



OSCE Human Dimension Implementation Meeting 2018

Statement of the Open Dialog Foundation

Working session 5: Rule of Law II (prevention of arbitrary arrest, detention or exile, prevention of torture; protection of human rights in the fight against terrorism)

ODF monitors human rights in the post-Soviet region. The situation in Kazakhstan is unfortunately relevant when we speak about arbitrary detentions, torture, and lack of provision of appropriate medical aid or medicines in order to obtain false confessions.

In Kazakhstan, individuals can be detained only for showing support to opposition movements, such as the Democratic Choice of Kazakhstan, for their participation in a peaceful demonstration or simply for walking on the streets with blue balloons that recall the colours of the movement¹. Between March and July 2018, the Open Dialogue Foundation received more than 150 appeals from victims of political persecution, most of which were victims of arbitrary mass detentions for taking part in peaceful rallies all over the country on May 10, 2018.

Moreover, local and international observers report that it is extremely difficult to find lawyers who are willing to defend victims of political persecution and torture, as a result of the systematic pressure lawyers are subjected to².

Cases of ill-treatment and torture are still common in the country, despite the many international obligations. Remarkable and urgent is the case of Kazakhstani political prisoner **Mukhtar Dzhakishev**³. He is currently risking his life in prison due to his extremely precarious state of health. He has already served 9 years of prison, a time during which the calls of many human rights NGOs as well as the UN Human Rights Committee to provide him with adequate medical treatment and release him, have been ignored. The latest medical examinations have revealed impaired brain function. External visiting human rights missions have not been allowed to visit him. We call on authorities to urgently abide by international obligations and spare the life of Dzhakishev and release him from prison, so that he can be given the appropriate medical assistance⁴.

The case of **Iskander Yerimbetov**⁵ is also exemplary. He has complained about being tortured during his pre-trial detention, but the investigation on this case has not been thoroughly conducted and was closed. He is currently under trial, which is flawed with many irregularities and his detention conditions put him constantly under pressure and risk of mistreatment by proxy cellmates. Yerimbetov's case bears signs of political prosecution aimed at forcing his sister Botagoz Jardemalie, a lawyer and political refugee in Belgium, to bow under pressures and provide false evidence against her clients, namely political oppositionist and head of the DCK, Mukhtar Ablyazov.

¹ <https://en.odfoundation.eu/a/8606.report-the-persecution-of-the-dck-activists-in-kazakhstan>

² <https://en.odfoundation.eu/a/8707.defence-for-the-defenders-lawyers-and-attorneys-under-attack-for-participation-in-politically-motivated-cases>

³ <http://en.odfoundation.eu/a/8357.kazakhstan-the-life-of-political-prisoner-mukhtar-dzhakishev-is-in-danger>

⁴ <https://en.odfoundation.eu/a/8572.the-case-of-mukhtar-dzhakishev-release-the-political-prisoner-to-save-his-life>

⁵ <https://en.odfoundation.eu/a/8565.report-iskander-yerimbetov-political-hostage-of-nazarbayev-s-regime>



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A further urgent case is that of **Muratbek Tungishbayev⁶**, who is being detained in Kazakhstan and is considered a political prisoner by local and international watchdogs: he had been previously suffering from health issues as he was subjected to eye surgery. Due to the inadequate treatment as a prisoner, he lost sight from his left eye and **is now at risk of going blind**.

We call on authorities to stop persecuting citizens for political reasons, end the mistreatment of prisoners and guarantee that they be granted the right to full medical treatment. **The Open Dialog Foundation considers it necessary for the OSCE states to apply personal sanctions on officials of Members states who are responsible for systematic violation of international obligations, and deliberately use torture and politically motivated prosecution. We believe that the Magnitsky Global Act should serve as an example of effective measures that is able to stop impunity and prevent it.**

Thank you for your attention.

⁶ <https://en.odfoundation.eu/a/8777.political-prisoner-muratbek-tungishbayev-goes-blind-in-one-eye-he-is-in-need-of-urgent-medical-help>
