



Warsaw, 14 December 2018

## THE UNITED NATIONS DEMANDED THE IMMEDIATE RELEASE OF ISKANDER YERIMBETOV

**The UN Working Group on Arbitrary Detention has considered information about violations during the criminal prosecution of Iskander Yerimbetov. The UN concluded that Yerimbetov's detention and arrest were arbitrary, and that criminal prosecution and trial were accompanied by gross violations. Kazakhstan submitted its candidacy for membership in the UN Human Rights Council, although the Kazakhstani authorities fail to comply with most of the decisions of the UN treaty bodies.**

Opinion No. 67/2018 on Iskander Yerimbetov's case was adopted on 20 November 2018, at the 83rd session of the UN Working Group on Arbitrary Detention. The complaint was filed by Jared Gancer, Yerimbetov's lawyer.

During the consideration of the case, the UN Working Group provided the Kazakh authorities with an opportunity to refute the arguments of Iskander Yerimbetov's defence and to express their position on the case.

Having considered the parties' arguments, the UN Working Group on Arbitrary Detention came to the following conclusions:

- Depriving Iskander Yerimbetov of freedom contradicts Articles 3, 9 and 10 of the Universal Declaration of Human Rights, as well as Articles 9 and 14 of the International Covenant on Civil and Political Rights. The detention and arrest were arbitrary, and the right to a fair trial was not ensured.
- Iskander Yerimbetov must be released and entitled to compensation under international law.
- The Working Group calls upon the Kazakhstani authorities to conduct a full and independent investigation into the circumstances of Iskander Yerimbetov's arbitrary deprivation of liberty and to take appropriate action against those responsible for the violation of his rights.
- In accordance with the existing procedure, Iskander Yerimbetov's case is now forwarded to the UN Special Rapporteur on Torture for consideration.

The full text of the decision of the UN Working Group can be found [here](#).

According to the statement of Aibek Smadyarov, a representative of the Kazakhstani Foreign Ministry, Kazakhstan submitted its candidacy for membership in the UN Human Rights Council. Earlier, in 2013-2015, Kazakhstan was already a member of the Council<sup>1</sup>.

It should be noted that **in most cases, Kazakhstan fails to comply with the decisions of the UN treaty bodies** – the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, as well as the UN Working Group on Arbitrary Detention.

<sup>1</sup> [https://tengrinews.kz/world\\_news/kazakhstan-planiruet-stat-chlenom-soveta-pravam-cheloveka-oon-359361/?fbclid=IwAR3Fs05wCpvCGK30PANRvJqSwmA1u-Q0m4836awWceKsKTyeqhdYz-l6LGY](https://tengrinews.kz/world_news/kazakhstan-planiruet-stat-chlenom-soveta-pravam-cheloveka-oon-359361/?fbclid=IwAR3Fs05wCpvCGK30PANRvJqSwmA1u-Q0m4836awWceKsKTyeqhdYz-l6LGY)

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UN bodies have adopted at least 26 decisions in which they acknowledged violations by the Kazakhstani authorities. 19 of them were not implemented.

Illustrative are the examples of political prisoners Maks Bokayev and Mukhtar Dzhakishev<sup>2</sup>. In April 2017, the UN Working Group on Arbitrary Detention demanded Bokayev's release<sup>3</sup>. In December 2015, the UN Human Rights Committee demanded that the sentence against Dzhakishev be reversed and that he be released<sup>4</sup>. However, Kazakhstan has not yet fulfilled these requirements.

**Iskander Yerimbetov** is a Kazakh businessman, brother of human rights activist and lawyer Botagoz Jardemalie. In October 2018, a high-profile political process involving Iskander Yerimbetov and his business colleagues Mikhail Zorov, Dmitry Pestov and Vasilina Sokolenko ended in Kazakhstan. All defendants were found guilty of “fraud”. According to the prosecution, the private joint-stock company Sky Service, in which Yerimbetov invested, allegedly “unreasonably” overestimated the tariffs for the services offered.

The trial of Yerimbetov's case took place with an accusatory bias and violation of the right of the defendants' right to defence. The court was not objective and independent, and the conviction was predetermined. The testimony of witnesses and the “injured party” at the trial indicated the groundlessness and even absurdity of the charges.

Independent human rights defenders and observers note that during the pre-trial investigation, Iskander Yerimbetov was subjected to torture and ill-treatment, but the Kazakhstani authorities did not conduct an objective and independent investigation in this regard<sup>5</sup>.

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<sup>2</sup> <https://ru.odfoundation.eu/a/8422,spisok-kazahstanskih-politzyklyuchennyh-i-lic-stolknuvshih-sya-s-politicheski-motivirovannym-presledovaniem-so-storony-kazahstana>

<sup>3</sup> [https://www.ohchr.org/documents/issues/detention/opinions/session78/a\\_hrc\\_wgad\\_2017\\_16.pdf](https://www.ohchr.org/documents/issues/detention/opinions/session78/a_hrc_wgad_2017_16.pdf)

<sup>4</sup> [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f115%2fd%2f2304%2f2013&Lang=en)

<sup>5</sup> <https://ru.odfoundation.eu/a/9028,delo-iskandera-erimbetova-sudebnyy-process-nad-zalozhnikom-kazahstanskogo-rezhima>