

INDIVIDUAL CASES OF TORTURE AND ILL-TREATMENT IN KAZAKHSTAN

Case # 1 - Sagatov

Sagatov Zhandos (born in 1983) was exposed to torture and various humiliating treatment in correctional facility of high security LA-155/8 (Zarechny village, Almaty Oblast).

On March 20, 2010 prison officers forcefully shaved his head and striped him naked. After which, he was subjected to insults, verbal threats of rape and other kind humiliation. Later on, Sagatov was taken to a lavatory where he was severely beaten with police baton all over his body and especially in sensitive areas both by officers and other inmates. They put his head to the toilet bowl and flushed water several times, simulating water boarding. Afterwards they inserted batons simultaneously and repeatedly into his anus. He fainted from pain, but was brought to his senses by a bucket of cold water which was poured on him. Deputy Head of Security, Head of the Medical Unit Abdimuratov, inspectors and inmates were present during this torture. After rape, Sagatov was again subject to torture. They put floor-cloth into his mouth, pushed his head down the toilet and flushed the water. He was by baton on his feet, heels, and strangled with hands. The torture continued for three hours.

As a result of this torture, Sagatov suffered severe injuries and was unable to move on his own, to eat or to go to the toilet. He did not receive timely medical assistance, because the prison and medical officers wanted to conceal the fact of torture. Due to worsening of his medical condition, Sagatov had to be transported to the city of Kapshagai where he underwent a surgery. Overall Sagatov had to have 6 surgeries for the injuries he sustained as a result of rape. His condition is evaluated as dangerous to life.

Due to actions of the public monitoring commission this case received public attention, as a result of which the prosecution brought charges against the prison officers, first under art. 308 (abuse of official powers) and later under art. 347-1 (torture). The case is currently on trial in Kapshagai city court.

Case # 2 – 27 Prisoners

Prisoners who serve their sentence in correctional facility ETs-166/26 reported through their relatives that on June 26-28, 2010 they were beaten by officers of the Department of the Penal

Committee for Akmola Oblast and officers of other correctional facilities. They sustained beatings by a conveyer belt on palms since such method leaves no traces but causes intense pain. Convicts were also beaten by hands, feet, and baton. They were striped off naked and were made sing the anthem of Kazakhstan. Then they were forced to dig a hole and were not allowed to take their clothes off in conditions of 40 degree heat. The prisoners reported that entire process of mockery and humiliation was video recorded. They were also forced to renounce some ideas in front of the camera.

At 5:0 a.m. July 3, 2010 when fourteen convicts could not stand humiliating treatment and beatings they had to self mutilate themselves as protest. They made cuts in the area of stomach, hands and neck. Based on results of monitoring the Coalition Against Torture informed the General Prosecutor's Office of the incident. On July 7, 2010 prosecutor's office of Akmola Oblast instituted a criminal proceeding based on facts of abuse of authorities by S.K.Turmagambetov, ZH.Ye.Negmetzhanov, Zh.N.Kairedenov, K.K.Kaliyev, M.S.Nurgaliyev, A.B.Sultanov and K.Zh.Shayakhmetov according to article 308 part 4 clause a, 347-1 part 2 clause a of the Criminal Code of the Republic of Kazakhstan. All these persons were dismissed by decree of the Ministry of Justice. 27 prisoners were declared victims on this case:

1. A.Amanzholuly
2. B.Zh.Alibekov
3. S.V.Ashretov
4. M.K.Bulatbekov
5. T.A.Balabekova
6. D.U.Bupiyev
7. F.A.Vasiljanov
8. A.L.Geimor
9. E.M. Davletbakeyev
10. M.Kh.Dikhanov
11. R.M.Dzhumaliyev
12. D.A.Zhetpisov
13. N.R.Iskenov
14. D.M.Ibragimov
15. Ye.M.Kyrgyzbayev
16. A.A.Kulbayev
17. M.A.Kulmaganbetova
18. Ye.T.Musapirov
19. A.B.Mussabekov

20. B.M.Mustafin
21. B.B.Tolegenov
22. A.Ye.Mukhambetov
23. R.F.Ramazanov
24. R.V.Skladnyuk
25. D.T.Tuyakbayev
26. R.K.Cherniyazov
27. A.A.Fait

Currently, investigation actions are underway. The NGOs are concerned that prisoners are under constant threats and pressure to withdraw their complaints and do not insist on charges.

Case # 3 – Petrenko

On 08.06.2009 at around 7:00 p.m. Petrenko Anatoliy Alexandrovich was beaten outdoors at the center of Chelgashy village, Karasu district, Kostanai Oblast by police officers within sight of residents of the village. Then the policemen put Petrenko in a car having smashed his head against the cab, he fainted and regained conscience in a village department of police where humiliating treatment continued. After the beating policemen took Petrenko outside where they continued beating him and then brought him home (at around 8-9:00 p.m. 08.06.2010).

During the detention and subsequent tortures Petrenko did not have access to a lawyer, his family was not informed of his detention. He met with his family only at around 8-9:00 p.m. 08.06.2010 when policemen brought him home and threw him out of the car.

At around 7:00 p.m. a car pulled over near a shop at the center of the village where Petrenko was flagging a taxi. Three police officers dismounted from the car, reached Petrenko and told him that he would go with them. Petrenko replied that he had to go home. He wanted to greet a district militia officer but right away two policemen standing near the district militia officer fetched a blow on his head. Policemen were punching him and each of them delivered him two or three blows. Afterwards, the district militia officer and another policeman twisted his arms and pushed towards the car. Leading him to the car policemen were delivering blows to Petrenko in the stomach and groin. Petrenko asked to let him go, but senior lieutenant punched him in the face making his nose bleed. Afterwards senior lieutenant kneed Petrenko two or three times in the stomach, after that blow Petrenko felt heat all over his body. At that moment passers-by began to shout demanding that the police should stop the beating. However, the three police officers continued beating. They were beating Petrenko mainly with their feet delivering some blows in the groin and stomach. Petrenko was unable to get on to feet by himself. Policemen began to push him into the car, he banged his

head on an upper bar of the cab and fainted. When Petrenko regained consciousness he was in the car and a sergeant of European nationality was sitting next to him. Petrenko said out loud that the policemen would answer for the beating. District militia officer who was sitting near the driver turned toward Petrenko and with force delivered him 3 or 4 blows in the stomach. Petrenko once again fainted and regained consciousness in the village police department after he was thrown on the floor. At that time senior lieutenant bent down to Petrenko and asked: "Did you kill Yura?" Petrenko replied that he killed nobody. Dolgarev Yuriy was his friend found frozen to death at a refuse dump in spring 2009. After that all three policemen, namely district militia officer Aslan, senior lieutenant and police lieutenant once again began to beat Petrenko. During the beating they were asking him: "Did you kill Yura?" At some moment Petrenko felt that somebody was peeling off his trousers. He began to shout because he felt that something was being inserted in his anus. He fainted because of severe pain. Petrenko regained conscience because he was thrown to the ground. Policemen took him out of the car and threw him in his house.

As a result of tortures Petrenko became a second degree invalid. A forensic expert has established that he sustained the following injuries: ruptures of anterior and posterior walls of bladder, straight intestine, nonpenetrating trauma of stomach, the expert has also fixed bruises around eyes.

Petrenko was tortured with the purpose of obtaining confession from him that he killed his friend Dolgarev Yuriy Nikolayevich, born in 1964, whose corpse was found at a refuse dump in spring 2009. Petrenko was admitted to a civil hospital 12 hours after the beating in grave condition, AD 80/60. After the beating Petrenko could not urinate, due to blood in his bladder. Petrenko underwent the following surgeries: laparotomy, sealing of bladder rupture.

Criminal case was initiated upon application of Petrenko against three police officers: M.S.Zhanabekov, born in 1986, Zh.Zh.Burkutbayev, born in 1984, A.S.Mergenbayev, born in 1988, under articles 308 part 4 clause a, 103 part 2 clause d, 347-1 part 3 of the Criminal Code of the Republic of Kazakhstan. However, sentence of district court N. 2 of Karasu district of Kostanai Oblast declared the police officers not guilty under article 347-1 of the Criminal Code of the Republic of Kazakhstan due to absence of corpus delicti in their actions.

The court pronounced the following sentence to each policemen: 3 (three) years of imprisonment in a colony with minimum security with prohibition to hold public offices within the Ministry of Internal Affairs of the Republic of Kazakhstan for seven years with confiscation of all property. The court ordered the defendants to pay compensation to Petrenko 279,561 KZT as compensation for material damage and 600,000 KZT as compensation for material damage. However, as it turned out after the sentence was rendered the convicted officers had no other property but cash on their card accounts. Thus, 423 KZT were transferred from a card account of

Burkutbayev to the benefit of Petrenko and 9,682 (nine thousand six hundred eighty two) KZT from a card account of Mergenbayev. Petrenko has received no more compensation from the state despite the court ruling.