

Case KGZ 240209

Alleged torture and ill-treatment/ Fear of lack of an effective investigation and of an unfair trial/ Fear for safety

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 ill-treatment suffered by Mr. **Taalajbek Kurmanbekov** in order to extract a confession.

According to the information received, Mr. Taalajbek Kurmanbekov was arrested, on 4 February 2009, suspected of theft, by private security employees at a local market and transferred on 5 February 2009 to Jalal-Abad criminal investigation department where he was allegedly torture and ill-treated by police officers. He was reportedly severely beaten with armatures' rods following which he would have admitted to the alleged theft. Mr. Taalajbek Kurmanbekov allegedly signed a confession which was then used in court on 6 February 2009. He was remanded into custody for a month and is currently detained in Jalal-Abad prison.

According to the same information, while the allegations of torture and ill-treatment were reported to the public prosecutor of Jalal-Abad (including a picture showing signs of beatings), no investigation has yet been conducted into these reports and Mr. Taalajbek Kurmanbekov has still not been given access to an independent doctor and medical care. Furthermore, he would have been threatened with death not to disclose the events.

The International Secretariat of OMCT is gravely concerned for the physical and psychological integrity of Mr. Taalajbek Kurmanbekov, being still in detention, following the allegations of torture and ill-treatment, as well as the threats. Furthermore, OMCT wishes to express its deep concern over the use of a statement allegedly obtained under torture as evidence in court. 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 competent authorities of Kyrgyzstan to order carry out a prompt, effective, thorough, independent and impartial investigation into these allegations.

Action requested

Please write to the authorities in Kyrgyzstan urging them to:

- i. Take all necessary measures to guarantee the physical and psychological integrity of Mr. Taalajbek Kurmanbekov;
- ii. Guarantee unconditional access to his lawyer and his family, as well as guarantee that Mr. Taalajbek Kurmanbekov is examined by independent doctors and receives adequate medical care, in accordance with provisions of the UN Standard Minimum Rules for the Treatment of Prisoners;
- i. Call upon the competent authorities to carry out a prompt, effective, thorough, independent and impartial investigation into the allegations of torture and ill-treatment, the result of which must be made public, in order to bring those responsible before a

- competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- i. Guarantee that no evidence obtained under torture be used in the court case as stipulated in Article 15 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - ii. Order his immediate release in the absence of valid legal charges that are consistent with international law and standards, or if such charges exist, bring him before an impartial and competent tribunal and guarantee his procedural rights at all times;
 - iii. Ensure that adequate, effective and prompt reparation, including adequate compensation, proper medical care and rehabilitation, is granted to the victim;
 - iv. 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 Zhanyshovich. , Minister of Justice, Fax: 996312663044 / 996312656502

· Mr. Elmurza Satybaldiev, Public Prosecutor of the Kyrgyz of Republic, Fax: 996312665411

· Permanent mission of Kyrgyzstan, Rue du Lac 4-6, 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.

Geneva, 24 February 2009

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