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REPORT PREPARED BY:

Public Foundation “Voice of Freedom”
Public Foundation “Lawyers for Human Rights”
Public Association “Country Council of Patients”
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ANNUAL HUMAN DIMENSION IMPLEMENTATION MEETING

Dear Participants,

We would like to present the main findings and problems relating to the rights to liberty and personal inviolability and freedom from torture for key groups in Kyrgyzstan.

Recommendations:

- 1. To strengthen state control and prosecution of violators of provision prohibiting the use of threats, violence and other unlawful measures during interrogation, investigation and judicial actions.*
- 2. To develop provisions limiting the possibility of detaining a person without a sufficient justification, and introduce harsher punishment for unreasonable detention;*
- 3. To introduce a procedure into criminal and administrative practices for disregarding the testimony given by a detainee with the withdrawal syndrome;*
- 4. To confer the status of torture to receiving testimony from a detainee with withdrawal syndrome with no access to adequate medical care and treatment.*

For several years, the Public Foundation “Voice of Freedom” has been working on legal protection mechanisms against unlawful detention, violence and other unlawful actions by law enforcement agencies against injecting drug users and opioid substitution therapy patients in Bishkek.

The monitoring of methadone distribution points and the survey of opioid substitution therapy patients in Bishkek held by lawyers revealed systematic violations by law enforcement agencies: 111 out of 117 patients surveyed were subjected to unlawful detention using torture; 103 people were subjected to threats, blackmail and other types of psychological pressure; 91 patients reported extortion of money; 75 patients stated that police officers planted drugs on them during a search.

Following the detention, no patient is guaranteed the right to immediate and unhindered access to a lawyer at the time of actual delivery to the body of inquiry and to interrogation of suspects/accused in the presence of a defense attorney, which is a major problem and one of the factors contributing to the use of torture during the criminal investigation.

The practice of detaining and bringing a suspect to the police station “to have a talk” is widespread. The monitoring shows that during such “talks”, a detainee is actually under full control of the police. This is when a detainee is most vulnerable as his/her detention has not been registered in any logs and he/she does not have any procedural status, meaning that he/she is subjected to a disguised questioning without a lawyer. It is exactly when torture and other ill-treatment and punishment can be used against a detainee.

A detention record in such cases is drafted only after the person has been formally questioned as a witness.

It is believed that interrogation of a person as a witness shall be done following his/her voluntary appearance and, accordingly, should not entail the obligations of law enforcement bodies to

inform close relatives of the detention and ensure detainee's rights such as the right not to testify against himself/herself and be represented by a lawyer.

The fear of constant pressure and threats prevents key groups from the official reporting of torture to the prosecutor's office to protect their rights and freedoms. It was only in four cases when the Public Foundation "Voice of Freedom" managed to initiate torture reports and their subsequent investigation by the prosecutor's office and the State Committee for National Security.

The existing law enforcement practice jeopardizes universal and fundamental human values such as liberty and personal inviolability. The legislative framework still retains the risk of arbitrary detentions and imprisonment (the basis of detention, the choice of a preventive measure, the release pending trial).