

Alleged torture and other forms of ill-treatment to extract confession

Case KGZ 230109

Alleged torture and other forms of ill-treatment/ Fear of lack of an effective investigation

The International Secretariat of the World Organization Against Torture (OMCT) requests your URGENT intervention in the following situation in Kyrgyzstan.

Brief description of the situation

The International Secretariat of OMCT has been informed by the Kyrgyz Committee for Human Rights (KCHR), a member of OMCT SOS-Torture Network, about the alleged torture and other forms of ill-treatment inflicted upon Mr. **Tynchtykbek Zhakypbekov**, a citizen of Karakol, in order to extract a confession. To this date, Mr. Zhakypbekov is still hospitalised in the Traumatology Division of the Issyk-Kul regional hospital as he reportedly suffers a craniocerebral injury and a concussion due to the torture and other forms of ill-treatment.

According to the testimony Mr. Zhakypbekov reported on 6 November 2008 to the Office of the Public Prosecutor of Issyk-Kul area and the Ombudsman of the Kyrgyz Republic, on 4 November 2008, a police officer arrived to his home without warrant of arrest and violently forced him into a car driving him to the Jety-Oguz police station.

At the police station, Mr. Tynchtykbek Zhakypbekov was reportedly severely beaten by four officers. He was allegedly tortured to obtain a statement in which he had to confess that he was responsible for the theft of a horse from the village Zhonbulak. However, Mr. Zhakypbekov did not confess to this alleged crime.

According to Mr. Zhakypbekov's testimony, he was beaten with a stick, fists and a chair on his back, feet, hips and head. The perpetrators threatened the victim with breaking his backbone. Also moral pressure was used by threatening the victim with undressing and raping him to obtain his confession. Further, the perpetrators allegedly tried to extort money from Mr. Zhakypbekov promising him to then stop his criminal persecution. He was brought on that same day to the hospital.

According to the same information, no investigation has yet been launched into the allegations of torture and ill-treatment suffered by Mr. Zhakypbekov and the criminal investigation into his alleged participation in the theft remains open.

The International Secretariat of OMCT is gravely concerned for the physical and psychological integrity of Mr. Tynchtykbek Zhakypbekov and about the allegations of torture and ill-treatment.

OMCT wishes to express its concern over the use of statements obtained under torture as evidence in a court case. OMCT recalls that article 7 of the International Convention on Civil and Political Rights, to which Kyrgyzstan is a State Party, states that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and that article 15 of the Convention against Torture, to which Kyrgyzstan is also a State Party, requires that “[e]ach State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings (...)”. Furthermore, according to article 11 of the said Convention, “Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture”. OMCT urges the authorities of Kyrgyzstan to order a thorough and impartial investigation into the circumstances of the allegations of torture.

Action requested

Please write to the authorities in Kyrgyzstan urging them to:

0. Take all necessary measures to guarantee the physical and psychological integrity of Mr. Tynchtykbek Zhakypbekov;
0. Order a thorough and impartial investigation into these events, notably the allegations of torture and ill-treatment, in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;
0. Ensure that adequate, effective and prompt reparation, including adequate compensation, proper medical care and rehabilitation, is granted to the victim;
0. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with international human rights standards.

Addresses

- Mr. Bakiev Kurmanbek Salievich, President of Kyrgyz Republic, Kyrgyzskaya Respublika, 720003. Bishkek, Prospekt Chuy, 205, Fax: 996312218627, ghpress2@rhl.bishkek.su
- Mr. Chudinov Igor, Prime Minister, Fax: 996312218627
- Mr. Kongantiev Moldomusa Tashpolotovich, Minister of Internal Affairs, Fax: 996312663031, 996312288788
- Mr. Tursunkulov Nurlan Zhanyshevich. , Minister of Justice, Fax: 996312663044 / 996312656502
- Mr. Elmurza Satybaldiev, Public Prosecutor of the Kyrgyz of Republic, Fax: 996312665411
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- Permanent mission of Kyrgyzstan, Rue Maunoir 26, 1207 Geneva, Switzerland, Email: kyrgyzmission@bluewin.ch, Fax: +41 22 707.92.21

Please also write to the embassies of Kyrgyzstan in your respective country.

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Geneva, 23 January 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : omct@omct.org