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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

REFERENCE: UA G/SO 217/1 G/SO 214 (67-17)
KAZ 6/2013

30 October 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolutions 16/16 and 16/4.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the **alleged disappearance of the poet and social activist, Mr. Aron Atabek, while in detention.**

According to the information received:

In early October 2013, Mr. Aron Atabek's family received an anonymous phone call informing them of the transfer of Mr. Atabek from Arkalyk Prison to Karazhal Prison, in Karagandy Province.

Reportedly, it was confirmed that on 5 October 2013, Mr. Atabek was removed from Arkalyk Prison, where he had been held in solitary confinement and been kept under 24-hour video surveillance since December 2012.

Notwithstanding, it is alleged that there was no official confirmation from the prison authorities regarding the transfer. Officials at Karazhal Prison refused to verify Mr. Atabek's detention in the prison.

Since the transfer, there has been no communication from Mr. Atabek himself. His current whereabouts remain unknown.

Mr. Atabek was sentenced to two years in solitary confinement for writing the book *The Heart of Eurasia* which was critical of President Nursultan Nazarbayev and the Kazakh Government.

Previously, in 2007, Mr. Atabek was convicted of organizing a demonstration against the demolition of the Shanyrak shantytown. He had been involved in the 2006 protest against an attempt by Kazakh authorities to demolish the town that resulted in the death of a police officer, and was subsequently sentenced to 18 years in a labour camp.

Grave concerns are expressed that the charge and detention of Mr. Aron Atabek were directly related to his writing, and that his current whereabouts are unknown. Further concerns are expressed that there is reportedly little room for dissident voices in Kazakhstan, thereby limiting the right to freedom of opinion and expression.

While we do not wish to prejudge the accuracy of these allegations, we wish to draw your Excellency's attention to the right to physical and mental integrity of Mr. Aron Atabek. In relation to the allegations according to which the current place of detention of Mr. Aron Atabek is unknown to his family, we would like to draw your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, which sets out necessary protection by the State, and in particular article 10(2), which provides that, "Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned."

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Aron Atabek in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide information on the whereabouts of Mr. Aron Atabek and clarify whether his family has been informed of his current place of detention.
3. Has a complaint been lodged by or on behalf of the alleged victim?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While awaiting your response, we urge your Excellency's Government to take all necessary measures to ensure that the rights and freedoms of Mr. Aron Atabek are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Ariel Dulitzky
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression