and beatings against detainees and have created intolerable conditions in the pre-trial detention facility LA 155/18, as well as the law-enforcement officers who have taken part in the beatings and/or haven't stopped them with their acquiescence.

"Acquiescence, as specified in Article 146 part 1 of the CC of Kazakhstan, is an action (or omission) taken by a person in the form of the consent with the infliction of torture to achieve the goals stipulated by the disposition of the Article 146 p. 1 of the CC of Kazakhstan, and the silent encouragement of torture and ill-treatment against a person (through nodding, gesturing, and so on), as well as the provision of illegal access for third parties to a person subjected to torture and ill-treatment."

Based on the above-mentioned and in accordance with the Criminal Procedure Code, and the Law "About the Prosecutor's Office", as well as the Order #165 of the Prosecutor General dated 30 December, 2020 ("On approval of the instruction on the organization of prosecutor's supervision over the legality of criminal proceedings"), I request you to take immediate prosecutorial actions and register this complaint in the Unified Register of pre-trial investigations as well as pursue criminal proceedings against the following individuals for inflicting torture on suspect ADILBEKULY S. according to Article 146 of the Criminal Code of the Republic of Kazakhstan: the investigators of the investigation team #227 5000 31 000019, prosecutor of Almaty BEKITAYEV G.M., deputy prosecutor of Almaty AUGANBAYEV N.Z., head of the pre-trial facility LA-155/18 DZHUMADIYEV A.S., the MIA (the Ministry of Internal Affairs) and NSC (the National Security Committee) officers and the employees of pre-trial facility LA-155/18 who have been using torture and beatings against detainees and have created intolerable conditions in the pre-trial detention facility LA 155/18, as well as the law-enforcement officers who have taken part in the beatings and/or haven't stopped them.

Adilbekuly Sayat

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