

UNITED NATIONS DECLARES DETENTION OF KAZAKHSTAN POLITICAL PRISONER ISKANDER YERIMBETOV VIOLATES INTERNATIONAL LAW AND DEMANDS HIS IMMEDIATE RELEASE

In October 2018, after a politicized trial, Yerimbetov was convicted on sham “fraud” charges and sentenced to seven years in prison

UPDATE: On December 25, 2018, a Judge from the Criminal Appeal Panel of Almaty City Court summarily rejected Yerimbetov’s appeal in a verbal ruling. Yerimbetov was not permitted to attend the appeal hearings in his own case.

Washington, D.C. – Today, international counsel for Kazakhstan political prisoner Iskander Yerimbetov made public Opinion No. 67/2018 (Kazakhstan) of the United Nations Working Group on Arbitrary Detention (Working Group), which concludes that Yerimbetov is being detained in violation of international law and urges his immediate and unconditional release. In its decision, the Working Group states:

*The deprivation of liberty of Iskander Yerimbetov, being in contravention of articles 3, 9 and 10 of the Universal Declaration of Human Rights and of articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III . . . The Working Group considers that, taking into account all the circumstances of the case, **the appropriate remedy would be to release Mr. Yerimbetov immediately and accord him an enforceable right to compensation and other reparation, in accordance with international law.***

A Category I violation occurs “when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.” A Category III violation occurs “when the total or partial non-observance of the international norms relating to the right to a fair trial . . . is of such gravity as to give the deprivation of liberty an arbitrary character.”

In reference to the Working Group’s favorable ruling, international counsel Jared Genser stated:

“The decision of the Working Group is a complete and total victory. The case against my client is transparently political in nature and we urge President Nazarbayev to take this opportunity to display that he and his government are committed to upholding Kazakhstan’s obligations under international law by releasing Yerimbetov and prosecuting those responsible for his arbitrary arrest and torture.”

The full text of Opinion No. 67/2018 is available [here](#).

Pretextual Charges

Yerimbetov is a political prisoner detained as a pawn in the struggle between Kazakhstan President Nursultan Nazarbayev and regime opponent Mukhtar Ablyazov. Yerimbetov’s sister is Botagoz Jardemalie – a lawyer who has advised Ablyazov and other victims of political persecution. In fact, Yerimbetov has been told repeatedly that if he can convince his sister to return to Kazakhstan and testify against Ablyazov, the case against him can “go away.”

Though Yerimbetov was originally arrested on bogus accusations of “money laundering” for Ablyazov in November 2017, authorities later attempted to cover up the political motivations behind his arrest by presenting him with unrelated “fraud” charges in March 2018. The pre-trial investigation for this “fraud” case was extremely brief: it was opened on March 1, 2018 and closed on March 3, 2018.

Regardless, these “fraud” charges are based entirely on routine, legal business practices that are in fact protected under Kazakhstan’s law. The prosecution simply alleged that Yerimbetov committed “fraud” by investing in the company “Sky Service,” which had over the years won a number of competitive bids for contracts with state-owned companies by charging the lowest prices. The prices yielded a reasonable profit margin that investigators later decided was “unreasonably high.” As Bjørn Engesland, Secretary General of the Norwegian Helsinki Committee, has [stated](#), “The very fact that the alleged actions do not in any way constitute a crime should leave no one in doubt – this entire case is fabricated and appears to be politically motivated.”

Violations of International Law in Detention

The political nature of this case is further demonstrated by the gross violations of international law committed against Yerimbetov since his arrest in a shopping mall parking lot in November 2017. At the time of his arrest, officials did not present Yerimbetov with a warrant or give him a reason for his arrest. They further failed to identify themselves and did not properly create a protocol of detention recording the details of his arrest. Immediately afterward, the officials searched Yerimbetov’s house, again without a warrant, and seized family items unrelated to the case such as his minor children’s passports and his marriage certificate.

Following the search of his home, Yerimbetov was taken to an unknown location, and his family was not informed of his location for 24 hours. He was held in extended pre-trial detention – in violation of domestic and international law – under the control of the country’s National Security Committee (KNB), the successor to the KGB. During this time, he was held *incommunicado* for several weeks, frequently denied access to counsel, interrogated without counsel present, refused appropriate medical treatment, and, at times, held in prolonged solitary confinement. Yerimbetov was not brought to most of the pre-trial detention hearings in his own case.

Torture

Additionally, during the early months of his detention, Yerimbetov was subjected to horrific psychological abuse by KNB officials and others apparently working under their instructions. They attempted to coerce a false confession out of him by threatening to sentence him to 15-20 years in prison, lock him in a cell with Islamic terrorists or inmates infected with HIV or tuberculosis, and arrest his 69-year-old father and 20-year-old son (and also rape the son).

When these methods failed, the authorities transferred Yerimbetov to a cell with six inmates convicted of serious crimes. These inmates – whom Yerimbetov believes were acting under the direction of the KNB authorities – brutally tortured him on multiple occasions. They attempted to strangle him and beat him numerous times – including once with a stick provided by a guard and wrapped in a wet towel so that bruising would be less visible. They also threatened to rape

him with a broomstick, drown him in the latrine bucket, and stick HIV-infected needles under his fingernails. Though Yerimbetov and his lawyers reported this torture to the authorities, no credible investigation has been commissioned.

Violations of International Law at Trial

As noted in the media, Yerimbetov's "fraud" trial was marked by "[crude procedural violations](#)" on the part of the government, and his right to present a defense was repeatedly denied as the judge rushed through the proceedings. The judge did not allow the defense to cross-examine all of the prosecution's 80+ witnesses in court, none of whom gave any evidence that Yerimbetov or his co-defendants had committed "fraud" or any other crime. The prosecution and the judge were also unable to explain what laws Yerimbetov and his co-defendant had violated. In fact, the allegedly defrauded companies did not even know they had been "defrauded" until the investigators approached them.

The media reported publicly on the absurdities of the trial, noting that some prosecution witnesses had stated that their pre-trial testimony implicating Yerimbetov was [given under pressure](#), while others had been [unable to answer key questions or contradicted themselves](#).

International Advocacy on Behalf of Yerimbetov

In addition to the United Nations Working Group on Arbitrary Detention, international human rights organizations and government bodies have voiced their concern over the case since the early days of Yerimbetov's detention. [Members of the European Parliament](#), the [Coalition of NGOs of Kazakhstan Against Torture](#), [Members of the Parliamentary Assembly of the Council of Europe](#), the [Norwegian Helsinki Committee with Human Rights Watch](#), and the [Chair](#) of the General Committee on Democracy, Human Rights and Humanitarian Questions of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe have all issued statements on the case. Most recently, in the wake of Yerimbetov's conviction, the [US Mission to the OSCE](#) issued a statement expressing its concern, and calling on the Government of Kazakhstan to open an independent investigation into the torture allegations and to ensure that Yerimbetov's appeal was treated in accordance with international legal standards.

Contact:

Jared Genser

jgenser@perseus-strategies.com

+1 202 320 4135