

ORAL INTERVENTION

2015 OSCE Human Dimension Implementation Meeting Working Session 8 Rule of Law: Prevention of torture (25 September 2015)

Kazakhstan fails to implement UN treaty body decisions on individual cases

The NGO coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan and the Civic Solidarity Platform members Helsinki Foundation for Human Rights (Poland), International Partnership for Human Rights (Belgium) and Norwegian Helsinki Committee are concerned that Kazakhstan has not implemented the decisions that the United Nations (UN) Committee against Torture and the UN Human Rights Committee have made on cases of torture victims under the Committees' individual complaints procedures. The denial of justice to victims of torture adds to their suffering and violates Kazakhstan's UN human rights obligations.

At the same time human rights defenders and the authorities have recently reached an agreement to set up such a mechanism, which would provide a basis for the effective implementation of treaty body decisions on individual cases. We call on the authorities of Kazakhstan to establish this mechanism in due course.

In recent years these UN treaty bodies have found Kazakhstan guilty of breaching its international obligation to prevent or not to permit torture in seven cases of torture victims. So far, Kazakhstan has partly implemented the treaty bodies' recommendations in only two cases. In both cases the victims were awarded compensation for moral harm suffered through torture, but the compensation payments were not adequate, and the perpetrators have not been brought to justice.

In two other cases Kazakhstan forcibly returned Arshidin Israil and Khairullo Tursunov to China and Uzbekistan respectively, although the UN had called on Kazakhstan not to do so, referring to the risk of them being subjected to torture in their home countries.

In its November 2013 decision on the case of Oleg Evloev, the Committee against Torture urged Kazakhstan to conduct an effective investigation with the aim of identifying the perpetrators and to provide the victim with adequate reparation, including compensation and full rehabilitation. However, the authorities failed to implement the Decision.

Thank you for your attention.