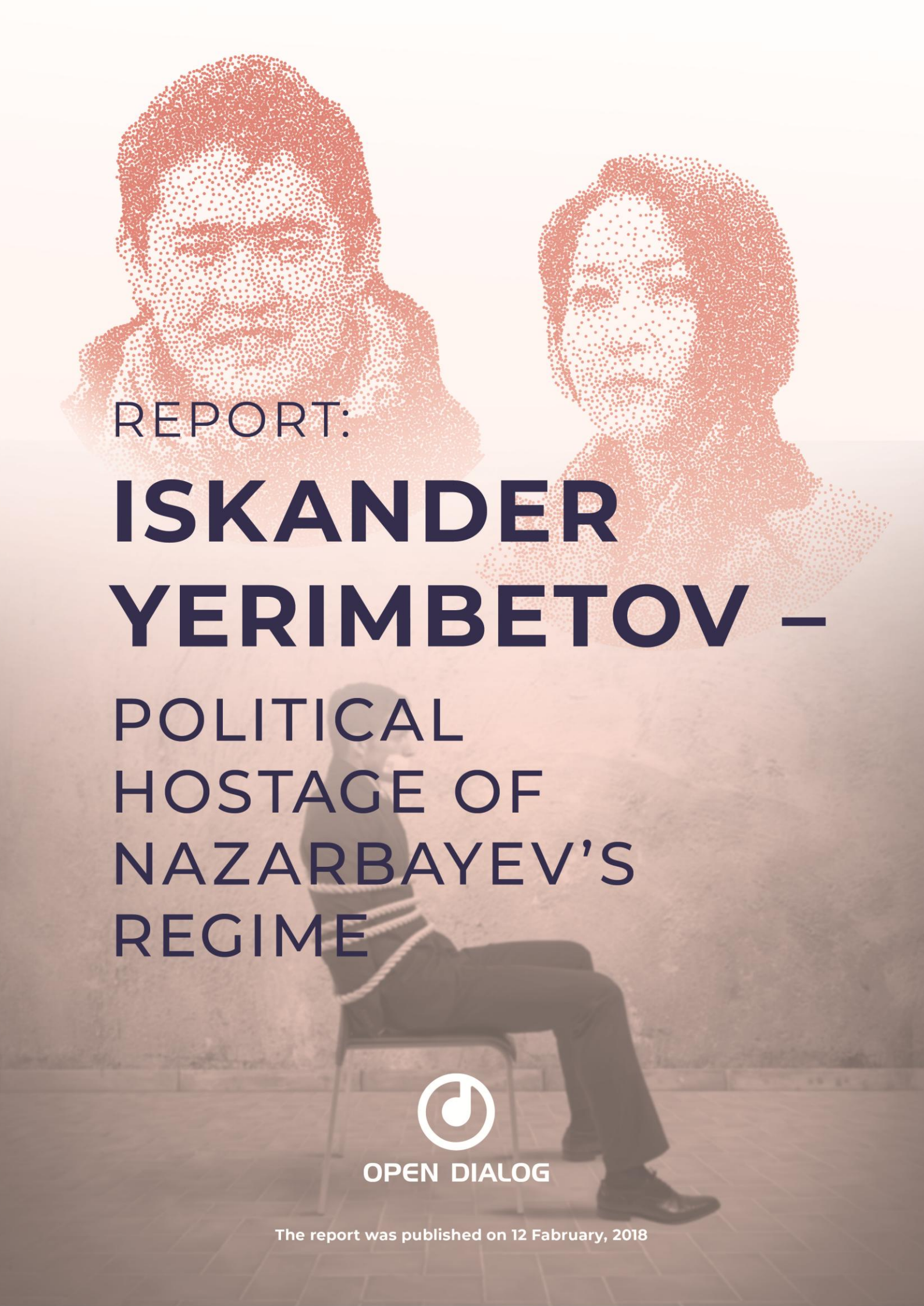

REPORT:

ISKANDER YERIMBETOV – POLITICAL HOSTAGE OF NAZARBAYEV'S REGIME

OPEN DIALOG

The report was published on 12 February, 2018

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00-580 Warsaw

Aleja Szucha 11a, office 21

Tel. +48 22 307 11 22

E-mail: odfoundation@odfoundation.eu

en.odfoundation.eu

For more detailed information, please contact us:

Project Manager:

Lyudmyla Kozlovska lyudmylakozlovska@odfoundation.eu

Authors:

Andriy Osavoliyk andriy.osavoliyk@odfoundation.eu

Lyudmyla Kozlovska lyudmylakozlovska@odfoundation.eu

Editing: Lyudmyla Kozlovska, Igor Savchenko

Design of cover photo: Mykhailo Fedyshak

Source of photos used in the cover design: facebook.com

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1. INTRODUCTION

Businessman Iskander Yerimbetov has become another victim of the criminal case against the Kazakhstani opposition politician Mukhtar Ablyazov. Yerimbetov is the brother of Botagoz Jardemalie, Ablyazov's lawyer, who has been granted political asylum in Belgium. Yerimbetov is suspected of 'money laundering' and 'embezzlement of state budget funds', although he has only ever worked in private business.

The facts indicate that the authorities of Kazakhstan are prosecuting Yerimbetov in order to exert pressure on Jardemalie. Yerimbetov's mother reported that employees of the National Security Committee demand that Yerimbetov 'persuade' his sister to return to Kazakhstan and give false testimony against Ablyazov. Yerimbetov is being forced to 'cooperate with the investigation bodies' and 'admit his guilt'.

For more than two months, Iskander Yerimbetov's defender has claimed that her client has continually been subjected to torture in the detention facility. Law enforcement agencies have failed to conduct an objective investigation into the alleged incidents of torture. It has become known that the complaint of torture was considered by Investigator Erik Valiyev who is running the criminal case against Yerimbetov. The authorities claim that the wounds on Yerimbetov's body appeared as a result of a 'domestic accident' – he allegedly hit himself against the bedside table and the bed".

It was only on 1 February 2018 that independent human rights activists were permitted to visit Iskander Yerimbetov in the pre-trial detention centre for the first time. The monitoring group noted that the arrestee was in a poor mental state and looked ill. According to independent human rights activists, Yerimbetov gave a confirmation of the reports about the use of torture.

There is reason to believe that the special services of Kazakhstan are shadowing the relatives and defenders of Iskander Yerimbetov. An attempt was made to kidnap Botagoz Jardemalie from the territory of an EU state (Belgium).

The circle of people affected by the authorities' hunt for the opposition politician Mukhtar Ablyazov continues to grow. Even relatives of his former colleagues and their business partners are facing politically motivated criminal prosecutions.

2. ISKANDER YERIMBETOV FACED CRIMINAL CHARGES OF 'MONEY LAUNDERING' WITHIN THE FRAMEWORK OF THE CASE AGAINST ABLYAZOV

Iskander Yerimbetov is a major Kazakhstani businessman. He is the founder of a helicopter transport company, as well as one of the heads of the Karaganda confectionery factory. Yerimbetov resided permanently in Kazakhstan. According to Jardemalie, Yerimbetov did not maintain contact with her, as 'he did not want to have anything to do with politics'. Botagoz Jardemalie emphasised that her brother never had any relationship with Ablyazov or BTA Bank, and he never worked in state bodies.

On 13 November 2017, Yerimbetov was detained in Almaty, and on 15 November 2017 he was arrested. Recently, the court extended the arrest until 13 March 2018.

On 13 November 2017, **Dmitriy Pestov**, **Vasilina Sokolenko** and **Mikhail Zorov**, three chief executives of companies established by Iskander Yerimbetov, were detained. According to the available information, they have been subjected to pressure with the aim of coercing them to give testimony against Iskander and his father, Mirzakhan Yerimbetov, who may also become involved in the criminal case.

The investigation is conducted by Kazakhstan's National Bureau of Anti-Corruption (Anti-Corruption Service). According to the ministry, Yerimbetov is suspected of committing two crimes – 'money

laundering' (Article 193, section 3 of the CC), and 'embezzlement' (Article 189 of the Criminal Code).[1] At the same time, the arrest of Yerimbetov was sanctioned solely on the basis of charges of 'money laundering'. The investigative bodies claim that, in 2005, Ablyazov and Jardemalie 'engaged' Yerimbetov in the activities of a 'criminal group'. Yerimbetov is accused of being the head of Kazakhstani companies who allegedly received money from 'offshore companies controlled by Ablyazov'. Yerimbetov was accused of 'money laundering' in the amount of USD 5.4 million. As indicated in the indictment, in 2013, he purchased the Karaganda confectionery factory for this amount. According to the indictment, Yerimbetov carried out business activities for 'Ablyazov's money', 'embezzled from BTA Bank'.

The accusations of 'embezzlement' may be used as additional levers of influence on Yerimbetov and his relatives. Botagoz Jardemalie assumes that new accusations of committing financial crimes will be brought against her brother (for example, in 'non-payment of taxes') in order to deteriorate his situation.[2]

It is noteworthy that, according to investigators, Yerimbetov 'received money from Ablyazov', in particular, in **2005** and **2013**. But the judgement against Ablyazov was only handed down by the Kazakhstani court in June 2017. And so, in fact, the retroactive force of the law has been applied in relation to Yerimbetov.

3. EXERTING TORTURE ON ISKANDER YERIMBETOV AS A METHOD OF OBTAINING FALSE TESTIMONIES AGAINST ABLYAZOV

Yerimbetov is being held in the detention facility SIZO-1 (GU LA-155/1) in the city of Almaty. On 22 November 2017, the counsel managed to visit Yerimbetov for the first time, and she described his condition as follows: ***"He was seriously ill, pale, terribly depressed, intimidated; he fainted repeatedly, his speech was incoherent, he could not talk at all, he cried. He also asked for water. It was clear that he was hungry".*** The counsel reported that, in response to her questioning, Yerimbetov *"initially stated that he had been transferred from the detention facility, but later he recanted his statement"* .[3]

Gayni Yerimbetova, Iskander's mother and public defender, reported more details about the use of torture against Iskander. According to her, in the period from 14 November 2017 to 5 December 2017, Iskander was interrogated several times without the presence of a lawyer in the cellar of the pre-trial detention centre. Employees of the National Security Committee (NSC), who conducted the interrogation, failed to introduce themselves. Each time, the interrogations lasted for several hours. They demanded that Yerimbetov 'confess that he took money from Ablyazov'. He was also ordered to persuade his sister, who had carried out legal defence of numerous refugees and victims of political persecution of the Nazarbayev regime, to return to Kazakhstan and give false testimony against Ablyazov. If she did so, then, according to the NSC officers, the case of 'money laundering' would be closed. In the case of refusal, Yerimbetov was threatened with the arrest of his father and his 20-year-old son.[4]

For seven days, i.e. from 29 November 2017 to 5 December 2017, Yerimbetov was held in a punishment cell for alleged violation of the rules. Subsequently, he was transferred to a cell where convicts were held, which is a direct violation of Art. 32 of the Law of the RK 'On the procedure and conditions of detention of persons in special institutions'.[5]

[1] http://anticorruption.gov.kz/rus/infocentr/obsh_znachimye_rassledovaniya/?rid=576&cid=0
[2] https://www.facebook.com/bota.jardemalie.1/posts/161307451321827?pnref=story
[3] https://bureau.kz/novosti/sobstvennaya_informaciya/ty_vechnosti_zalojnik_u_vremeni_v_plenu/
[4] https://www.facebook.com/permalink.php?story_fbid=322376268254587&id=100014466496600
[5] https://online.zakon.kz/Document/?doc_id=1012660#pos=0;0

Yerimbetov's mother stated that her son's cellmates demanded from him that he cooperate with the NSC and from 6 December 2017 to 12 December, 2017, **they repeatedly beat him, including with a wooden stick, given to them by a guard of the detention facility**. The cellmates strangled Iskander with a rope, prevented him from sleeping, took his food and threatened him with rape. They demanded a ransom of 200,000 dollars. The battery by the cellmates stopped only after Yerimbetov's parents succeeded in publicising the issue and were able to obtain the status of public defenders. The convicts were transferred to another cell.[6]

On 11 January 2018, following a meeting with her son, Yerimbetov's mother stated on her Facebook page that **new traces of torture appeared on his body**: haematomas, swelling and cuts on his face. Yerimbetov explained that he had 'fallen off the bed'.[7] The day before, on 10 January 2018, Yerimbetov's defenders took part in a press conference, where, among other things, they talked about the use of torture against him.

On 13 January 2018, an investigator of the Anti-Corruption Service, Erik Valiyev summoned Iskander Yerimbetov's counsel and parents to attend his interrogation. The interrogation pertained to the reports of Iskander's parents about the use of torture against him.[8] It can be concluded that **the complaints about torture in relation to Iskander Yerimbetov are subject for consideration by the Anti-Corruption Service, i.e., the very body that is investigating the criminal case against him.** According to the international practice and legislation of Kazakhstan, such cases may indicate that investigations into the incidents of torture are biased.

According to Gayni Yerimbetova, she filed a complaint against the use of torture with the prosecutor's office. It was only after the case of Iskander Yerimbetov was widely publicised in Kazakhstan and beyond that the office of the Kazakhstani ombudsman announced that the prosecutor's office in Almaty initiated a pre-trial investigation with regard to the complaint.[9]

The authorities' mad attempts to refute the allegations of torture with the help of loyal media. On 12 January 2018, the media loyal to the authorities were invited to the interrogation of Iskander Yerimbetov carried out in response to the allegations of torture. The video of the interrogation was published despite the fact that **Yerimbetov refused to communicate with journalists** and covered his face with his hands.[10,11] The video footage was recorded in the office of investigator Erik Valiyev.[12] Neither Yerimbetov's counsel nor public defenders had been informed about the interrogation.[13] As Yerimbetov was covering his face, red spots could be seen on his hands, which may indicate abrasions caused by torture.

The renowned Kazakhstani publicist Sergey Duvanov, who himself was subjected to politically motivated prosecution and was held in a detention facility for half a year, considers the video of the interrogation of Yermbetov a 'staged performance'. According to Duvanov, if there had been no signs of beatings on Yerimbetov's face, those who had brought Iskander to the journalists would easily have forced him to show his face.[14]

On 13 January 2018, during the investigation activities, Iskander Yerimbetov felt bad and emergency physicians were called. At the time when doctors were rendering medical assistance to Yerimbetov, the investigator began to record the scene on his phone, although Iskander objected. "*When I was lying down and I was being given an injection in the buttock, Valiyev was recording it on his cell phone. This*

[6] https://rus.azattyq.org/a/28968981.html
[7] https://www.facebook.com/photo.php?fbid=322554058236808&set=a.309499152875632.1073741828.100014466496600&type=3
[8] https://www.facebook.com/permalink.php?story_fbid=324490141376533&id=100014466496600
[9] http://www.ombudsman.kz/news/detail.php?ID=3752
[10] https://www.facebook.com/toregozhina/videos/1790932897585954/
[11] https://www.facebook.com/100014466496600/videos/pcb.323917504767130/323917364767144/?type=3&theater
[12] https://rus.azattyq.org/a/delo-iskandera-erimbetova-zayavlenia-o-pytkah/28975759.html
[13] https://rus.azattyq.org/a/delo-iskandera-erimbetova-zayavlenia-o-pytkah/28975759.html
[14] https://www.facebook.com/sergey.duvanov.14/posts/1732412060143466

humiliated me and trampled my human dignity,"[15] - Iskander Yerimbetov stated. **It is possible that the video footage recorded by the investigator may also be used for propaganda purposes. The same investigator had participated in the incident with the journalists who had recorded video footage of Yerimbetov the day before.**

4. ISKANDER YERIMBETOV COMPLAINS THAT HE HASN'T RECEIVED THE NECESSARY MEDICAL CARE AT THE DETENTION FACILITY

During his detention in the pre-trial detention centre, Iskander Yerimbetov has repeatedly complained to medical doctors about pains in the area of the chest and left hypochondrium, headache, dizziness, and general malaise. On 5 February 2018, Counsel Zhanar Balgabayeva filed a request to transfer Iskander to the medical unit due to the deterioration of his health condition. The next day, on 6 February 2018, she received an official response from the Deputy Head of Therapeutic and Preventive Unit of the detention facility. The response confirms that Iskander has filed complaints several times; however, medical examinations, allegedly, did not reveal any serious injuries, and his general condition during the examinations was assessed as 'satisfactory' or 'relatively satisfactory'.

It is particularly noteworthy that, according to the response of Deputy Head for Therapeutic and Preventive Unit in the detention facility, A.M. Madi, on 15 January 2018, Iskander Yerimbetov complained of pains in the area of the chest and left hypochondrium. On 16 January 2018, he was examined by a physician. As a result of the examination, he was diagnosed with a bruise near the left 11^{th} -12^{th} rib. However, three days before, on 13 January 2018, ambulance doctors who were examining Iskander, revealed a bruise elsewhere, namely, in the area of the left 5^{th}– 6^{th} rib. Different conclusions may indicate non-professional nature of the medical examinations. It is also possible that, within a short period of time, Yerimbetov sustained bruises in various places.

On 18 January 2018, Iskander Yerimbetov underwent an X-ray examination of the chest organs. According to the information specified in the response of A.M. Madi, no bruises or injuries have been revealed on his body. On 3 February 2018, he again complained of pain in the area of the left hypochondrium. He was examined by a medical doctor who recommended an ultrasound examination to check the abdominal organs. The examination revealed diffuse changes in the liver parenchyma, chronic cholecystitis, pancreatitis and chronic pyelonephritis.

On 5 February 2018, Iskander Yerimbetov complained to his counsel that for several weeks he had been suffering from severe pain in the area of the left hypochondrium and that doctors 'sometimes examined' him, but were not providing him with the necessary medical care.[16] **It follows that the medical examinations conducted did not help Yerimbetov and he continues to feel pain in the left hypochondrium.** At the same time, the administration of the detention facility claims that he is receiving the necessary treatment and does not need to be hospitalised.

5. INDEPENDENT HUMAN RIGHTS DEFENDERS WERE PERMITTED TO VISIT ISKANDER YERIMBETOV ONLY AFTER THE REQUEST WAS FILED BY A UNITED NATIONS SPECIAL RAPPORTEUR

For more than two months, independent human rights activists could not meet with Iskander Yerimbetov in order to assess his health and conditions of detention in the pre-trial detention centre.

[15] https://www.facebook.com/permalink.php?story_fbid=324490141376533&id=100014466496600
[16] https://www.facebook.com/permalink.php?story_fbid=334198783739002&id=100014466496600

Only observers loyal to the authorities, whose conclusions cannot be considered objective, were allowed to visit Iskander.

Independent human rights activist Tatiana Chernobil reported that on 17 December 2017 she was part of a group of participants of the National Preventive Mechanism who made attempts to visit Iskander Yerimbetov in the pre-trial detention centre. However, upon their arrival at the centre, it transpired that Yerimbetov wasn't present in the cell. The detention facility administration reported that he had been "taken to participate in investigative activities' (it was a Sunday). Yerimbetov's counsel hadn't been informed of any investigative activities on that day.[17] Thus, Yerimbetov's right to defence and the defender's right to participate in investigative activities were violated (Article 70 of the Code of Criminal Procedure).

On 12 January 2018, in its appeal to the General Prosecutor, The Coalition Against Torture, which brings together more than 40 human rights organisations, expressed indignation at "*the absence of an official reaction to the repeated public reports of Iskander Yerimbetov's parents about the cruel treatment and, possibly, torture that has been used against their son*".[18] Human rights activists demanded that they be permitted to visit Yerimbetov, so that his health condition could be objectively assessed.

On the same day, i.e. on 12 January 2018, a representative of the office of the Ombudsman, Serik Ospanov, arrived in the detention facility in order to visit Yerimbetov. Later, Iskander Yerimbetov reported that he had been visited by two persons. They didn't introduce themselves properly. According to Yerimbetov, they behaved like policemen, and so he treated it as a provocation and refused to speak with them.[19] The next day, the visit was repeated.

Representatives of the office of the Ombudsman stated that "during the personal meeting, Yerimbetov, voiced no complaints or claims related to ill-treatment or other pressure exerted on him". They also referred to the results of the medical examination which concludes that Yerimbetov had sustained injuries as a result of a 'domestic accident'.[20]

Independent human rights defenders were able to meet with Iskander Yerimbetov only on 1 February 2018, after the UN Special Rapporteur on Torture Nils Melzer addressed the Government of the Republic of Kazakhstan with a request. The request, quoting the defenders of Iskander Yerimbetov, expresses the fear that the arrestee may be being subjected to torture and other cruel or degrading treatment. In connection with this, human rights defenders Zhemis Turmagambetov (the executive director of the Civic Foundation 'Charter for Human Rights') and Yevgeniy Zhovtis (the director of the Kazakhstani International Bureau for Human Rights and Rule of Law) were permitted to visit Yerimbetov in the detention facility.

Following the meeting with Iskander Yerimbetov, human rights activists noted that he **'basically confirms the information contained in the request of the Special Rapporteur'**. According to the human rights activists, Yerimbetov is in a depressed state, seems intimidated and seriously fears for his safety. He also looks ill; he has a fever, dry cough, and reddened eyes.[21]

[17] https://www.facebook.com/tatiana.chernobil/posts/10155002782187155
[18] https://www.notorture.kz/srochnoe-obraschenie-k-generalnomu-prokuroru-otnositelno-erimbetova/
[19] https://www.facebook.com/permalink.php?story_fbid=328870107605203&id=100014466496600
[20] http://www.ombudsman.kz/news/detail.php?ID=3752
[21] https://bureau.kz/novosti/sobstvennaya_informaciya/press-reliz_o_poseshenii_sledstvenno_arestovannogo_iskandera_erimbetova/

6. SPECIAL SERVICES OF KAZAKHSTAN ARE SHADOWING ISKANDER YERIMBETOV'S FAMILY MEMBERS AND HIS DEFENDERS

Botagoz Jardemalie cannot feel safe even on the territory of Belgium. Belgian reporters learned that the Kazakhstani special services organised surveillance of Jardemalie. They made an attempt to kidnap Jardemalie with the help of former Stasi agents. A journalist from Germany was also involved in the operation. The Belgian authorities initiated an investigation into this case. In September 2015, in connection with the case of the preparation of kidnapping, three people were detained; however, subsequently, they were released from custody. One of the accused should soon appear before a Belgian court.[22]

The facts confirm that the secret services are also keeping an eye on Yerimbetov's parents. On 20 December 2017, human rights activist Bakhytzhan Toregozhina met with Yerimbetov's parents at a cafe. They found a device in the napkin stand that could be used for wiretapping. During a press conference on 21 December 2017, this device was shown to journalists, but at the moment of the presentation, an unidentified person snatched it from Toregozhina's hands and ran out of the conference room.[23] Iskander Yerimbetov's parents filed a complaint with the General Prosecutor's Office in connection with the incident. The prosecutor's office redirected the complaint to the Department of Internal Affairs.[24]

7. THE NUMBER OF VICTIMS OF THE CRIMINAL PROCEEDINGS AGAINST ABLYAZOV IS GROWING

Iskander Yerimbetov has been ordered to convince Botagoz Jardemalie to return to Kazakhstan and give false testimony against the Kazakhstani opposition politician Mukhtar Ablyazov. Botagoz Jardemalie coordinated the legal defence of Ablyazov, his relatives and colleagues who have been granted asylum in the EU. Jardemalie has also provided advice to other activists and journalists persecuted for political reasons in Kazakhstan.

The Kazakhstani media, loyal to the authorities, have been disseminating propaganda materials in which they label Jardemalie a 'fugitive criminal'.[25] In July 2013, Kazakhstan brought criminal charges against Jardemalie within the framework of the case against Ablyazov, and in August 2013, she was declared wanted by INTERPOL. In October 2013, Belgium granted Jardemalie political asylum. In 2016, INTERPOL removed her name from the wanted list.

On 9 December 2016, France's Council of State refused to extradite Ablyazov and recognised his case as politically motivated.[26] INTERPOL removed from the wanted list the name of Ablyazov and several other defendants in the case of BTA Bank[27] in connection with the political overtones of the criminal charges.[28] Ignoring the decisions of France and other EU states, the Kazakhstani authorities began to search for new ways to bring about Ablyazov's extradition, making attempts to obtain 'additional testimony' against him.

In 2017, businessman **Muratkhan Tokmadi** was placed in the detention facility of the NSC, after which injuries were revealed on his body. The prosecutor's office stated that he 'fell off a pull-up bar'. According to the information available, security officers subjected Tokmadi to torture, demanding that he give false testimony and 'admit' that he had 'committed a murder on the instruction' of Ablyazov 13

[22] http://www.levif.be/actualite/belgique/comment-le-kazakhstan-traque-les-dissidents-politiques-en-exil-aussi-en-belgique/article-normal-781657.html
[23] https://bureau.kz/novosti/sobstvennaya_informaciya/press_yekshn_s_priborom/
[24] https://rus.azattyq.org/a/28979087.html
[25] https://www.nur.kz/1699097-posobniki-ablyazova-zaderzhany-v-almat.html
[26] http://www.conseil-etat.fr/Actualites/Communiques/Decision-d-extradition
[27] Tatiana Paraskevich, Artur Trofimov, Kuanysh Nurgazin, Alexander Pavlov, Muratbek Ketebayev.
[28] http://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov

years before.[29] In October 2017, a propaganda film was shown on the Kazakhstani TV channel 'KTK', in which Tokmadi 'confessed' to the crimes that he had been accused of.[30]

Similarly to Yerimbetov, journalist Zhanbolat Mamay faced charges under Art. 193 of the CC within the framework of the case of Ablyazov. The authorities accused Mamay of his newspaper having 'received sponsorship from Ablyazov' in the period between 2011 and 2014, and they labelled it 'money laundering'. Mamay refused to 'confess to the crime', after which he was beaten in the detention facility.[31] On 7 September 2017, the court sentenced him to three years of restraint of liberty.

On 10 January 2013, renowned Kazakhstani businessman Margulan Seysembay stated that he was not going to return to the country, as he feared to do so in connection with the fact that he had received summons for interrogations to the investigative authorities with regard to the case of his former business partner Iskander Yerimbetov. Seysembay reported that he was being pressured by law enforcement agencies. In his opinion, Iskander Yerimbetov is being prosecuted because of his sister Botagoz Jardemalie, from whom the authorities wish to obtain testimony against Mukhtar Ablyazov.[32] However, on 1 February 2018, Seysembay issued a statement saying that he was going to return to Kazakhstan, as he has been 'given security guarantees at the highest level'.[33]

8. CONCLUSIONS AND RECOMMENDATIONS

France and other EU countries have recognised the case of Ablyazov as being politically motivated. For the same reason, INTERPOL removed Ablyazov's name from their wanted list. The politician returned to active opposition activities. In response, the Kazakhstani authorities went down the path of increasing the number of criminal charges against him and his former colleagues. Kazakhstani investigators resort to methods of torture, threats, exerting pressure on counsels, and oppressing relatives. According to Botagoz Jardemalie, representatives of the Kazakhstani authorities repeatedly threatened her, demanding that she give false testimony against Ablyazov. Her brother, Iskander Yerimbetov, became another hostage of the Kazakhstani regime in the fight against Mukhtar Ablyazov's opposition activities.

The available facts and evidence indicate that Yerimbetov has been subjected to torture in the detention centre. The authorities' desire to prove the opposite with the help of pro-governmental media looks like propaganda and raises even more questions about the investigation bodies, which obviously have something to hide from the public. For an objective assessment of the health of Iskander Yerimbetov, independent doctors should be allowed to visit him.

On 13 December 2017, seven Members[34] of the European Parliament appealed to President Nursultan Nazarbayev, expressing their concern about the current situation of human rights in Kazakhstan. In particular, the MEPs pointed to cases of politically motivated criminal prosecutions, as well as the use of torture against those persecuted. As an example of politically motivated prosecution, the MEPs cited the case of Iskander Yerimbetov. On 25 January 2018, 24 PACE members signed a written declaration in which they expressed their concern about the detention of Iskander Yerimbetov and the use of torture against him in order to obtain false testimony against Mukhtar Ablyazov.

[29] https://www.youtube.com/watch?v=AEwcEWEuLVA
[30] http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24151&lang=EN&search=dHlwZV9zdHJfZW46IldyaXR0ZW4gZGVjbGFyYXRpb24i ; http://en.odfoundation.eu/a/8466,meps-address-kazakhstani-authorities-on-political-prisoners-and-eu-kazakhstan-pca
[31] http://en.odfoundation.eu/a/8111,journalist-zhanbolat-mamay-was-beaten-in-kazakhstani-detention-centre
[32] https://www.facebook.com/seimargulan/posts/10214311815263733
[33] https://www.facebook.com/photo.php?fbid=10214507128946453&set=a.2822493415940.132869.1667112463&type=3&theater
[34] Ana Gomes, (Tunne Kelam, (Jaromir Stetina, Indrek Tarand, (Kazimierz Michal Ujazdowski, Julie Ward, Tomas Zdechovsky

According to the Kazakhstani legislation, in respect of persons suspected of committing economic crimes, restraint is applied in the form of detention only in individual cases. At the moment, law enforcement agencies have launched a pre-trial investigation into the use of torture against Iskander Yerimbetov. The persecuted businessman complains of health problems and failure to provide him with necessary medical assistance in the detention facility. In view of the aforementioned circumstances, it is justifiable to change the measure of restraint for Iskander Yerimbetov to one unrelated to detention (house arrest, a written pledge not to leave the city, release on bail or personal guarantee).

We hereby call upon the international community to react without delay to the grave violations in the case of Iskander Yerimbetov and address the Kazakhstani authorities with the following demands:

- To change the measure of restraint applied to the suspect to one unrelated to detention.
- To allow an immediate visit by independent medical doctors, including a psychologist, to visit Iskander Yerimbetov in the detention facility in order to carry out a medical examination and provide him with appropriate medical assistance.
- To ensure an objective investigation into information relating to the use of torture against Yerimbetov; to bring to justice those who were involved in the use torture against Yerimbetov.
- To allow representatives of the civil society to visit Iskander Yerimbetov in the detention facility on a regular basis in order to monitor the conditions of his detention and his health.
- To cease intimidating and exerting pressure of Botagoz Jardemalie and her family members.
- To apply sanctions against persons involved in the use of torture against Iskander Yerimbetov in accordance with the Act on Global Accountability for Human Rights[35] (USA and Canada, Estonia and Lithuania).
- The Open Dialog Foundation hereby calls on representatives of the European Commission and embassies of the European Union countries to visit Iskander Yerimbetov in the detention facility within the framework of the monitoring of Kazakhstan's fulfillment of its obligations to observe human rights in the context of signing the Agreement on Enhanced Partnership and Cooperation between Kazakhstan and the EU.

All those willing to support our demands are kindly requested to address the following persons and institutions.

Contacts in Kazakhstan:

- Head of the State Institution LA-155/1 of the Correctional System Department for the city of Almaty, A.A. Iztleuov – 050004, Almaty, 473 Seyfullina Street, phone: +7 (727) 279 58 76;
- Chairman of the Committee of the Criminal Executive System of the Ministry of Internal Affairs of the Republic of Kazakhstan, A.Kh. Bazylbekov – 010000, Astana, 2. B. Maylina Street 2;
- Chairman of Agency of the Republic of Kazakhstan for Public Service Affairs and Anticorruption, A.Zh. Shpekbayev – 010000, Astana, 33a Abaya Street;
- Head of the Interagency Investigative Group, S.N. Perov – 010000, Astana, 33a Abaya Street;
- General Prosecutor of the Republic of Kazakhstan, K.P. Kozhamzharov – 010000, Astana, 14 Mangilik Yel;
- Chairman of the National Security Committee of the RK, K.K. Masimov – 010000, Astana, 31/33 Kenesary Street;
- State Secretary of the Republic of Kazakhstan G.N. Abdykalikova – 010000, Astana, 6 Mangilik Yel;

[35] https://www.congress.gov/bill/114th-congress/senate-bill/284/text

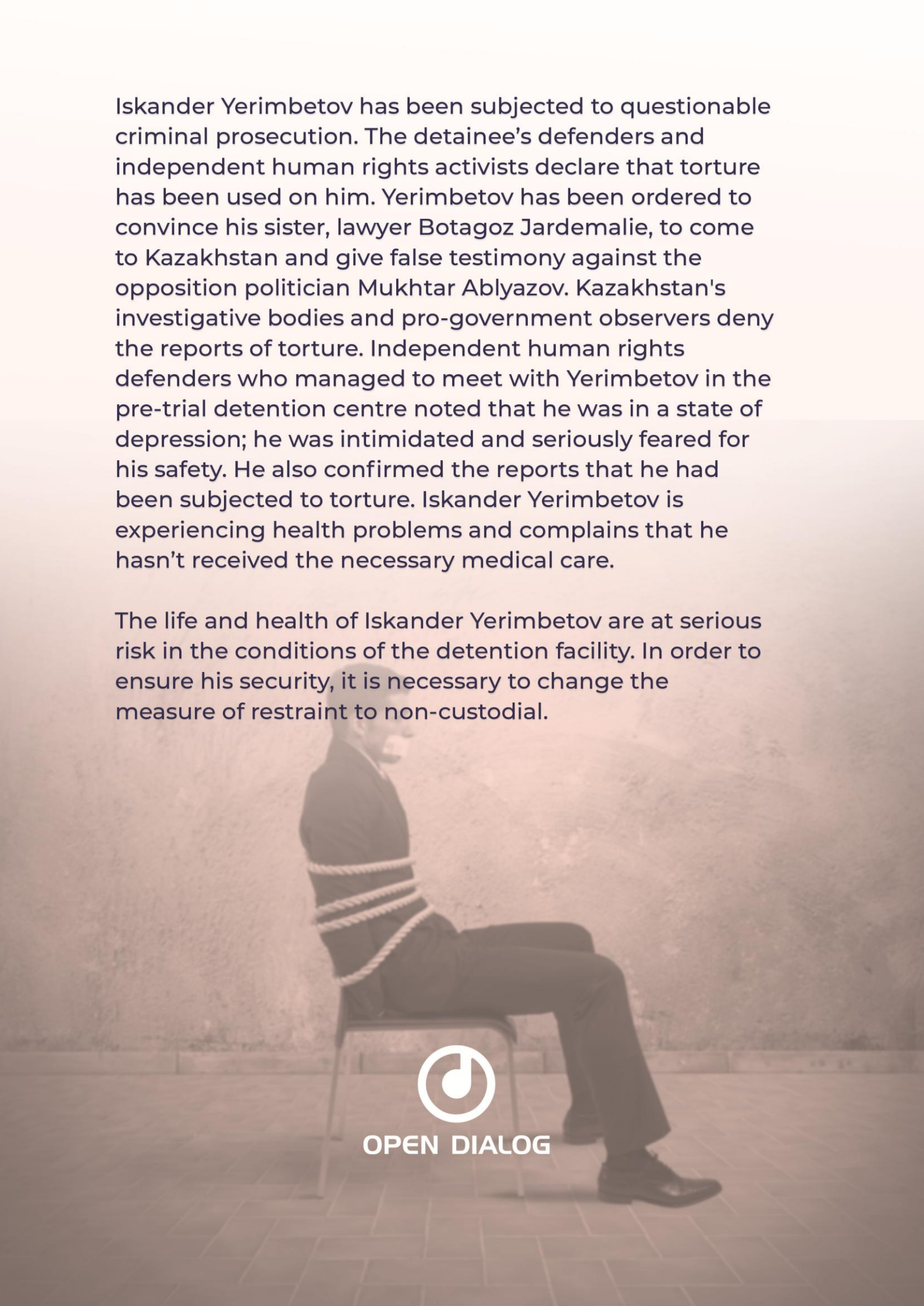
- Ombudsman in the Republic of Kazakhstan, A.O. Shakirov – 010000, Astana, Left Bank, The House of Ministries.

International contacts:

- European Parliament President Antonio Tajani - 1047 Brussels, Belgium, Bât. Paul-Henri Spaak 09B011, Rue Wiertz / Wiertzstraat 60, tel: +32(0)2 28 45503 (Brussels), +33(0)3 88 1 75503 (Strasbourg);
- The President of the European Commission Jean-Claude Juncker – 1049 Brussels, Belgium Rue de la Loi / Wetstraat 200, e-mail: president.juncker@ec.europa.eu;
- The President of the European Council Donald Tusk -– 1048 Brussels, Rue de la Loi / Wetstraat 175, e-mail: donald.tusk@european-council.europa.eu, tel: +32 2 28 15650;
- EU High Representative for Foreign Affairs and Security Policy Federica Mogherini – 1049 Brussels, Rue de la Loi / Wetstraat 200, e-mail: federica.mogherini@ec.europa.eu, tel: +32 2 584 11 11; +32 (0) 2 295 71 69;
- The Head of the European Parliament Committee on Foreign Affairs David Mcallister – 1047 Brussels, Belgium, Bât. Altiero Spinelli 05E240, Rue Wiertz / Wiertzstraat 60, e-mail: david.mcallister@europarl.europa.eu, тел: +32(0)2 28 45323 (Brussels), +33(0)3 88 1 75323 (Strasbourg);
- The Head of the European Parliament Subcommittee on Human Rights Antonio Panzeri – 1047 Brussels, Belgium, Bât. Altiero Spinelli 11G354, Rue Wiertz / Wiertzstraat 60, e-mail: pierantonio-panzeri@europarl.europa.eu, тел: +32(0)2 28 45846 (Brussels), +33(0)3 88 1 75846 (Strasbourg);
- EU Special Representative (EUSR) for Human Rights Stavros Lambrinidis - e-mail: stavros.lambrinidis@ext.eeas.europa.eu, tel: +32(0)2 584 230;
- OSCE PA President George Tsereteli — 1070 Vienna, Austria, Neustiftgasse 3/8, tel.: +43 1 523 3002;
- OSCE PA Chair of the Committee on Democracy, Human Rights and Humanitarian Questions Ignacio Sanchez Amor – e-mail: cristina.casado@gps.congreso.es, tel: +34 91 390 6919;
- The Secretary General of the Council of Europe Thorbjørn Jagland - e-mail: thorbjorn.jagland@coe.int, tel: + 33 (0)3 88 41 20 00;
- PACE President Michele Nicoletti — e-mail: nicoletti_m@camera.it;
- United Nations High Commissioner for Human Rights Ra'ad Zeid Al-Hussein – Palais des Nations CH-1211 Geneva 10, Switzerland, tel: +41 22 917 9220;
- US Secretary of State Rex Tillerson – Online request form https://register.state.gov/contactus/contactusform;
- The United States House of Representatives - Washington, DC 20515, тел.: (202) 224-3121, http://www.house.gov/contact/;
- Office of the Prime Minister of Canada Justin Trudeau - ON K1A 0A2, Ottawa, 80 Wellington Street;
- House of Commons of Canada - Ottawa, Ontario, Canada, K1A 0A6.

Iskander Yerimbetov has been subjected to questionable criminal prosecution. The detainee's defenders and independent human rights activists declare that torture has been used on him. Yerimbetov has been ordered to convince his sister, lawyer Botagoz Jardemalie, to come to Kazakhstan and give false testimony against the opposition politician Mukhtar Ablyazov. Kazakhstan's investigative bodies and pro-government observers deny the reports of torture. Independent human rights defenders who managed to meet with Yerimbetov in the pre-trial detention centre noted that he was in a state of depression; he was intimidated and seriously feared for his safety. He also confirmed the reports that he had been subjected to torture. Iskander Yerimbetov is experiencing health problems and complains that he hasn't received the necessary medical care.

The life and health of Iskander Yerimbetov are at serious risk in the conditions of the detention facility. In order to ensure his security, it is necessary to change the measure of restraint to non-custodial.



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