



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: G/SO 229/31 KAZ (13)
AB/DA/ak 840/2017 (Reprisals)

11 November 2021

Excellency,

I have the honour to address you in my capacity as rapporteur on reprisals under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this connection, I would like to draw the attention of Your Excellency's Government to information received regarding the alleged ill-treatment while in detention of Mr. Aleksandr Aleksandrov, who is currently imprisoned in the penal colony No. UK 161/3, near the city of Zhitikara in Kostanay region. Mr. Aleksandrov has previously submitted a complaint claiming violations under the provisions of the Convention.

The Committee has received the following information:

- On 6 September 2019, Mr. Aleksandrov was subjected to torture, psychological and physical pressure on the part of other detainees in the prison. According to him, such pressure was instigated and encouraged by the administration of the prison. Mr. Aleksandrov submits that he was subjected to torture despite being on a wheelchair.
- On the day in question, three other detainees were placed in the complainant's cell, and they took the author to a cell where detainees take shower. There, the author was beaten, his legs were tied. When he attempted to call for help, the guards, who were standing outside of the cell, did not react. At that point, Mr. Aleksandrov's mouth was tied with a rope to prevent him from screaming. He was threatened with sexual violence, and was told that explicit pictures of him and other detainees will be sent to his elderly mother.
- When Mr. Aleksandrov was finally able to complain to the prison guards, they took him to one of the offices of the prison administration. There as well, the complainant was left with the same detainees who further tortured him, beating him and pushing him off his wheelchair. This continued for the whole night until morning. The detainees who tortured Mr. Aleksandrov, told him to obey them, and to write a confession in crimes that the complainant did not commit.
- Mr. Aleksandrov submits that he could not submit this information earlier, as he was threatened. He also submits that he has no other venues to complain regarding the treatment in the prison. Mr. Aleksandrov further claims to have submitted his comments on the State party's observations on admissibility and merits, but these comments were never received by the Committee.



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I am concerned that in accordance with the information received, the alleged ill-treatment while in detention received by Mr. Aleksandrov may be related to the complaint he has submitted to the Committee.

In regard to these allegations, I would like to refer to Your Excellency's Government the following articles of the Convention against Torture:

- Article 13: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."
- Article 16, paragraph 1: "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment."

In view of the seriousness of the above-mentioned allegations, I would appreciate, as a matter of urgency, to receive information with regard to the exact above mentioned situation of Mr. Aleksandrov, including an update on his current health condition, as well as on the measures taken by Your Excellency's Government to implement articles 13 and 16 of the Convention, preferably in cooperation with the Human Rights Commissioner (Ombudsman), to ensure that Mr. Aleksandrov is not subjected to any reprisals as a result of his complaint to the Committee (in accordance with article 19 of the San Jose Guidelines against intimidation or reprisals), and that his submissions on admissibility and merits, and any future submissions are received by the Committee in a timely manner.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Ana Racu'.

Ana Racu
Rapporteur on reprisals under
Article 22 of the Convention