



Warsaw, 15 August, 2014

### Dissident Aron Atabek is being subjected to cruel treatment in a Kazakh prison

The famous Kazakh dissident and poet, Aron Atabek was transferred to a detention facility in Pavlodar, where he was held under intolerable conditions. For his attempts to defend his rights, he was placed in solitary confinement as a "deliberate violator". Atabek claimed to have been beaten by the solitary confinement staff, but the Interior Ministry refused to open a criminal case due to lack of evidence. Doctors of the detention facility diagnosed Aron Atabek with coronary heart disease, cerebroclerosis and osteochondrosis, but stated that "the general condition of the convict is satisfactory". The Ministry of Foreign Affairs and the office of the Kazakh Ombudsman also assure that Aaron Atabek "receives all necessary medical care" in the correctional facility.

The political prisoner alleges that due to swelling of his knee joint it is difficult for him to move around. However, the doctors have concluded that Atabek is able to move his joint "fully", and the prison authorities forbade him from using crutches, which were sent to him by human rights defenders. The dissident's poems have been confiscated by workers of the prison. Contrary to their international obligations, the Kazakh authorities turn a blind eye to the acts of cruel treatment inflicted upon Aron Atabek.

Convict Aron Atabek has been transferred several times from one correctional facility to another; family members and journalists were unaware of his whereabouts for a prolonged period of time. Twice after the publication of the cycle of opposition poems, he was sent to solitary confinement in the strictest prison in Kazakhstan, in the town of Arkalyk. On 4 December, 2013, Aron Atabek was transferred from the colony of Karazhal to the detention facility in Karaganda. The Kazakh community called for the transfer of Atabek to a colony located closer to the permanent place of residence of his family. **However, on 7 April, 2014, Atabek was transferred to the detention centre in Pavlodar (AP-162/1),<sup>1</sup> which is located further away from his home than his previous place of detention.**

### OPPRESSION OF ARON ATABEK IN THE DETENTION FACILITY IN PAVLODAR

After the transfer of Aron Atabek to Pavlodar, reprisals against him continued. On 2 July, 2014, **he reported to his son that workers of the detention facility had beaten him with a baton on the head and back.**<sup>2</sup> The international organisation 'Pen International' called on the authorities of Kazakhstan to carry out a comprehensive investigation into these incidents.<sup>3</sup> However, the Interior Ministry stated that the results of the initial inquiry "did not reveal" any incidents of the use of torture, other ill-treatment or political persecution. A criminal case was not instituted "due to the absence of the elements of a crime in the workers' actions".

Within a period of just a few days in the Pavlodar detention facility, Aron Atabek received 7 admonitions and was placed in punitive confinement twice. On 18 April, 2014, Atabek was deemed a "deliberate offender" and transferred to a 'punishment cell'. **On 21 May, 2014, Aron Atabek was again sent to**

<sup>1</sup> <http://rus.azattyq.org/archive/news/20140421/360/360.html?id=25356389>

<sup>2</sup> <http://rus.azattyq.org/content/aron-atabek-v-tyurme-svidanie-s-synom-askarom/25444405.html>

<sup>3</sup> <http://www.pen-international.org/newsitems/call-to-action-kazakhstan-ill-poet-beaten-in-prison/>

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**punitive confinement, where he stayed for more than a month.** According to the wife of dissident, Zhayna Aydarkhan, as a result of stay in solitary confinement, his health condition deteriorated.<sup>4</sup>

The son of the poet, Askar Aydarkhan, last visited his father on 2 July, 2014. According to him, Aron Atabek is now much thinner and has a limp.<sup>5</sup> **The dissident suffers from diseases such as coronary heart disease, chronic gastritis, cerebral sclerosis and suffers from pain in the lumbar pelvis, swelling of the knee joint and a trapped trigeminal nerve.**<sup>6</sup> Injuries of his leg and spine, sustained during the clashes in Shanyrak, were greatly exacerbated by the prison conditions. According to the testimony of Atabek, due to the swelling of his knee, pain has reached such intensity that he cannot move it and has difficulty walking. Aron Atabek repeatedly asked his relatives and human rights activists to send him crutches or a cane. **However, even after human rights activists sent him the necessary items, Aron Atabek could not use them as their use was banned by the prison administration.**

Aron Atabek has repeatedly addressed the prison administration with a request that he be sent for medical treatment to the medical unit and be assigned a disability category. Having filed numerous complaints, Atabekov was visited by representatives of the Department of the Correctional System Directorate, a medical examiner, and the chief physician of the Group for Medical Support for Convicts. **After the examination of Atabek, representatives of government agencies concluded that he is in good health.** They reproached Atabek that he, by filing complaints, is trying to avoid staying in the prison.<sup>7</sup>

Relatives of the imprisoned dissident and human rights activists have repeatedly addressed official state bodies of Kazakhstan<sup>8</sup> with requests that a comprehensive medical examination and treatment of Aron Atabek be carried out. **All responses of the public bodies have approximately the same content: Aron Atabek is in a satisfactory health condition, and so he is not in need of hospitalisation.**

The prosecutor's office of Pavlodar Province stated to the defender Max Bokayev that in April 2014, on the territory of the detention facility, Atabekov was diagnosed with "*chronic hemorrhoids in remission, Lumbar osteochondrosis in remission, Coronary heart disease and Cerebroclerosis*". The doctors also examined Atabek's sore joints and stated: "*...the movement of the knee joint is full, he performs forward movements and also to the side*". **The Prosecutor's Office in Pavlodar** concluded: "As of the time of the examination, the general condition of the convict is satisfactory. In-patient treatment is not needed". "The same was stated by **the Ministry of Internal Affairs**, noting that Atabek is subject to regular medical check-ups and "has been provided with the necessary monitoring and treatment". On 6 August, 2014, **the Kazakh Ombudsman's office** noted that Atabek "*is fully provided with medical monitoring in the medical unit of the institution*".

## **THE AUTHORITIES ARE ELIMINATING AN INCONVENIENT CIVIC ACTIVIST**

Aron Atabek was included in the first list of Kazakhstan's political prisoners created by renowned human rights defenders and civil society activists, including Zauresh Batalova, Yevgeniy Zhovtis and Lukpan Akhmedyarov. For many representatives of Kazakhstan's civil society, the poet and dissident Aron Atabek is a moral authority. Human rights defender Max Bokayev suggests that Atabek is dangerous for the authorities due to the fact that, when free, he can consolidate around him a large number of political supporters. **The Kazakh authorities are striving to prevent Atabek's political ideas from receiving wide publicity.** According to Atabek, the administrations of correctional facilities seize his

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<sup>4</sup> <http://rus.azattyq.org/content/aktivisty-perezshivayut-za-zdorovie-atabeka/25428692.html>

<sup>5</sup> <http://rus.azattyq.org/content/aron-atabek-v-tyurme-svidanie-s-synom-askarom/25444405.html>

<sup>6</sup> <http://socialismkz.info/?p=12472>

<sup>7</sup> <https://www.facebook.com/notes/bakhytzhantoregozhina/новости-от-арона-атабека-письмо-от-14072014/836120679733852>

<sup>8</sup> The prison administration, the Commissioner for Human Rights in the Republic of Kazakhstan, the CCES of the RK, Ministry of Interior, General Prosecutor's Office, the President of the Republic of Kazakhstan.

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manuscripts, which he tries to send to his relatives and friends, and redirect them to the National Security Committee.<sup>9</sup>

Atabek's constant transfers from one prison to another can also be viewed as a means of exerting pressure on the dissident. Over the past two years, Aaron Atabek has been detained in prisons in 4 different cities: Karazhal, Arkalyk, Karaganda and Pavlodar. At the same time, the Ministry of the Interior did not provide a legal basis for transferring Atabek.<sup>10</sup> Atabek's son says: *"As I understand from the conversation with my father, in the Karaganda detention facility he had worse conditions than in the Karazhal prison, where he was initially sent to serve his sentence. And in the Pavlodar detention facility it is even worse than in the Karaganda detention centre"*<sup>11</sup> **Atabek's son suspects that, in retaliation for his opposition work undertaken in prison, they are looking for places with strict conditions of detention for his father in order to crush him and deteriorate his health condition.**

In view of the closeness of the Kazakh prison system, the 'inconvenient' prisoner may be deprived of civil rights, with his life becoming entirely dependent on the administration of the prison. Human rights activists cite the incidents of cruel treatment of Aaron Atabek and demand from the authorities that the oppression of the dissident be ceased, but representatives of official bodies claim that Atabek's rights are fully observed. ***The Open Dialog Foundation hereby expresses its regret over the biased position of Kazakhstan's office of the Ombudsman, who referred to the conclusions of the prosecutor's office and the Interior Ministry, but, at the same time, he himself never visited Aron Atabek in the detention facility.*** The validity of the conclusions of government agencies and prison doctors about Atabek's health condition is questionable, since the examinations were carried out without the involvement of representatives of independent civil society and international organisations.

**With their actions against Aron Atabek, Kazakh authorities have not only violated national legislation, but also the United Nations Convention against Torture and the International Covenant on Civil and Political Rights. Kazakhstan refuses to address the systematic exertion of torture in police stations, detention centres and prisons. In connection with the preparation of a new agreement on enhanced partnership and cooperation between the EU and Kazakhstan, the European Union has expressed its principled position that one of the conditions for closer cooperation is inadmissibility of oppression of opposition politicians, activists, and journalists.**

**We hereby call for support for the following demands to be directed at the Kazakh authorities:**

- Carry out a comprehensive examination of Aron Atabek's health condition, with the involvement of representatives of independent medical humanitarian movements Doctors Without Borders and International Red Cross.
- Provide appropriate medical care to Aron Atabek by sending him for treatment to a specialised medical prison facility (medical unit).
- Provide Aron Atabek with access to the medical supplies, sent to him.
- Prevent further pressure on the prisoner; provide him with all the legal rights to correspondence and meetings with family members.

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<sup>9</sup> Such actions do not conform to the legal procedure of censorship of correspondence of convicts. According to the 'Internal Regulations of Correctional Institutions', censored correspondence should be destroyed, and the prisoner should be notified of this fact in writing, subject to acknowledgment of receipt. However, Aron Atabek was not notified of the fact that his letters were seized and redirected to security bodies.

<sup>10</sup> According to the order of the Minister of Internal Affairs of the Republic of Kazakhstan 'On Approval of the Rules of Transfer of Persons Sentenced to Imprisonment,' the transfer of prisoners to another correctional facility is carried out on the basis of: 1) judicial acts; 2) request of the correctional facility to transfer the convict in connection his or her state of health; 3) in order to ensure the safety of the prisoner; 4) due to a reorganisation of the correctional institution. However, the Ministry of Interior did not refer to these points when rendering decisions about the transfer of Atabek.

<sup>11</sup> <http://rus.azattyq.org/content/aron-atabek-v-tyurme-svidanie-s-synom-askarom/25444405.html>

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- Provide Kazakh and international observers with unimpeded access to the correctional facility for the purpose of monitoring the observance of Aron Atabek's rights.
  - Carry out a detailed investigation of the incidents of exerting pressure on Aron Atabek, as well as keeping him in harsh conditions in the prisons of Karazhal, Arkalyk and Pavlodar.
  - Include Aron Atabek in the list of the persons subject to amnesty during the consideration and adoption of the next amnesty law. We also call on the President of Kazakhstan to consider the possibility of pardoning Aron Atabek, and the Commissioner for Human Rights - to submit an appropriate application for a pardon.
  - Consider the possibility of releasing Aron Atabek from punishment due to poor health on the basis of Article 168 of the CEC of the RK.

**The case of Aron Atabek should be considered at the next 20th session of the Working Group on the Universal Periodic Review (UPR) as another example of the violation of international obligations by Kazakhstan. In the case of Aron Atabek, Kazakh authorities have ignored the recommendations of the UN countries within the framework of UPR, in particular:**

- to establish a mechanism for the independent monitoring of all places of detention in accordance with the provisions of the Optional Protocol to the Convention against Torture to ensure the effective prevention of torture;
- to continue to improve the judicial system in order to guarantee the rights of persons in detention or in prison;
- to continue efforts aimed at eliminating torture and improving the conditions of detention as well as ensuring the protection of the rights of prisoners;
- to continue to be guided by the principle of zero tolerance for torture and cruel, inhuman or degrading treatment or punishment;
- to improve the conditions and the situation surrounding human rights in prisons, as well as carry out independent investigations into the incidents of violence in prisons;
- to establish a mechanism for independent monitoring of all places of detention in accordance with the provisions of the Optional Protocol to the Convention against Torture in order to ensure the effective prevention of torture;
- to continue to improve the judicial system in order to guarantee the rights of persons in detention or in prison;

You are welcome to support our appeals by addressing the following persons and institutions:

- The state institution AP-162/1 of the Administration of the Committee of the Criminal and Executive system, 140000, Pavlodar, [building unnumbered] Tsyolkovskogo Street, tel.: +7 (7182) 57-13-30;
- The Prosecutor's Office of Pavlodar Province: Pavlodar, 3 Lermontova Street, tel. +77750106717;
- President of Kazakhstan, Nursultan Nazarbayev - the Presidential Administration, the 'Akorda' building, Left Bank, Astana, 010000, Kazakhstan, fax +7 7172 72 05 16;
- Commissioner for Human Rights in the Republic of Kazakhstan, Askar Shakirov - 010000, Astana, Left Bank, House of Ministries, entrance No. 15; e-mail: [ombudsman-kz@mail.ru](mailto:ombudsman-kz@mail.ru); fax: +7 (7172) 740548;
- Chairman of the Committee of Criminal and Executive System of Kazakhstan's Ministry of Internal Affairs, Baurzhan Berdalin - 010000, Astana, 2 B. Maylina Street, tel. +7 7172 72-30-26, +7 7172 72-30-37. A blank for appeals: <http://kuis.kz/kz/otinishter>;

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- Minister of Internal Affairs, Kalmukhanbet Kasymov - 010000, Astana, 1 Tauelsizdik Prospekt. Tel. +7 7172 72 24 93, +7 7172 71-51-89, e-mail: : [oraz-n@mvd.kz](mailto:oraz-n@mvd.kz);
  - General Prosecutor of the Republic of Kazakhstan, Askhat Daulbayev, - 010000, Astana, House of Ministries, entrance No.2, 8 Orynborg Street, tel: +7 7172 71-26-20, +7 7172 71-28-68;
  - Minister of Foreign Affairs of the Republic of Kazakhstan, Erlan Idrisov, - 010000, Astana, Left Bank, 31 Kunayeva Street. Tel: +7 7172 72-05-18, +7 7172 72-05-16, e-mail: [midrk@mfa.kz](mailto:midrk@mfa.kz);

### *Additional information*

Political prisoner Aron Atabek has been imprisoned for over 6 years now. Because of the housing conflict on 14 July, 2006, in the Shanirak residential district near Almaty, clashes erupted between the residents and law enforcement officers. Atabek was the Chairman of the Land and Housing Committee of the district. According to numerous witnesses, during clashes with the police, he endeavoured to stop the violence. However, on 18 October, 2007, the court sentenced him to 18 years' imprisonment in a strict regime penal colony, having found him guilty of organising mass riots. For five days, policemen beat the witnesses Aybatyar Ibragimov and Bauyrzhan Ibragimov in the basement, forcing them to give incriminating testimonies against Aron Atabek.<sup>12</sup>

Before his conviction, Aron Atabek was actively engaged in opposition activities, and so, the events in Shanyrak could have been an excuse to get rid of the inconvenient civic activist. While in detention, Atabek continued to criticise the regime of Nursultan Nazarbayev in his literary works. In 2010, in Egypt, he was bestowed the Freedom to Create Prize in the category 'Imprisoned Artist'.<sup>13</sup> On 11 September, 2012, Aron Atabek filed a complaint against the use of torture by the prison administration. In the severe prison conditions, he recovered from tuberculosis and pneumonia without any medical aid having been provided to him.

### **For more detailed information, please address:**

Katerina Savchenko - [katerina.savchenko@odfoundation.eu](mailto:katerina.savchenko@odfoundation.eu)

Igor Savchenko - [igor.savchenko@odfoundation.eu](mailto:igor.savchenko@odfoundation.eu)

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<sup>12</sup> <http://en.odfoundation.eu/a/3111,political-persecution-against-the-kazakhstan-dissident-aron-atabek>

<sup>13</sup> <http://tirik.org/index.php/politzkmenu/aronmenu/item/224-aronatabekprofile>