

Dear Moderator, thank you for this opportunity!

Anastasia Miller
Director of Kostanay branch of the Kazakhstan International Bureau
for Human Rights and Rule of Law
Chairwoman of the Public Monitoring Commission in Kostanay region

I would like to say a few words about the situation in prisons in Kazakhstan.

First of all, in light of recent events, the number of non-governmental organizations, of Kazakhstan have expressed serious concern over the transfer of the penitentiary system from the Ministry of Justice to the Ministry of Interior Affairs. NGOs have noted that this decision makes further harmonious development of the penitentiary system and the humane treatment of prisoners impossible. However, currently the prisons have been transferred to the Ministry Interior Affairs.

Public control

Despite the fact that since 2005, the public monitoring commissions were legally entitled the right to conduct public controls in prisons - the Commission can't hold non-announced visits. Sometimes there are instances in some regions of the country when members of commissions under various illegal pretexts are not allowed to visit prisons. In addition, there are instances where prisoners are subject to further prosecution and punishment for filing a complaint to the Commission, they are, usually, placed in solitary confinement.

Discrimination of prisoners

Certain groups of prisoners are still discriminated. In case of a prison in Kostanay region I have seen that persons of certain religion sentenced to various prison terms, serving time in prison – Correctional Center 161/12 (city of Arkalyk), are held in solitary confinement, that is equipped according to the scheme of condemned cells for persons sentenced to life imprisonment and capital punishment. The cells are installed with 24 - hour video surveillance, and 24 – hour lighting (60 W). Some of the prisoners have told the commission that they are held in solitary confinement for over three years, which is a torture for them.

Administration of the prison has explained it by the fact that, this group of prisoners is held separately by the order of the Committee on National Security of the Republic of Kazakhstan, there isn't a separate order of the prison, agreed with the prosecutor's office, which directly violates the law. The Commission has repeatedly sent recommendations to the prison authorities regarding non-discrimination with respect to prisoners, but the recommendations were not considered, Prosecutor General's Office of Republic of Kazakhstan has not responded to the complaint thus admitting solitary confinement as a lawful act.

Solitary confinement is practiced as a punishment for any views or beliefs of prisoners, often, members of the Commission can hardly visit these persons.

Persons convicted to death penalty and life imprisonment

Although de facto death penalty in Kazakhstan is not applicable, de jure it remains in several articles of the Penal Code, in particular for terrorist offenses involving loss of life, as well as the most serious crimes committed in wartime. The number of offenses with the sanctions in the form of life imprisonment has increased.

Currently there is no person in Kazakhstan sentenced to death, in December 2007 the President of Kazakhstan has signed a decree to pardon 31 people sentenced to death. Their death penalties were commuted to life imprisonment, but this category of prisoners, in contrast to those sentenced to life imprisonment are not eligible for release on parole, and will remain in prison until their biological death.

Persons convicted to life imprisonment are held incommunicado; they can't make phone calls, and only allowed three hours family visits twice a year. Long visits are allowed after no less than ten years for a good behavior of the prisoner.

Thus, the real situation in closed institutions in Kazakhstan, suggests that persons detained in them, continue to be vulnerable in the observance of fundamental human rights.