

Freedom from torture

Kazakhstan | Kyrgyzstan | Tajikistan

Issue 6, March 2016

The Legal Aid Groups of the Coalitions against Torture in Kazakhstan, Kyrgyzstan and Tajikistan

Interviews with Tatyana Chernobil, Anastasia Miller, Dilafruz Samadova, Najiba Shirinbekova, Dilshod Juraev, Saymumin Kabirov, Asel Koylubaeva and Aisuluu Sharsheeva.

In recent years the NGO Coalitions against Torture in Kazakhstan, Kyrgyzstan and Tajikistan set up Legal Aid Groups to strengthen their work on individual cases and increase pressure for necessary legislative reforms. On behalf of the NGO partners jointly engaged in the EU-funded project “Action for Freedom from Torture in Kazakhstan and Tajikistan“, Rachel Bugler and Anne Sunder-Plassmann (IPHR) interviewed members of the Legal Aid Groups in each of the three Central Asian countries to learn more about their work. They also asked the anti-torture lawyers what they see as their main successes and challenges. To conclude, the interviewees identified key issues that the authorities should address in order to come closer to the goal of ending torture.

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The Coalition will continue to fight for justice and the lawyers will lodge complaints every time an investigation into a torture case is stopped before the truth has been established.

Tatyana Chernobil,
Head of the Legal Assistance Group in Kazakhstan

Rachel Bugler: Please describe briefly, when and how the Legal Aid Group was established in your country. Who are its members?

Najiba Shirinbekova (TAJIKISTAN): The Coalition against Torture’s Legal Aid Group in Tajikistan was set up in 2012, just after the Coalition was established. At this time, many of the member organizations of the Coalition already provided legal assistance to victims of torture and other at risk groups and we realised that we needed to agree on ways to organize this work in order to allow us to use information from individual cases to push for improvements in the system. We also realised that as cases on torture can run on for years and financial assistance is often time bound we needed to agree on ways to cooperate and on cases. The Legal Aid Group is comprised of Coalition member organizations and partners who work on legal assistance issues. The NGOs represented in the Legal Aid Group are:

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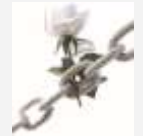
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КОАМИЦІЯ
ПРОТИВ ПЫТОК



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Bureau for Human Rights and Rule of Law, Independent Human Rights Center, Centre for Human Rights, Office for Civil Liberties, Rights and Prosperity, Nota Bene. The following lawyers are partners of the Coalition: Askar Tursunov, Umed Niyazov and human rights expert Kahramon Sanginov.

Tatyana Chernobil (KAZAKHSTAN): In Kazakhstan the Legal Aid Group was set up in the framework of the EU-funded project "Action for freedom from torture in Kazakhstan and Tajikistan" that was launched in December 2013. Before that, member organizations of the NGO Coalition against Torture in Kazakhstan provided legal aid to victims of torture independently of one another. The Legal Aid Group currently consists of seven representatives of the Kazakhstan International Bureau for Human Rights and Rule of Law and one representative of the Taldykorgan Human Rights Center, a member organization of the Coalition against Torture. I lead the work of the group in my capacity as a member of the Coalition and an independent expert on international human rights law. We're planning to involve further professionals in the group's work and we will continue our work beyond the end of the project.



Asel Koylubaeva,
Head of the NGO
Coalition against Torture
in Kyrgyzstan. © IPHR

Asel Koylubaeva (KYRGYZSTAN): The NGO Coalition against Torture in Kyrgyzstan was formed in 2011. Now, it comprises 18 non-governmental organizations from different regions across Kyrgyzstan. In May 2015 the Coalition formed the Legal Aid Group because the Coalition had defined strategic litigation as a priority in its fight against torture. The Legal Aid Group consists of five representatives of Coalition member organizations which provide legal assistance (Sardar Bagishbekov of Voice of Freedom, Ryspek Adamaliev of Kylym Shamy, Utkir Jabbarov and Sardorbek Abduhalilov of the NGO Justice and Arsen Ambaryan of the Center for International Protection), the independent human rights expert Ulugbek Azimov and Aisuluu Sharsheeva, a representative of the Coalition secretariat, whose task is to coordinate the group.

Anne Sunder-Plassmann: How does each Legal Aid Group function, what are its main tasks?

Tatyana Chernobil (KAZAKHSTAN): The Legal Aid Group works in eight cities in Kazakhstan: in Almaty, Aktau, Astana, Kostanay, Taldykorgan, Uralsk, Ust-Kamenogorsk and Shymkent. On a daily basis the lawyers advise citizens, who turn to them with complaints about torture. Some people were themselves subjected to torture; others approach us on behalf of relatives or friends. These consultations take place in the offices of NGOs who belong to the anti-torture Coalition. The NGO Coalition against Torture regularly informs the general public about the work of the Legal Aid Group, by way of public events, publications and posters. The most recent press conference that was aimed at raising awareness about torture and our work on cases took place in December 2015.

The lawyers follow a procedure agreed by the Coalition and use a specifically designed form. Members of the Legal Aid Group help citizens lodge complaints about torture with the authorities. If the authorities refuse to register a case and to

start a criminal investigation into the allegations of torture, the lawyers pursue the case by submitting further complaints. Coalition lawyers also attend court hearings of defendants who allege to have been tortured during the investigative phase and monitor and record the courts' reaction to these allegations.

The lawyers work closely with the Head of the Legal Aid Group and the Coordinator of the anti-torture project in Kazakhstan. Group members meet on a regular basis to share information and discuss their work and are in regular email contact.

Asel Koylubaeva (KYRGYZSTAN): Identifying cases for strategic litigation is a key task of the Legal Aid Group and our aim is to set positive legal precedents that affect change in law and practice. The Group has developed criteria for the selection of strategic litigation cases. For example, the case has to be new; it has to involve a violation of rights protected under the International Covenant on Civil and Political Rights or the Convention against Torture; it is crucial that the victim wishes to pursue the complaint; and positive results should be realistically achievable with the available resources. Once a case has been selected the Legal Aid Group develops an action plan and coordinates the work of a lawyer or expert who will be responsible for work on the case.

The Group also conducts awareness-raising about torture among key stakeholders and cooperates with journalists to publicize cases. Since the Legal Aid Group was set up in May 2015 it has initiated four strategic litigation cases. For example, we lodged complaints against the decision of the administration of pre-trial detention facility no. 21 in Bishkek that banned all visitors from taking technical equipment into the facility. For lawyers it is crucial to have a camera in order to take pictures of injuries that their clients may have sustained while in detention.

In another case we filed complaints against the Ministry of Finance and the Office of the Prosecutor General. Here, we want to achieve compensation for victims for moral damages sustained as a result of torture or unlawful detention or in cases when the authorities failed to carry out effective investigations into allegations of torture. As the applications in all these cases were only recently reviewed by the courts of first instance and the lawyers have just begun to litigate it is still too early to talk about negative or positive outcomes.

On a general point, I would like to add, that it is important for organizations providing legal assistance to increase their public investigatory role. One has to avoid making hasty allegations of torture and ensure that the primary focus remains on carefully gathering evidence to assist the prosecutors' offices with investigations.

Najiba Shirinbekova (TAJIKISTAN): The Legal Aid Group is organized according to its Statute, which defines the group's goals and objectives, activities and issues of cooperation. Группы А Secretariat comprised of the Head of the Legal Aid Group, three experts on documentation of torture and a legal advisor oversees and supports the work of the Legal Aid Group. The Secretariat also provides

support to the member organizations of the Legal Aid Group, helps them with the documentation in cases of torture; provides, together with lawyers, initial legal advice to victims of torture and their relatives through a telephone hotline; devises and implement strategies and techniques to protect victims of torture; prepares cases for review by the Funding Committee and promotes the exchange of best practice. The group conducts regular meetings with cooperating lawyers to discuss progress, problems and solutions.

Members of the Coalition share resources in order to provide legal aid to torture victims. For example, they set up rapid reaction groups when they are informed of large scale human rights violations. Or if information is needed from a region where the organization that is in charge of a case has no branch office, another Coalition member is often able to assist.

The Legal Aid Group also monitors the media to track reports about torture and ill-treatment and keeps statistics of torture cases registered by the Coalition through its registration database. It keeps a file on each case taken up by the Coalition and regularly updates them. The group also coordinates the Coalition's work when it comes to pushing for the establishment of effective investigatory mechanisms for torture cases. We prepare quarterly and annual reports on the activities of the Legal Aid Group, which can be found on the Coalition against Torture website.

Rachel Bugler: How do you cooperate with legal assistance groups in other Central Asia countries? Do you find the exchange useful?

Najiba Shirinbekova (TAJIKISTAN):

Exchanges of experience happen constantly – we have already established good contacts with the Coalitions in Kazakhstan and Kyrgyzstan, and we have good opportunities to ask each other for advice and make use of examples of good practice. For example, on 29 and 30 October 2015 there was a regional meeting of the Legal Aid Groups from Kazakhstan, Kyrgyzstan and Tajikistan in Dushanbe. A total of 21 people participated. Members of the Legal Aid Groups of the three countries described their work providing legal assistance to victims of torture. Then there were thematic discussions on topics such as the documentation of torture cases, how best to provide legal aid, the selection of litigation cases, and strategies for working with the media. The participants discussed problems they encounter during their work; they shared information about how they conduct strategic litigation cases and how the coalitions ensure the legal professionals' personal security. They shared information about organizational questions such as how each Coalition regulates and pays for lawyers' services. There were presentations about the databases the coalitions use to register citizens' complaints and the participants discussed issues of ensuring confidentiality. They shared documents that the coalitions had developed, such as the Regulation on the Legal Assistance Group (Tajikistan), the Legal Aid Group's quarterly reports (Tajikistan) and the Instruction on Strategic Litigation Cases (Kyrgyzstan).



Dilshod Juraev
Member of the Legal Aid Group in Tajikistan
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In June 2015 project partners published an **open letter addressed to Major-General Emomali Sobirzoda, Commander of the Ground Forces of Tajikistan, on cases of hazing** in military units under his authority.

They called on him to declare publicly that hazing is unacceptable and that the perpetrators of such crimes must be brought to justice.

Tatyana Chernobil (KAZAKHSTAN): We usually come together at regional meetings that are organized in the framework of the EU-funded anti-torture project, and between times, we exchange information by email. Without doubt, the meetings are very useful. The participants can share experience on very specialized issues, they can find solutions to common or similar problems. It has been especially useful to discuss the submission of individual complaints to the UN and issues concerning forensic examinations. At our last regional meeting in Dushanbe Anna Smirnova, a lawyer of the Kazakhstan International Bureau for Human Rights and the Rule of Law (KIBHR), asked Arsen Ambaryan of the Center for International Protection in Kyrgyzstan what kind of contract his organization usually draws up with lawyers who provide legal aid. Now, the Coalition against Torture in Kazakhstan uses this form, which only had to be slightly adapted to suit the circumstances in our country.

Aisuluu Sharsheeva: Co-operation with members of Legal Aid Groups in other Central Asian countries is always mutually beneficial as the exchange of experience and information lead us to think about new approaches and ideas on how to be more effective and efficient in our work.

Anne Sunder-Plassmann: In how many cases did your anti-torture coalition provide legal aid in 2015?

Tatyana Chernobil (KAZAKHSTAN): In 2015 legal professionals working for the Coalition against Torture in Kazakhstan provided over 120 consultations to citizens who approached the Coalition for the first time with cases involving allegations of torture and other ill-treatment. But overall they provided legal assistance in 280 cases, many of which they had started working on before 2015.

Asel Koylubaeva (KYRGYZSTAN): In 2015 member organizations of the NGO Coalition against Torture in Kyrgyzstan provided legal consultations in 39 cases and provided legal aid in 38 cases. In the framework of our rehabilitation programme the NGO Coalition provided qualified medical, psychological and social assistance to 58 people.

Najiba Shirinbekova (TAJIKISTAN): In 2015, a total of 45 people turned to members of the Legal Assistance Group with cases involving torture and ill-treatment. In 35 of these cases lawyers got involved and assisted the victims to obtain justice. The lawyers also work on seven cases selected by the Coalition as strategic, involving claims for compensation for moral and material harm as a result of torture. The aim is to file civil suits for compensation. In seven cases members of the Legal Assistance Group ensured that the victims of torture and their relatives entered rehabilitation programmes. From 2012 to 2015 25 people were brought to justice on 16 criminal cases involving the use of torture and other ill-treatment, including hazing.

Rachel Bugler: What do you consider as the biggest success in your legal assistance work?

Dilshod Juraev (TAJIKISTAN): In the last few years no

Shamsiddin Zaydulloev, aged 25, died in custody in suspicious circumstances (TAJIKISTAN):

On 8 April 2015, Officers of the Drug Control Agency detained Shamsiddin at his home in Dushanbe. The next day his **mother** visited him. She recalled: **“When I petted his head he said I shouldn’t touch the back of his head because it was swollen and painful. I asked him in a low voice whether he was beaten and he nodded.”** Over the following days she was not allowed to see him. Early on 13 April, the family was informed that Shamsiddin was dead. The parents said his body was covered in bruises when they saw his corpse in the morgue.

The project partners **raised Shamsiddin Zaydulloev’s case in press releases and submissions to international organizations** such as the UN Human Rights Committee. See: <http://iphronline.org/tajikistan-follow-up-submission-to-the-un-human-rights-committee.html>



The fact that it is the Ministry of the Interior that is again in charge of places of detention following an unexpected and rushed decree is worrisome when it comes to detainees' rights, as the risk of torture is significantly higher. Kazakhstan must urgently reverse this decision and ensure the full transfer of control over places of detention and investigation to the Ministry of Justice, a step that does not require complex institutional changes.

Brigitte Dufour
Director of International Partnership for Human Rights

senior officer of the Armed Forces was brought to justice for responsibility in cases that involved hazing and torture in the army. But in 2015 we worked on a case around an incident where many soldiers were beaten up, one of them so severely that he died. We were very pleased when a criminal case was opened against three senior officers, on the charge of "negligence".

Dilafruz Samadova (TAJIKISTAN): First the Sughd Military Prosecutor's Office announced that the soldier, whose case my colleague Dilshod Juraev just mentioned, died after an accident. They said he died as a result of a fall. But we kept urging that the investigation should be continued and be conducted more effectively. As a result, criminal cases were opened against three soldiers and three officers.

Saymumin Kabirov (TAJIKISTAN): Shamsiddin Zaydullov died in custody in April 2015, five days after he had been detained by Officers of the Presidential Drug Control Agency. He was 25 years old. Coalition lawyers repeatedly called for an effective investigation to clarify the circumstances of his death. Due to their persistence an interdisciplinary forensic medical examination was conducted that concluded his death may have been caused by injuries to four or five of his ribs, and a fracture to his skull. In addition, a forensic biological examination established that the blood stain's on Shamsiddin Zaydullov's T-shirt were his. The Prosecutor General's Office closed the case citing lack of evidence of a crime, but we lodged a complaint at the end of December and we will continue to push for justice.

Anne Sunder-Plassmann: Which case has been the most difficult one for you to work on, and why?

Tatyana Chernobil (KAZAKHSTAN): It's probably cases of prisoners. Recently, in several prison colonies in different parts of Kazakhstan, there have been increasing numbers of cases where guards engaged in reprisals against prisoners in order to break their will and force them into submissive obedience. In Kazakhstan both the prison guards and the penitentiary system are subordinate to the Ministry of Internal Affairs. It appears that the Interior Ministry is unable to establish order in the penitentiary system by any other means except brute force. In spring 2015, guards beat a large number of prisoners in a prison colony in the Eastern Kazakhstan region. One of them, 25-year old Iskander Tyugelbaev, fell into a coma and underwent a surgery on his skull in the local hospital. After the surgery Iskander Tyugelbaev came to, but since then he has been unable to speak. His lawyer Gulnara Zhuaspaeva from Almaty has urged that an effective investigation be carried out in order that the perpetrators are brought to justice. She managed to get Iskander transferred to the investigation-isolation facility in the town of Semey when the investigation into "exceeding official authority" was opened. However, the case was soon closed on the grounds of "lack of evidence of a crime" and Iskander was transferred back to the prison colony where he had been subjected to abuse. The lawyer continues to lodge complaints urging the investigation to be re-opened. It is very difficult for lawyers to ensure their clients' safety when the clients are deprived of liberty.

The Coalition against Torture in Kazakhstan and IPHR included the case of **Iskander Tyugelbaev** in a **briefing paper** that was submitted to EU delegates prior to the **EU-Kazakhstan Human Rights Dialogue** in November 2015.

The paper is available on:
<http://iphronline.org/briefings-for-eu-kazakhstan-human-rights-dialogue-20151126.html>

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The authorities continue to hide torture. They don't put the necessary effort into gathering evidence, establishing the perpetrators, and providing reparation to the victims. As a result, the victims feel totally helpless. The NGO Coalition against Torture will continue the struggle for fundamental reforms and will continue to advocate for effective investigations on the national and international level.

Tatyana Chernobil,
Head of the Legal Aid
Group in Kazakhstan

In another case involving mass beatings that took place in the prison colony in Pavlodar, some 30 prisoners filed complaints about torture. Prosecutors did not conduct an effective investigation. Lawyers Snezhana Kim and Konstantin Gerashchenko from Kostanay, who work with the Coalition against Torture and represent four of the victims, had great difficulty in visiting their clients. Prison officials threatened them with reprisals and refused them access to the prison on various pretexts. The investigation into “exceeding official authority” (rather than “torture”) was closed, allegedly for “lack of evidence of a crime”, but it was recently reopened. But we know that the prisoners were tortured severely and one was subjected to sexual abuse. Unfortunately, the authorities turned down the lawyers’ request to conduct a psychological-psychiatric forensic examination in line with the standards of the Istanbul Protocol.

Recently, the Coalition received allegations that around 30 prisoners in a prison colony in Almaty region had also been subjected to beatings. The Coalition hired a lawyer to take up the case.

Saymumin Kabirov (TAJIKISTAN): For me one of the most difficult cases was that of Shamsiddin Zaydulloev, who died in the building of the Drug Control Agency. The building is equipped with video cameras, but during the investigation it transpired that no recordings of the video camera in question were available for the crucial period of 8 to 13 April 2015. Allegedly, the camera was out of order. This incident is not unique. Although senior representatives of law enforcement agencies say that many detention facilities are equipped with video cameras, it is usually impossible to get the recordings when we are working on cases involving allegations of torture. Sometimes they say that the camera was turned off or out of order or that the recordings were damaged and cannot be repaired.

Dilafroz Samadova (TAJIKISTAN): We had gathered strong evidence supporting the allegations of torture in the case of one of our clients and we sent several complaints to the authorities. We closely followed all developments in the case. Eventually the prosecutor's office decided not to open a criminal case for “lack of evidence of a crime”. We challenged the decision in a complaint dated 5 May 2015, but up until now (i.e. 23 December 2015) the consideration of our complaint is still pending.

Najiba Shirinbekova (TAJIKISTAN): To be sure, every case of torture is very complex, as we come up against very strong resistance from the system. In March 2014 22-year old Shakhbol Mirzoev, who was serving in the Border Guards, was beaten up by a medical attendant and his colleagues. He was left paralyzed. Now he is able to sit in a wheel chair a maximum of two hours per day. The rest of the time he has to lie down. In 2014 the medical attendant was sentenced to nine years’ imprisonment, which was an important result. In 2015 lawyers cooperating with the anti-torture Coalition filed a suit for compensation with the Military Court of Dushanbe. In May 2015 the Court awarded Shakhbol 20,000 Somoni (approx. 2,900 EUR) as compensation for moral damages, which is totally

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The greatest obstacle is that the authorities don't examine torture complaints in a responsible manner. The stated policy of "zero tolerance" vis-a-vis torture does not work in practice.

Tatyana Chernobil,
Head of the Legal Assistance Group in Kazakhstan

inadequate in view of the serious and long-term harm he suffered, and 97,265 Somoni (approx. 11,300 EUR) for material damages. On 6 August 2015 the Military Collegium of the Supreme Court of Tajikistan overturned the decision and referred the case to the court of first instance. This compensation case has been very difficult. The defendant gave the court false information about Shakhbol's health and claimed he had undergone unnecessary medical treatment and thus the costs should not be covered.



Shakhbol Mirzoev was tortured by military and medical personnel at a Border Guard unit in Tajikistan. His family had to sell their house to cover the costs of his medical treatment.

Rachel Bugler: What do you see as the biggest problem or obstacle in your work?

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Very often investigators and prosecutors simply don't respond to complaints the lawyers send them or they respond after long delays, in violation of procedures contained in the Criminal Procedure Code. Our complaints usually contain crucial facts and questions that have to be clarified quickly if you want to establish the truth.

Saymudin Kabirov
Lawyer in Tajikistan

Tatyana Chernobil (KAZAKHSTAN): The greatest obstacle is that the authorities don't examine torture complaints in a responsible manner. The stated policy of "zero tolerance" vis-a-vis torture does not work in practice. As a lawyer you first have to push for the registration of allegations in the Unified Register knowing that registration in the Book of Registration is not sufficient. Complaints are rarely properly investigated. Typically they are examined by way of a preliminary examination, which concludes that no thorough investigation is necessary. You'd think that since the new Criminal Procedure Code abolished the pre-investigation phase there shouldn't be any problems with the investigation of torture allegations anymore. But in reality law enforcement officials now usually refrain from registering the case on the pretext that the form wasn't filled in properly and claim that for this reason they first have to conduct a preliminary examination. So, not much has changed at all. And even when investigations are opened they are often terminated for "lack of evidence of a crime". Or they are suspended because the police claim not to be able to identify the perpetrator/s. Such suspensions can last a long time, there's no legal limit, and in the meantime nobody is really trying to find the culprit/s. Also, a suspended investigation can only resume if the prosecutor cancels the investigator's decision to stop investigating.

Saymumin Kabirov (TAJIKISTAN): Very often investigators and prosecutors simply don't respond to complaints the lawyers send them or they respond after long delays, in violation of the Criminal Procedure Code. Our complaints usually contain crucial facts and questions that have to be clarified swiftly if you want to establish the truth. Often investigations take forever for no good reason.

The project partners raised **Shakhbol Mirzoev's case** in **press releases, submissions ahead of the EU-Tajikistan Human Rights Dialogue** and to relevant **UN human rights bodies**, interventions at the **Human Dimension Implementation Meeting of the OSCE** in 2015.

For example, refer to: <http://iphronline.org/raise-torture-cases-at-eu-tajikistan-human-rights-dialogue-20150611.html>

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The biggest problem that we encounter all the time is the lack of a prompt and effective investigation into complaints about torture and the lack of cooperation with lawyers.

Dilafroz Samadova
Lawyer in Tajikistan

Dilafroz Samadova (TAJIKISTAN): The biggest problem that we encounter all the time is the lack of a prompt and effective investigation into complaints about torture and the lack of cooperation with lawyers. In addition to what Saymumin Kabirov said, the authorities don't often provide copies of their decisions on clients' cases to lawyers.

Asel Koylubaeva (KYRGYZSTAN): The lack of an effective investigation into citizens' complaints about torture is a great problem. Effective investigations are lacking at all stages: when complaints are initially examined, during the investigation phase before trial and also during the trial. In the first 11 months of 2015 the Prosecutor General's Office registered 183 complaints of torture or ill-treatment (17% less than the year before); 33 criminal cases were opened (i.e. in 18% of all cases, which is almost three times higher than in previous years). Nevertheless, in 82% of all cases no criminal case was opened, meaning that in the majority of cases it is decided after the initial examination that no criminal case should be opened due to lack of evidence. Four reasons are usually given for this lack of evidence: because it is not accepted that the alleged treatment amounted to a crime or even that it took place; because the complainant withdrew the complaint or because it was not possible to establish the identity of the perpetrators. Only a third of all cases is actually passed on to the courts and perpetrators are only convicted in exceptional cases.

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If you really want to eradicate torture, you must adopt a comprehensive anti-torture strategy. First of all, as has also been recommended by the CAT (...) this body has to be fully independent of the police. It could be set up under the Department of Special Prosecutors at the General Prosecutor's Office of Kazakhstan, whose employees currently lack investigative powers.

Manfred Nowak
former UN Special Rapporteur on torture and IPHR advisory board member, during a visit to Kazakhstan in October 2015

Anne Sunder-Plassmann: What should the authorities do to end torture? What, in your view, are the most important steps?

Anastasia Miller (KAZAKHSTAN): There are many problems and therefore it's difficult to select only one. Only a complex approach will bring positive results in the fight against torture. One issue that needs special attention is that the torture investigation mechanisms need to be significantly improved. Under Article 187 of the Criminal Procedure Code of Kazakhstan the pre-trial investigation of torture cases is conducted by agencies of the Interior Ministry or the Service of Economic Investigations, the very same bodies which conducted the preliminary investigation. Although back in 2011 Deputy Prosecutor General Logan Merkel stated that all torture cases would be investigated by the Department of Special Prosecutors, there is no mention of prosecutors in the relevant section of the new Criminal Procedure Code (CPC). This continues to allow for pre-trial investigations to be carried out by police.

I will mention just a few of the concrete steps that the authorities should take to address these problems: The CPC should be amended to stipulate that the Department of Special Prosecutors of the Prosecutor General's Office is the only body to investigate allegations of torture. The Department should be subject to civil control including through Kazakhstan's Parliament and be endowed with the necessary resources. It is important that the Department can function free from conflicts of interest that may arise from the prosecution's role in taking forward the criminal prosecution. The working methods of the Department need to be transparent and it should be obligatory to keep the victims and their representatives fully informed about all investigatory steps. The Department should also be obliged



Anastasia Miller
Member of the Legal Aid Group in Kazakhstan
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Although back in 2011 Deputy Prosecutor General Logan Merkel stated that all torture cases would be investigated by the Department of Special Prosecutors, there is no mention of prosecutors in the relevant section of the new Criminal Procedure Code (CPC). This continues to allow for pre-trial investigations to be carried out by police.

Anastasia Miller
Head of the KIBHR branch office in Kostanay

to adhere to the principles of the Istanbul Protocol, both regarding the investigation and the medical documentation. Expert NGOs such as the Coalition against Torture in Kazakhstan should be involved in reforming and improving the Department's functioning and working methods.

Dilafroz Samadova (TAJIKISTAN): I agree. In order to end torture it is absolutely essential to set up an independent mechanism to investigate complaints and bring those found responsible to justice.

Kyrgyzstan:

To date all 16 Decisions of the UN Human Rights Committee have not been implemented

Aisuluu Sharsheeva (KYRGYZSTAN): Putting a stop to torture is a complex problem which requires a comprehensive solution - concerted and decisive action by the many state agencies involved, as well as officials and civil society in general. Here are some places to start: the authorities should improve the National Plan for Human Rights, and bring it into line with recommendations made by the UN Human Rights Council and UN treaty bodies to Kyrgyzstan. They should develop a mechanism tasked with ensuring that Decisions made by the UN Human Rights Committee under the individual complaints procedure are implemented; and the authorities should continue their work on minimum standards for effective investigations into torture, due process and the prosecution of the perpetrators.

We welcome your ideas, comments and feedback. Please contact the editors:

Rachel Bugler and Anne Sunder-Plassmann
International Partnership for Human Rights (IPHR)

Square de l'Aviation 7(A)
1070 Brussels, Belgium

rachel.gasowski@iphronline.org and anne.sunder-plassmann@iphronline.org