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International Day in Support of Victims of Torture 26 June: Detainees in Central Asia frequently subjected to electric shock, suffocation, rape and beatings¹

Central Asian and international human rights groups call on governments in the region to honour today's International Day in Support of Victims of Torture by pledging to end torture and bring justice to the victims. Concrete steps should include ensuring detainees' access to a lawyer of their choice promptly after apprehension, setting up independent mechanisms to investigate torture complaints and – for Turkmenistan and Uzbekistan – to issue standing invitations to United Nations (UN) Special Procedures including the Special Rapporteur on torture.

In Central Asia victims of torture are often afraid to lodge complaints for fear of reprisals and not all dare to seek help from human rights groups. Since the beginning of 2015, the NGO coalitions against torture in **Kazakhstan**, **Kyrgyzstan** and **Tajikistan** have registered 45, 98 and 20 new cases of torture and other ill-treatment, respectively. Some of these cases relate to several individuals claiming to have been tortured. After visiting **Uzbekistan** in 2003 the UN Special Rapporteur on torture concluded the use of torture and ill-treatment was “systematic” in the country and we believe the practice continues on a massive scale. The absence of any level of effective public control or monitoring renders it extremely difficult to accurately assess the extent of the problem. However, numerous reports from ex-detainees, detainees and their families indicate that torture and ill-treatment remain an integral part of the criminal justice system. From 2011 to May 2015, the Association for Human Rights in Central Asia received over 154 allegations of torture and ill-treatment during investigation and detention from Uzbekistan. Due to the repressive nature of the regime, no independent human rights groups are able to operate in **Turkmenistan** and it is impossible to comprehensively study the situation of torture. The authorities persistently deny that torture exists in the country and, to our knowledge, no one has yet been charged under the Article of “torture” that was added to the Criminal Code of Turkmenistan in 2012. Nevertheless, activists in exile have received credible allegations relating to individual cases from pre- and post-trial facilities on a regular basis.

A recent example is the case of **Shamsiddin Zaydullov** from **Tajikistan**. On 8 April 2015, Officers of the Drug Control Agency detained the 25-year old man in his home in the capital city of Dushanbe. The next day his mother visited Shamsiddin. 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.” The following days she was denied access to him under various pretexts. Early on 13 April, the family was informed that Shamsiddin was dead. The parents reported his body was covered in bruises when they saw their dead son in the morgue. On 25 April, the Prosecutor General's Office opened criminal proceedings for “torture”. On 13 May, the parents and the lawyer were given access to the results of the forensic medical examination that was conducted after the autopsy. It concluded that the cause of death was pneumonia. The family's lawyer petitioned the Prosecutor

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General's Office to order a new forensic medical examination, which is currently underway. (More information on the case of Shamsiddin Zaydullov can be found on www.iphonline.org/uploads/9/0/2/7/9027585/tajikistan_torture_cases_june_2015.pdf).

Central Asian human rights groups have documented torture methods including applying electric shocks to different parts of the detainee's body, sexual violence, sticking needles under the finger nails, putting a plastic bag or an oxygen mask over the detainee's head and squeezing tight the air supply, hitting the detainee with different objects, deprivation of food and water, restricted access to toilet facilities, and kicking and beating.

All five Central Asian countries lack independent mechanisms to conduct prompt, thorough, impartial and independent investigations into allegations of torture and ill-treatment, leading to virtual impunity. Often investigations are conducted by officials of the same Ministry whose employees reportedly perpetrated the abuse.

In **Kazakhstan**, for example, complaints of torture and ill-treatment are usually first routed to the Internal Security Department of the Ministry of the Interior, which generally dismisses them as unfounded. After detaining 51-year old **Alexander Albrandt** from the village of Kushmurun in Kostanay region on 23 August 2014 for being drunk in a public place, two police officers reportedly beat and kicked him all over his body and one grabbed his throat until he felt he was suffocating. As a result of the abuse, he passed out and only regained consciousness in the temporary police detention facility of the village of Auliekol late at night. A forensic medical examination conducted on 29 August in the city of Kostanay recorded bruises on his right ear, his face, his arms, torso and left thigh and abrasions at the back of his head and his left knee joint. Alexander Albrandt lodged a complaint about police torture and the prosecutor's office opened criminal proceedings against the alleged perpetrators on 19 September 2014. Since then the case has been closed twice for "lack of evidence of a crime" following investigations conducted by police. In May 2015, the case was sent to the Anti-Corruption Agency for further investigation, but, to date, the agency has not undertaken any steps to effectively investigate the allegations. (More information on the case of Alexander Albrandt can be found on www.iphonline.org/uploads/9/0/2/7/9027585/open_letter_to_prosecutor_general_of_kazakhstan_june_2015.pdf).

Numerous prisoners in Central Asia are serving prison terms after convictions based on evidence extracted under torture.

Over twenty-one years ago, police officers tortured former MP **Murad Dzhuraev** to confess to crimes against the state in **Uzbekistan**. Following an unfair trial, he was sentenced to 12 years in a strict prison colony in 1995 for allegedly calling for the "violent overthrow of the constitutional system", charges which were politically motivated, in retribution for his association with the banned opposition party Erk. Murad Dzhuraev's prison sentence was extended four times since 2004, by over 12 years, for alleged violations of prison rules which also seem politically motivated. Currently, Murad Dzhuraev is in very poor health, he has lost his teeth, is almost blind and suffers from digestive problems. He is not being given adequate access to medical treatment and his lawyer has been denied access to him since March 2015. As well as adequate medical treatment, he urgently requires a medical examination to assess his state of health and the consequences of the torture he has suffered in prison. For the past three years his lawyers and relatives have been trying unsuccessfully to obtain a copy of one of the four sentences prolonging his detention. Murad Dzhuraev's lawyer lodged a complaint with the Supreme Court three months ago.

Several countries have recently pioneered significant positive steps that we believe should serve as examples for the other Central Asian states. **Kazakhstan's** new Criminal Code that came into force in January 2015 excluded those charged or convicted of "torture" from prisoners amnesties and abolished the statute of limitations applicable to this crime. Legal safeguards pertaining to detainees in pre-trial detention were significantly strengthened in the new Criminal Procedure Code that came into force the same month. For example, it clarified that key safeguards including access to a lawyer must be in place upon or promptly after apprehension. In **Kyrgyzstan** and **Tajikistan** the Ministry of Health obliged medical personnel – when conducting examinations of detainees -- to document torture and other ill-treatment in line with principles contained in the UN's Istanbul Protocol. In **Kyrgyzstan** a fully independent National Preventative Mechanism (NPM), set up under the National Center of the Kyrgyz Republic for the Prevention of Torture, started visiting detention facilities in 2014. The same year **Kazakhstan's** NPM, set up under the Ombudsman's office, also started its work and has already discussed its first Consolidated Report, issued at the beginning of 2015. In November 2014, the Criminal Procedure Code of **Tajikistan** was amended to the effect that extradition must be denied when there is

a risk of torture in the receiving country. Also, in **Tajikistan** the families of two men, who had died in custody as a result of torture (Safarali Sangov and Bahromiddin Shodiev), received compensation in 2014 following civil court rulings. **Kazakhstan** is the only other Central Asian country where human rights groups are aware of cases where torture victims received compensation in recent years.

In order to eradicate torture, domestic legislation needs to be further strengthened in all five countries and existing legislation aimed at protecting detainees from torture must be consistently implemented. To this aim, as a matter of urgency, all Central Asian countries should implement recommendations pertaining to torture made by UN treaty bodies and procedures in recent years. **Turkmenistan** and **Uzbekistan** should issue standing invitations to the UN thematic procedures, including the Special Rapporteur on torture. Further information on torture and ill-treatment in Central Asia can be found here:

- **Kazakhstan:**
www.bureau.kz/en/news/kibhr_information/briefing_paper_on_torture_and_other_ill-treatment
- **Kyrgyzstan:**
www.iphronline.org/uploads/9/0/2/7/9027585/torture_in_kyrgyzstan_may_2015.pdf
- **Tajikistan:**
<http://notorture.tj/en/statements/torture-still-widespread-tajikistan-20-years-after-country-acceded-anti-torture-treaty>
- **Turkmenistan:**
http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/TKM/INT_CAT_NGO_TKM_4_6_10146_E.pdf
- **Uzbekistan:**
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fUZB%2f20803&Lang=en

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