

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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(Moscow, December 22, 2011) Kazakh authorities should immediately investigate allegations of torture and ill-treatment of detainees following [violence in Zhanaozen](#) on December 16, 2011, and hold those responsible accountable, Human Rights Watch said today. The government should also allow detainees immediate access to family members, legal counsel, and medical personnel, Human Rights Watch said.

Kazakhstan has a poor record on torture, and the state of emergency restrictions imposed in Zhanaozen, limiting access to the city and even phone communications, heighten concerns of mistreatment. Human Rights Watch interviewed two people who had spoken with detainees who described being beaten in custody after being detained in connection with the December 16 violence.

Allegations of torture in Zhanaozen are profoundly disturbing and the Kazakh government should immediately conduct an impartial investigation, said [Rachel Denber](#), deputy Europe and Central Asia director at Human Rights Watch. There is never any justification for torture or ill-treatment.

According to a December 18 statement by a representative of the Prosecutor General's office, between December 16 and 17, 70 more active participants in the mass riots and looting were detained in Zhanaozen, followed by another 60 amongst whom are persons suspected with participation in the mass riots and looting. However, Elena Kostyuchenko of the Russian weekly *Novaya Gazeta* told Human Rights Watch that she saw lists of detainees outside the Zhanaozen central police station totaling more than 700 people, more than 400 of whom would face criminal or administrative charges, and the rest would be released.

Clashes between police and civilians, as well as looting, erupted in Zhanaozen, a town in western Kazakhstan, around Kazakhstan's Independence Day celebrations and against the backdrop of a seven-month strike by local oil workers.

Journalists who travelled to Zhanaozen and a city resident who spoke with Human Rights Watch by telephone reported that detainees have been beaten in police custody. People also said that many Zhanaozen residents are not able to find their relatives and that they feared the relatives are being held in detention.

Human Rights Watch spoke with Kostyuchenko after she returned from Zhanaozen, where she interviewed three people, AA, BB, and CC, who had been detained, stripped, and beaten at the Zhanaozen Main Police Department and subsequently released. One of the three told her he, AA, was detained on December 16 and released about 24 hours later. He told Kostyuchenko that he was beaten when he was arrested, while being transported to the police station, at the station, in his cell, and while being accompanied to the interrogation room.

Kostyuchenko said that the man had a broken nose, likely broken ribs, and two bruises in the kidney area and that he had been coughing blood for two days and had blood in his urine. She said the man told her that many of the 22 detainees held in the cell with him had broken hands and legs from police beatings. He said he saw riot police force detainees to lie face down on the ground and stomp on the back of the head, apparently breaking some of their noses.

AA told Kostyuchenko that two young men were beaten so badly by police that an ambulance had to be called for them.

He said that during the 24 hours he spent in custody, the detainees were given no food or water. At around 5 p.m. on December 17, AA was taken from the police building to another nearby building, which he called the garage, that was about 15 by 20 meters and held around 150 people. The building had no windows, and the dirt floor was wet. Temperatures in Zhanaozen were around -4 degrees Celsius and some of the detainees in the building had no shoes. He told Kostyuchenko that police forced the detainees to squat with their hands behind their heads. Kostyuchenko said that during the time he was in the garage, police repeatedly doused the younger men with water.

Another man, BB, told Kostyuchenko that he was detained on December 19 and released later that day. He said that he was beaten in a truck used by police on the way to the police station and at the station, where riot police held his arms behind him while other agents punched him in the stomach.

The accounts relayed by Kostyuchenko were consistent with media reports and other indirect accounts of ill-treatment in Zhanaozen, Human Rights Watch said. On December 19 the Associated Press reported that journalists at Zhanaozens Main Police Department heard screams coming from what appeared to be interrogation rooms, while a number of men with bloodied faces were lined up in a row in the corridors with their faces against the wall.

A Zhanaozen resident, Aida A. (not her real name), told Human Rights Watch by phone that a male acquaintance had been detained for two days at the police station and indicated to her that the police undressed [the detainees], they beat them with night sticks (*dubinki*), they poured cold water over them. Another resident, Kanat K. (not her real name), an oil worker, told Human Rights Watch by phone that on December 19 her older son went out to run an errand and was beaten by riot police, but not detained.

Human Rights Watch said the allegations of mistreatment in detention were consistent with patterns of torture documented in reports by the United Nations and Amnesty International.

In a March 2010 report, Amnesty International found that while the Kazakh government had taken some steps to curtail torture in detention, it was routinely used. In a December 2009 report, the UN special rapporteur on torture concluded that evidence obtained through torture (including threats) or ill-treatment is commonly used as a basis for conviction. The report said the UN received many credible allegations of beatings with hands and fists, plastic bottles filled with sand and police truncheons, and of kicking, asphyxiation through plastic bags and gas masks used to obtain confessions from suspects.

The government cut off telephone communication with [Zhanaozen](#) on the afternoon of December 16. Human Rights Watch's repeated efforts to call people in Zhanaozen were unsuccessful until the morning of December 21, when connectivity was restored. Not all mobile phones could be reached, however. Kostyuchenko said the man she interviewed who had been coughing blood could not call a doctor because of the communications shut-down and feared leaving his home to go to the hospital because he had heard that individuals who were detained a second time would not be released.

Government state of emergency restrictions currently in effect include limits on movement within Zhanaozen and into and out of the city, as well as limits or bans on certain telecommunication devices and audio and video recording equipment. While some journalists were given access to Zhanaozen on December 18 and 19, they reported that they were under close supervision and that they were not freely permitted to speak with detainees or residents.

The government has sought to control information about the events of December 16 and has blamed the media for spreading false information. On December 20 a representative of the Prosecutor Generals office stated that, despite our repeated requests to [mass media to] refrain from publishing any unverified information, circulation of various facts unsupported by evidence and official statements by government agencies continues.

With the government restrictions on information, reports about abuse in custody have been difficult to verify, Denber said. Blocking information only increases the risk of ill-treatment of detainees. Journalists and human rights defenders need to have access to Zhanaozen without supervision or interference so that abuses can be exposed and abuses addressed.

The International Covenant on Civil and Political Rights, which Kazakhstan ratified in 2006, prohibits restrictions on freedom of expression and information on national security or public order grounds unless they are provided by law, strictly construed, and necessary and proportionate to address a legitimate threat. Such laws cannot put the right itself in jeopardy.

Kazakh human rights nongovernmental organizations, including the Bureau for Human Rights and Rule of Law, issued a joint statement on December 19 welcoming the governments decision to create a government commission, which may involve independent experts, to investigate the violence, and stated that they are ready to participate.

In their statement, the groups urged the authorities to adhere to human rights norms over the course of the investigation: We responsibly note that the investigation into the tragedy in the oil region of the country must not become a witch hunt; it is essential to conduct it with full respect for human rights norms and freedoms and strict adherence to Kazakhstans laws.

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