



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Third periodic report submitted by Kyrgyzstan
under article 19 of the Convention pursuant to the
optional reporting procedure, due in 2017* ****

[Date received: 31 January 2019]

* The second periodic report of Kyrgyzstan (CAT/C/KGZ/2) was considered by the Committee at its 1192nd and 1195th meetings, held on 12 and 13 November 2013 (see CAT/C/SR.1192 and CAT/C/SR.1195). Having considered the report, the Committee adopted concluding observations (CAT/C/KGZ/CO/2).

** The present document is being issued without formal editing.



Introduction

1. The present report is being submitted pursuant to article 19 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was prepared in accordance with the general guidelines regarding the form and contents of periodic reports to be submitted by States parties. It includes information on the implementation of the concluding observations of the Committee against Torture (CAT/C/KGZ/CO/2), replies to the Committee's list of issues (CAT/C/KGZ/QPR/3) and additional information on the implementation of the Convention.
2. The report was prepared by an inter-agency working group established by decision of the Coordinating Council on Human Rights, which made use of information received from the State Penal Correction Service, the Ministry of Internal Affairs, the Supreme Court, the State Committee on National Security, the State Committee on Defence, the Ministry of Health, the Ministry of Education and Science and the Ministry of Labour and Social Development. The report covers the period 2012–2016.
3. A draft of the report was discussed at a round table held on 18 July 2017, which was organized by the inter-agency working group established by decision of the Coordinating Council on Human Rights attached to the Government. The participants included representatives of State bodies and civil society organizations. The report was finalized in the light of their recommendations and proposals.

Information on the measures taken by Kyrgyzstan to fulfil its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

(Replies to the list of issues prior to submission of the third periodic report of Kyrgyzstan on the implementation of the Convention)

Paragraph 1 (a) and (b)

4. The Constitution provides that no one may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Everyone deprived of his or her liberty has the right to be treated with humanity and respect for human dignity (Constitution, art. 22).
5. Article 305¹ (Torture) was added to the Criminal Code in 2003. It established a penalty of 3 to 5 years' imprisonment, which placed torture among the less serious offences.
6. The article in question was amended in 2012 to align the definition of torture as closely as possible with the one set forth in the Convention.
7. Torture is defined as the "intentional infliction of physical or mental suffering on a person for the purpose of obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person to carry out particular acts, or for any reason based on discrimination of any kind, when committed by or at the instigation of or with the consent or acquiescence of a public official".
8. The offence carries a penalty of 4 to 15 years' imprisonment.
9. The specific offence of torture has thus been recategorized from a less serious offence to an especially serious one.

Paragraph 1 (c)

10. In implementation of paragraph 10 of the Committee's concluding observations (CAT/C/KGZ/CO/2), a new Criminal Code will enter into force on 1 January 2019. The new Code defines torture as the "infliction of physical or mental suffering on a person for the purpose of obtaining from him or a third person information or a confession, punishing

him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person to carry out particular acts, or for any reason based on discrimination of any kind, when committed by or at the instigation of or with the consent or acquiescence of a public official". The maximum penalty for the offence has been lowered by 5 years, and courts may now impose a penalty of up to 10 years' imprisonment instead of 15 years (Criminal Code, new version, art. 143).

11. Torture has been moved from the section of the Criminal Code entitled "Official misconduct" to the section entitled "Offences against the person", as human and civil rights and freedoms are supreme values and their protection is the State's primary responsibility. As enshrined in the State's fundamental law, the Constitution, human and civil rights and freedoms inform the purport and nature of the State's activities.

12. The new Code of Criminal Procedure, which entered into force on 1 January 2019, stipulates that its provisions on parole and the statute of limitations for criminal offences may not be applied to persons convicted of torture.

13. Pursuant to article 4 of the General Principles of Pardons Act of 14 June 2002, amnesty may not be granted to persons who have committed serious or especially serious offences, regardless of the length of any sentence imposed by a court. The offence established in article 305¹ of the Criminal Code is categorized as a serious offence.

14. On 1 January 2019, the new Criminal Code and new Code of Criminal Procedure entered into force. They strengthen the fundamental safeguards against torture during the police custody and preliminary investigation phases.

Paragraph 2

15. In accordance with the Supreme Court workplan for the period 2014–2015, analyses were carried out on judicial practice in 2012–2013 in relation to criminal cases involving torture or ill-treatment and on court records on the use of preventive measures in 2013 and the first nine months of 2014.

16. Over the period 2012–2013, the Supreme Court's Judicial Training Centre held the following events to provide judges with advanced training on international standards for the protection of human rights and freedoms, including the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and on the role of judges in preventing and putting an end to the torture or ill-treatment of persons deprived of their liberty:

- A two-day workshop for local court judges on the theme "Issues in the consideration of applications for the adoption of preventive measures in accordance with national law and international standards";
- A three-day workshop on the theme "Human rights principles and standards in the administration of justice";
- A two-day workshop on the theme "Safeguards against torture in Kyrgyzstan: problems and prospects", with the participation of procuratorial and law enforcement officials and representatives of voluntary organizations.

17. From 1 to 4 June 2015, in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office, the Organization for Security and Cooperation in Europe (OSCE) Programme Office in Bishkek, the Tian Shan Policy Centre and the United Nations initiative on gender aspects of mediation, the Supreme Court's Judicial Training Centre held a training event at which international standards and national laws on human rights protection, including safeguards against torture and other cruel, inhuman or degrading treatment or punishment, were considered and judicial practice in relation to criminal cases involving torture or ill-treatment was analysed.

18. The directors of the Office of the Procurator General have held a number of meetings with representatives of international organizations, including the OHCHR Regional Office, the OSCE Programme Office in Bishkek, the Ludwig Boltzmann Institute

for Human Rights and the public foundation Legal Prosperity. At these meetings, matters were discussed and dates were set for round tables, regional meetings on how to improve mechanisms for countering torture and ill-treatment, training events and workshops for procuratorial investigators.

19. One area of particular focus is the ongoing process of training procuratorial investigators. With the assistance of voluntary associations and international human rights organizations, the Office of the Procurator General regularly conducts training events and workshops for this purpose. The trainers are officials of the Office for the Oversight of Civil Rights Enforcement at the Pretrial Stage of Criminal Proceedings and experts from international and non-governmental organizations.

20. In 2016 alone, the Office of the Procurator General held a number of training activities in different regions of the country, including 9 two- and three-day training workshops for procuratorial officials and 28 lectures on the prevention and effective investigation of torture, which included practical exercises involving role-play activities and interactive games.

21. Regional procurators' offices conducted 31 training workshops, in which 481 procuratorial investigators participated.

22. In cooperation with voluntary associations and international human rights organizations, the Office of the Procurator General holds round tables on topical aspects of the prevention of torture and other cruel, inhuman or degrading treatment or punishment and on current problems and possible solutions, while gathering information from participants.

23. In December 2015, at the initiative of the Office of the Procurator General, a round table was organized on the theme "Improving the mechanisms for combating torture and other cruel, inhuman or degrading treatment or punishment". The participants included the Procurator General, lawmakers, members of the Government, the Ombudsman (*Akyikatchy*), the Director of the National Centre for the Prevention of Torture and representatives of international and non-governmental organizations whose work is related to the protection of human and civil rights and freedoms.

24. In 2016, similar round tables on combating torture and other cruel, inhuman or degrading treatment or punishment were held in the city of Karakol in Issyk-Kul Province and in the city of Jalal-Abad. The participants included regional representatives of the Ombudsman (*Akyikatchy*), the National Centre for the Prevention of Torture, the directors of procuratorial, internal affairs, judicial and health-care agencies at the provincial level and representatives of non-governmental organizations whose work is related to the protection of human and civil rights and freedoms. This practice has continued up to the present time.

25. The Ministry of Internal Affairs is making every effort to raise legal awareness and foster a tradition of unconditional respect for the law, the rule of law and integrity. Mutual cooperation agreements on retraining and advanced training have been concluded with the Ministry of Internal Affairs Academy, the Kyrgyz State Law Academy and the Academy of Public Administration under the Office of the President. The Ministry of Internal Affairs Academy and Advanced Training Centre held training courses for 182 officials of the investigative and operational services of internal affairs agencies.

Paragraph 3 (a)

26. Suspects, accused persons, defendants and witnesses, as well as their legal representatives or other persons acting on their behalf or with their consent, choose their own defence counsel. The right of a suspect, accused person or defendant to be assisted by counsel in criminal proceedings is guaranteed by the investigator and the court. State-provided defence lawyers are remunerated through the Guaranteed Legal Assistance Programme. Payments to lawyers under the Programme totalled 1,648,800 soms in 2012, 4,732,800 soms in 2013, 10,552,500 soms in 2014, 18,322,076 soms in 2015 and 19,240,068 soms in 2016.

27. A suspect, accused person or defendant must be represented by counsel in criminal proceedings if he or she has difficulty in independently exercising his or her right to a defence owing to a severe impairment of the functions of speech, hearing or vision, a prolonged serious illness, dementia, clear mental retardation or other physical or mental deficiency; if he or she has no command or a poor command of the language of the criminal proceedings, has not attained the age of majority or is suspected or accused of an especially serious offence; or if his or her interests conflict with those of another suspect, accused person or defendant who is represented by counsel.

28. Suspects, accused persons, defendants and convicted persons have the right to communicate freely with their counsel in private, with no restriction on the number or duration of their meetings (Code of Criminal Procedure, arts. 40 and 42).

29. The participation of defence counsel is mandatory when the court is considering an application by an investigator to remand an accused person in custody as a preventive measure. This requirement also applies to the procedure for extending the period during which an accused person is held in custody (current Code of Criminal Procedure, arts. 45 and 46).

30. Evidence deemed inadmissible includes statements made by a person who is suspected or accused of a criminal offence during the investigation of a criminal case in the absence of counsel, including where the right to counsel has been waived; statements made in court by a defendant without counsel; statements made by a victim or a witness based on conjecture, supposition or hearsay; statements made by a witness who cannot identify the source of his or her information, unless they are substantiated by the body of evidence examined during the investigation or court proceedings; and any other evidence obtained in violation of the Code of Criminal Procedure (current Code of Criminal Procedure, art. 81).

Paragraph 3 (b)

31. In accordance with the current Code of Criminal Procedure, when a suspect is taken into custody as a coercive procedural measure, the investigator is under an obligation to inform a member of the suspect's family or, where the suspect has no family, other relatives or persons with whom the suspect has close ties, within 12 hours. If the detainee is a citizen of another State, the embassy or consulate of that State must be notified within the same time period.

32. Unlike the current Code of Criminal Procedure, the new Code will recognize suspects' right to make one completed telephone call, free of charge and subject to monitoring; to receive a written explanation of their rights; to defend themselves either on their own or with the assistance of counsel of their choosing; and to be assisted by counsel as soon as they have been notified that they are suspected of having committed an offence or misdemeanour. In the event of detention, suspects will have the right to State-guaranteed legal assistance from the time of actual arrest, if they do not have counsel of their own choosing; to review, at their request, of the lawfulness and grounds of their detention; and to a medical examination and medical assistance after their arrest (Code of Criminal Procedure, art. 45).

Paragraph 3 (c)

33. In accordance with the current Code of Criminal Procedure, whenever a suspect is placed in a temporary holding facility, and whenever a complaint regarding the use of violence by officials of the bodies conducting the initial inquiry or pretrial investigation is submitted by the suspect or by his or her lawyer or relatives, he or she must be given a duly documented medical examination (Code of Criminal Procedure, art. 40).

34. Suspects, accused persons, victims and witnesses have the right to call experts and specialists of specific forensic organizations and to put questions to them so as to obtain expert opinions on those questions (Code of Criminal Procedure, arts. 199 and 202).

Paragraph 3 (d)

35. In accordance with article 40 of the Code of Criminal Procedure, a suspect has the right to know what he or she is suspected of; to receive copies of the decision to institute criminal proceedings against him or her and of the record of arrest; to receive a written explanation of his or her rights; to be assisted by counsel from the time of the first interview and, in the event of detention, from the time he or she is handed over to the body conducting the initial inquiry; to make or refuse to make a statement; to make a statement in his or her native language or another language of which he or she has a command; to have the services of an interpreter; to submit evidence; to file applications and objections; to consult the records of investigations conducted with his or her participation and to submit comments to be incorporated into them; to participate in investigations conducted in response to an application that he or she, or his or her counsel or legal representative, has submitted, if so permitted by the investigator; and to file complaints against actions of officials of the body conducting the initial inquiry and actions and decisions of the investigator or procurator.

36. In accordance with article 94 of the Code of Criminal Procedure, a person suspected of an offence may be detained in the following circumstances: (1) if he or she is caught *in flagrante delicto* or immediately afterwards; (2) if eyewitnesses, including the victims, unequivocally identify him or her as the offender; or (3) if clear evidence of the offence is found on the suspect or his or her clothing, in his or her possession or at his or her home.

37. Persons may also be detained if other information suggests that they have committed an offence or if they have no permanent residence, their identity has not been established or they have attempted to flee.

38. Where there is sufficient evidence to indicate that a person has committed an offence, the investigator files a reasoned statement of charges against him or her (Code of Criminal Procedure, art. 213).

39. Charges are served in the presence of defence counsel and within three days of the filing of the statement of charges. If the person charged or his or her counsel fails to appear, the charges may be served after the three days have elapsed. Persons in respect of whom warrants are issued in default of appearance are charged on the same day. After verifying the identity of the person to be charged, the investigator formally notifies him or her, or his or her lawyer, of the decision to prosecute; the investigator must explain the substance of the charges to the person being charged; and copies of the statement of charges are delivered to the accused and sent to the procurator (Code of Criminal Procedure, art. 216). The investigator must then explain to the accused his or her rights and obligations (Code of Criminal Procedure, art. 217).

Paragraph 3 (e)

40. In accordance with article 24 of the Constitution and article 110 of the Code of Criminal Procedure, all detained persons must promptly, and in any case within 48 hours from the time of their arrest, be brought before a judge for a decision on the lawfulness of their detention. All detained persons must immediately be informed of the reasons for their detention and must be informed of and able to exercise their rights, including the right to a medical examination and to medical assistance.

Paragraph 3 (f)

41. With the close cooperation of the State Penal Correction Service and with financial support from the United Nations Office on Drugs and Crime (UNODC), the authorities have created a database for the registration of convicted and remand prisoners, including minors, in which the data are processed with the i2 iBase software package.

42. Between 12 and 23 May 2015, the training centre of the State Penal Correction Service provided training to 26 individuals on the maintenance of the central register

(database) of detainees and prisoners, which includes information on the arresting officers who handed these persons over to law enforcement agencies.

Paragraph 4 (a), (b), (c) and (d)

43. Since January 2018, all places of deprivation or restriction of liberty in the country have posted information on the rights of detainees and the rules pertaining to them, in both Kyrgyz and Russian.

44. Law enforcement officials are required to ensure that persons deprived of their liberty who have no command or a poor command of these languages are assisted by an interpreter, as provided for in the laws on criminal and administrative procedure.

45. On 25 December 2014, the Ministry of Internal Affairs signed a decree requiring all the temporary holding facilities operated by the internal affairs agencies to post information on the rights of persons held in such facilities and the rules pertaining to them, in both Kyrgyz and Russian.

46. As soon as a lawyer becomes involved in a case, he or she has the right to communicate with his or her client in private, with no restriction on the number or duration of their meetings, regardless of whether the client is in a temporary holding facility or a remand centre. No special permission from the investigator is required (Code of Criminal Procedure, art. 48).

47. It is prohibited to interfere in or in any way hinder the lawfully conducted activities of lawyers. Persons who permit the unlawful interference in or hindrance of such activities are guilty of an offence under Kyrgyz law (Bar and Advocacy Act, art. 29).

48. Under article 318¹ of the Criminal Code, obstruction of the professional activities of a lawyer is punishable by a fine of between 500 and 1,000 notional units or deprivation of liberty for up to 5 years, with forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years.

49. During the reporting period, there were no incidents in which law enforcement officials denied fundamental legal safeguards to persons deprived of their liberty.

50. In order to ensure compliance with the international human rights obligations of Kyrgyzstan, the Government adopted Decision No. 630 of 18 November 2013 establishing the Coordinating Council on Human Rights attached to the Government, an advisory body mandated to enhance the mechanisms for the protection of human and civil rights and freedoms and the fulfilment of international human rights obligations. The Coordinating Council is responsible for coordinating the activities of public bodies in preparing the country's periodic reports to the United Nations treaty bodies on the implementation of international human rights treaties and reports to the Human Rights Council under the universal periodic review process.

51. In 2013, in implementation of the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, the procuratorial bodies, at the initiative of the Procurator General, developed a draft action plan to combat torture and other cruel, inhuman or degrading treatment or punishment in Kyrgyzstan. After it had been discussed and agreed upon with relevant government agencies and civil society organizations, the action plan was approved by Government Order No. 469-r of 23 October 2014.

52. Three main areas of work are outlined in the action plan: legislative improvements, awareness-raising measures and organizational and technical support. The plan provides that actions in the first of these three areas should be implemented by the first quarter of 2015 and the remaining provisions on an ongoing basis. The action plan is currently being updated with a view to developing a unified strategy and implementing a set of measures to eradicate torture in the country.

53. The new version of the Code of Criminal Procedure strengthens the fundamental safeguards against torture during the police custody and preliminary investigation phases.

54. On 18 June 2012, a memorandum of cooperation on the protection of human and civil rights and freedoms was concluded between the Office of the Procurator General, the Ombudsman (*Akyikatchy*), the National Centre for the Prevention of Torture, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Justice, the State Penal Correction Service, OSCE and non-governmental organizations whose work is related to the protection of human and civil rights and freedoms. Its purpose is to foster active cooperation and interaction in combating torture and other forms of ill-treatment. The memorandum states that representatives of these organizations have the right to conduct unannounced joint visits and inspections, at any time of day, of places of deprivation or restriction of liberty throughout the country.

55. In 2016, the procuratorial bodies conducted unannounced inspections of places of restriction or deprivation of liberty jointly with representatives of the National Centre for the Prevention of Torture and the Office of the Ombudsman (*Akyikatchy*).

56. That year, the procuratorial bodies and representatives of the Ombudsman (*Akyikatchy*) and the National Centre for the Prevention of Torture carried out 677 unannounced joint inspections of places of deprivation or restriction of liberty, including 488 places of restriction of liberty.

57. On the basis of the incidents brought to light during these inspections, the procuratorial bodies issued 25 orders and 3 directives to desist from unlawful activity, and 1 criminal case was filed under article 305¹ (Torture) of the Criminal Code.

58. As a result of these instruments of procuratorial action, seven officials of the internal affairs agencies were disciplined. Of these, one was dismissed, two were suspended from their duties, one was issued a severe reprimand, and six were issued an admonition.

59. The procuratorial bodies carried out 3,017 unannounced inspections in 2012, 3,332 in 2013, 3,220 in 2014, 4,459 in 2015 and 4,189 in 2016.

60. In 2015, the procuratorial bodies adopted four instruments of procuratorial action, as a result of which one official was disciplined.

Paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h) and 18 (a), (b) and (c)

61. In 2011, the Office of the Procurator General developed and implemented a set of guidelines on the investigation of torture and other cruel, inhuman or degrading treatment or punishment.

62. In 2012 and 2014, the procuratorial bodies were given instructions on ordering forensic psychiatric and medical examinations and a brochure on forensic psychiatric examinations. These require procurators' offices to order forensic psychiatric examinations, particularly in criminal cases and matters involving torture or other cruel, inhuman or degrading treatment or punishment. This requirement has been brought to the attention of procuratorial officials and all law enforcement agencies under the supervision of the Procurator General.

63. In 2015, the Office of the Procurator General prepared a practical manual on combating torture and conducting effective investigations. It covers the role and responsibilities of the procuratorial bodies in preventing, detecting and investigating torture and ill-treatment with due regard to existing legal provisions on the organization and activities of procurators' offices, the responsibilities assigned to procurators' offices in specific areas and the features of emerging law enforcement practice. It also sets out the procedure for carrying out the appropriate inspections and examining complaints and reports of torture and the logistical aspects of the investigation of criminal cases involving the use of torture or other forms of ill-treatment.

64. The content of the Istanbul Protocol is covered in great detail in this practical manual. One of the manual's chapters consists entirely of excerpts and annexes from a set of practical guidelines on the effective documentation of violence, torture and other cruel, inhuman or degrading treatment or punishment. These guidelines are intended for use by medical professionals at all levels of health care and other agencies of Kyrgyzstan.

65. On 21 July 2015, the Office of the Procurator General drafted and put into practice an instruction on the implementation of the Istanbul Protocol, in accordance with which the directors of regional procurators' offices held meetings with the heads of both State and non-State health-care institutions (inpatient and outpatient facilities, family medical centres, obstetric clinics, trauma units, emergency response stations and private medical centres) and expert institutions with which cooperation and information-exchange mechanisms have been developed on the issue of torture and other forms of ill-treatment, and officials with responsibility in this regard were designated.

66. In 2015, the procuratorial bodies stepped up and overhauled their efforts to combat torture by introducing new standards and a more effective mechanism for combating torture. In addition, pursuant to the national action plan to combat torture, a special department was set up under the Office of the Procurator General to oversee civil rights enforcement at the pretrial stage of criminal proceedings. The primary responsibility of this department is to combat torture and other forms of ill-treatment. It cooperates closely with national and international institutions for the protection of human rights and the prevention of torture and other forms of ill-treatment. It has achieved a great deal in a short space of time, having identified a number of problems and secured the institution of criminal proceedings in several high-profile cases, including cases involving internal affairs officers. These cases have been referred to the courts, and some of them have reached the investigation stage.

67. On 20 July 2016, in order to ensure that incidents of torture or other cruel, inhuman or degrading treatment or punishment are promptly brought to light, the Office of the Procurator General issued a written instruction to all lower-level procurators' offices requiring procurators involved in hearings for the examination of pretrial detention motions to look for any obvious signs of torture, abuse or injury and to question the accused in this regard at the hearing. If such acts are found to have taken place, the procurator is instructed to take measures, in accordance with articles 151 and 155 of the Code of Criminal Procedure, for the mandatory taking of a written or oral statement regarding the use of torture or other cruel, inhuman or degrading treatment or punishment, for subsequent registration and thorough verification.

68. All complaints of torture or other cruel, inhuman or degrading treatment or punishment are comprehensively investigated regardless of the victim's sex, age, race, ethnicity or orientation. All claims in the complaint are verified and the facts are objectively investigated. The appropriate forensic medical, psychological and psychiatric examinations are ordered in accordance with the principles of the Istanbul Protocol, and, where necessary, single-discipline or multidisciplinary expert panels are appointed.

69. Where it has been established that torture or other cruel, inhuman or degrading treatment or punishment has taken place, criminal proceedings are immediately instituted and the investigation is entrusted to an experienced investigator. The investigation is subject to special monitoring. During the investigation, all officials involved in the use of torture or other forms of ill-treatment or punishment are held to account and are suspended from their duties.

70. In other instances, a decision is taken not to institute criminal proceedings. Such decisions are connected with the fact that torture and other cruel, inhuman or degrading treatment or punishment are hidden offences. Victims do not report such acts promptly; instead, they approach the competent investigating body after a long delay, during which time any traces of violence disappear. While the inquiry is under way, complainants come to agreements with suspects and change their testimony to the advantage of the latter, refuse to undergo forensic examinations and refuse to appear before the investigating authorities or the procurator; this makes it very difficult to prove the guilt of those responsible for any violence. In addition, if the single-discipline or multidisciplinary forensic medical and psychiatric examinations have not been completed, temporary decisions not to institute criminal proceedings must be made on the basis of the case files. Once the examinations have been completed, these decisions are overturned by the supervising procurators and the matter is investigated further.

71. Within 10 days after a decision not to institute criminal proceedings is taken, the case is carefully examined by a supervising procurator, who issues an opinion on whether or not the decision was warranted.

72. If the decision not to institute criminal proceedings is deemed to be warranted, the case is referred to a higher procurator's office, which has 10 days in which to verify the lawfulness of the decision. The case is then referred to the Office of the Procurator General for examination.

73. On 6 September 2011, the Office of the Procurator General issued Instruction No. 70-u and forwarded it to procurators at all levels. This instruction requires lower-level procurators' offices to send all files relating to decisions not to institute criminal proceedings in cases involving torture or other ill-treatment, as well as all files relating to suspended or discontinued criminal cases involving those offences, to the Office of the Procurator General for consideration of whether those decisions were warranted and for the immediate determination of whether officials accused of torture or ill-treatment should be suspended from duty in accordance with article 118 of the Code of Criminal Procedure. If it is established that these incidents were not investigated in an effective and timely manner, the Procurator General considers taking strict disciplinary action against the director of the relevant territorial procurator's office for improper performance of his or her official duties.

74. The number of registered complaints of torture or other cruel, inhuman or degrading treatment or punishment was 371 in 2012, 265 in 2013, 220 in 2014, 478 in 2015, 435 in 2016 and 418 in 2017.

75. In 2012, criminal proceedings were instituted against 35 officials of the internal affairs agencies for the use of torture or other forms of ill-treatment. The corresponding 20 criminal cases were referred to the courts for consideration on the merits.

76. The number of cases referred to the courts totalled 11 cases involving 21 officials in 2013, 7 cases involving 24 officials in 2014, 13 cases involving 27 officials in 2015, 11 cases involving 22 officials in 2016 and 12 cases involving 14 officials in 2017.

77. The defendants in these cases were all suspended from their duties for the duration of the investigation and trial.

78. The courts have delivered guilty verdicts against 15 officials in criminal cases involving the use of torture. Of these officials, 12 were taken into custody and sentenced to between 7 and 11 years' imprisonment. In respect of 3 officials, the court handed down a verdict without imposing a penalty, as the statute of limitations had expired, given that the acts in question had been committed prior to the 2012 amendment that increased the penalty for torture.

79. In 2014–2015, the procuratorial bodies brought criminal proceedings against six officials of the internal affairs agencies for the use of torture against minors. Of these officials, two were found guilty and sentenced to 10 and 11 years' imprisonment.

80. A further criminal case involving four officials of the internal affairs agencies who allegedly committed acts of torture against a minor is currently before the courts.

81. In addition, during the reporting period, the courts handed down 51 judgments in relation to 62 officials in cases concerning forms of ill-treatment other than torture, including 33 judgments in relation to 36 members of the armed forces.

82. As at 31 December 2017, taking into account investigations completed in previous years, the courts had before them 43 criminal cases involving 95 employees of the internal affairs agencies, including 26 criminal cases involving 57 law enforcement officials brought under the article on torture.

83. In response to an application by a State prosecutor, the preventive measure adopted in respect of three officials of the internal affairs agencies was changed from travel restrictions to remand in custody, and they were sent to a remand centre. The court's decision was upheld by decisions of courts at all levels. The court based its decision on a finding by the procurator's office that torture victims had been threatened and intimidated by the police officers who had been charged. Between 2012 and 2016, the procuratorial

bodies adopted decisions to provide State protection to A. Chonakhunov, A. Ermek uulu and E. Ermek uulu, who had complained that they had been subjected repeatedly to threats and intimidation.

84. The procuratorial bodies publicize their work to combat torture and other forms of ill-treatment. In 2016 alone, the Office of the Procurator General released 26 news items to the media (television, radio, newspapers, magazines and websites), and regional procurators released 24 news items, with a view to informing the public about the law on torture and other ill-treatment and the work of the procuratorial bodies in combating such offences.

85. Between 2011 and 2016, strict disciplinary action was taken against 68 procuratorial officials for the improper performance of official duties in relation to the review and investigation of cases of torture and other forms of ill-treatment.

86. Kyrgyzstan has amended its Constitution, and the law states that criminal cases involving offences committed by officials are to be handled solely by the bodies of the State Committee on National Security. This category includes the offence provided for in article 305¹ (Torture) of the Criminal Code. As a rule, proceedings are brought against officials who commit acts of torture.

87. Cases that fall into this category will consequently be investigated only by investigators attached to the State Committee on National Security; this will minimize any risk of a conflict of interest.

88. All criminal cases concerning acts of torture have been transferred from the procuratorial bodies to the investigators of the State Committee on National Security, who have launched investigations into them. There have been no criminal cases concerning acts of torture or other ill-treatment on the part of the investigative bodies of the police force.

Paragraph 6

89. Pursuant to section 6 of the Constitution and the Act on the Status of Judges in Kyrgyzstan, judicial authority is exercised through constitutional, civil, criminal, administrative and other forms of legal proceedings.

90. In the performance of their duties, judges are independent and subject only to the Constitution and the law. Judges have the right to immunity and may not be detained, arrested or subjected to searches of their property or person, except when caught *in flagrante delicto*. Judges may not be held liable for their actions in a particular case. Any interference in the administration of justice is prohibited.

91. Supreme Court judges are chosen from among those judges who have not yet reached the age limit. The President of Kyrgyzstan appoints local court judges at the proposal of the Judicial Selection Board for an initial five-year term and a subsequent term that expires when they reach the age limit.

92. The Judicial Selection Board is composed of judges and civil society representatives.

93. The organization and activities of the Judicial Selection Board, its powers and the procedure for its formation are governed by the Judicial Selection Board Act of 13 June 2011.

94. The procedure for taking disciplinary action against judges is set out in the Act on the Disciplinary Commission of the Judicial Selection Board.

Paragraph 7 (a), (b) and (c)

95. The Ombudsman (*Akyikatchy*) Act has been in force since 31 July 2002. It governs the relations of citizens of Kyrgyzstan, foreigners and stateless persons vis-à-vis State authorities, local authorities and their officials in respect of the exercise of human and civil rights and freedoms.

96. The oversight activities of the Ombudsman (*Akyikatchy*) are intended to protect the human and civil rights and freedoms enshrined in the Constitution, national laws and the international treaties and agreements ratified by Kyrgyzstan; ensure the observance of and respect for human and civil rights and freedoms, including those of foreign nationals and stateless persons; prevent violations of human and civil rights and freedoms or, in the event of a violation, promote the restoration of such rights; assist in bringing the laws of Kyrgyzstan on human and civil rights and freedoms into line with the Constitution and relevant international standards; enhance and further develop international cooperation with respect to the protection of human and civil rights and freedoms; prevent any form of discrimination with regard to individuals' exercise of their rights and freedoms; promote legal awareness among the public; and protect confidential information about private individuals.

97. The Office of the Ombudsman (*Akyikatchy*) is independent of any State bodies or officials. Any interference in or attempt to influence its activities is prohibited.

98. In 2012, the Office of the Ombudsman (*Akyikatchy*) was accredited with B status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. As this status denotes partial compliance with the Paris Principles, Kyrgyzstan was given recommendations on improvements to the laws governing the Office's activities.

99. These recommendations primarily concern measures to strengthen the independence of the Ombudsman (*Akyikatchy*), ensure that it cooperates closely with civil society organizations and give it a mandate to promote the ratification of international human rights treaties and compliance with international human rights standards.

100. In order to enhance the current Ombudsman (*Akyikatchy*) Act, a new bill of the same name has been drawn up. The bill covers the procedures for the election and dismissal of the Ombudsman (*Akyikatchy*), his or her legal status and powers and the organization of his or her activities. The bill is currently under consideration in the legislature (*Zhogorku Kenesh*).

Paragraph 8 (a), (b) and (c)

101. The Act on the National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted on 12 July 2012 to facilitate the implementation of the country's obligations under the Optional Protocol to the Convention and to establish a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in places of deprivation or restriction of liberty.

102. The Centre has been fully operational since March 2014.

103. The Centre operates on the basis of the principles of legality, independence, transparency, impartiality and non-discrimination on grounds of sex, race, language, ethnicity, origin, religion, age, disability, political or other opinion, education, property or other status, among other factors.

104. The Centre's main objectives are to prevent torture and ill-treatment in places of deprivation or restriction of liberty and to help to improve the conditions in which persons are held in such places.

105. In 2017, the Centre employed 17 lawyers, 1 doctor, 5 teachers and 2 economists. Of these, 8 were women and 15 were men; 20 were of Kyrgyz ethnicity and 3 were of Uzbek ethnicity.

106. When the Centre was established, all State bodies and their officials were promptly made aware of and familiarized with its work. To ensure that the Centre can function effectively and discharge its mandate, the Criminal Code has been supplemented with a special provision, article 146², which penalizes any obstruction of the exercise of authority by a member of the Coordinating Council on Human Rights or by one of the Centre's employees.

Paragraph 9 (a), (b), (c), (d), (e) and (f)

107. Efforts to combat domestic violence have been revitalized and intensified.

108. On 27 April 2017, the Protection against Domestic Violence Act was adopted. Templates for the protection orders established pursuant to the Act were approved by Government Decision No. 642 of 3 October 2017, while instructions on the work of the internal affairs agencies for protection against domestic violence were approved by Ministry of Internal Affairs Order No. 970 of 14 November 2017.

109. To ensure effective implementation of the requirements laid down in the Act, the Ministry of Internal Affairs issued an order approving templates for institutional reporting on protection orders issued in respect of perpetrators and victims of domestic violence and instructions on the procedure for producing statistical reports on protection orders issued in respect of perpetrators and victims of domestic violence.

110. At the Ministry of Internal Affairs Academy, the Ministry has introduced a special course on prevention of gender-based violence and has developed a training manual on the prevention of gender-based and domestic violence and a programme of cascade training seminars. As a result, between February and April 2018, training was provided to 527 neighbourhood police officers, juvenile affairs inspectors and police station staff from the country's nine regions.

111. Also with the aim of implementing the Act, in May 2018 the Ministry of Internal Affairs and the Association of Crisis Centres, in collaboration with the Ministry of Labour and Social Development, began work on establishing domestic violence protection committees in several pilot regions (Ala-Buka district and the town of Kerben in Jalal-Abad Province, Nookat district and the town of Kara-Suu in Osh Province, Jeti-Ögüz district in Issyk-Kul Province and Pervomai district in Bishkek).

112. In May and June 2018, workshops were held for internal affairs personnel in these pilot districts in order to raise awareness of the Act, discuss plans for the establishment and operation of the domestic violence protection committees and analyse the situation regarding offences against women and domestic violence in 2017.

113. In 2015, with the support of the relevant UNODC programme, the Ministry of Internal Affairs created a website (<http://gender.mvd.kg>) on the implementation of its gender policy. Content is regularly posted on topics related to combating domestic violence and the implementation of the gender policy in the work of the internal affairs authorities.

114. Information on the prevention of domestic violence is published on the Ministry of Internal Affairs website.

115. In May 2018, educational videos on domestic violence prevention were posted on the official Ministry of Internal Affairs website. From May to July 2018, they were also broadcast three times a week on national television. One of the videos was called *El chetinde Zhoo betinde* and the other was intended to raise public awareness of the reforms introduced with the Protection against Domestic Violence Act.

116. Pursuant to the action plan for 2015–2017 on the prevention of child abuse and violence against children, which was adopted by Government Order No. 125 of 25 March 2015, 78 telephone hotlines have been set up in all internal affairs agencies to receive information about instances of child abuse and violence against minors.

117. In 2018, the telephone hotlines received 51 calls reporting instances of violence against children. As a result, 28 instances of child abuse and violence against children were identified, 16 criminal cases were filed, 8 criminal cases were referred for trial and 25 temporary protection orders were issued.

118. In 2017 and the first four months of 2018, 15,971 events were held with the aim of preventing juvenile delinquency. These events included seminars, round tables, debates, meetings and discussions with students and their parents.

119. From 22 May to 8 June 2018, the Ministry of Internal Affairs and the Centre for Research into Democratic Processes conducted joint review missions in the city of Osh and

the Provinces of Osh and Issyk-Kul to develop a practical guide for internal affairs personnel in investigative units on working with victims of gender-based violence.

120. Statistical indicators on domestic violence are as follows: 2,580 incidents of domestic violence were registered in 2012, 2,542 in 2013, 3,126 in 2014, 3,524 in 2015 and 7,053 in 2016.

121. The numbers of criminal proceedings initiated in these cases were as follows: 183 in 2012, 175 in 2013, 243 in 2014, 238 in 2015 and 199 in 2016.

122. The numbers of administrative cases opened were as follows: 1,163 in 2012, 1,303 in 2013, 1,624 in 2014, 2,381 in 2015 and 4,901 in 2016.

123. Statistical data on the instances of different types of domestic violence are as follows:

- Physical: 2,009 in 2012, 2,014 in 2013, 2,408 in 2014, 2,675 in 2015 and 4,846 in 2016.
- Psychological: 566 in 2012, 517 in 2013, 712 in 2014, 840 in 2015 and 2,204 in 2016.
- Sexual: 5 in 2012, 11 in 2013, 6 in 2014, 9 in 2015 and 3 in 2016.

124. On 1 October 2012, the Ministry of Internal Affairs and the Sezim crisis centre signed a joint memorandum on cooperation in combating bride-kidnapping and domestic violence.

125. Domestic violence prevention is greatly facilitated by the 550 community-based prevention centres that are currently in operation, with the participation of 10,000 members of the public, including 574 women's councils with 2,833 members and 570 youth councils with 2,798 members.

126. In 2016, as part of an inter-agency working group, the Ministry of Internal Affairs monitored the implementation of articles 154 and 155 of the Criminal Code.

127. On 28 June 2012, to improve legislation on domestic violence prevention and to enhance the effectiveness of legal protection from domestic violence, article 663 of the Administrative Liability Code was amended to provide for the arrest and administrative detention, for up to five days, of perpetrators of domestic violence.

128. Furthermore, on 25 January 2013, articles 154 and 155 of the Criminal Code were amended to modify the penalty for forcing a person under the age of 17 to enter into a de facto marriage. The penalty for kidnapping a person under the age of 17 for the purpose of entering into a de facto marriage was increased to between 5 and 10 years' imprisonment (Criminal Code, art. 154).

129. The penalties for forcing a woman to marry or to remain in a marital relationship and for kidnapping a woman in order to marry her against her will have also been increased. The latter offence is punishable by a prison sentence of 5 to 7 years (Criminal Code, art. 155).

130. Such criminal acts have thereby been recategorized as serious offences. Accordingly, criminal proceedings can be initiated in the absence of a complaint by the victim, accused persons cannot go unpunished because the victim refuses to press charges, and criminal cases in respect of such offences cannot be dropped.

131. According to Ministry of Internal Affairs data, the internal affairs authorities investigated 16 criminal cases under article 154 of the Criminal Code in 2011, 16 cases in 2012, 8 cases in 2013, 12 cases in 2014, 5 cases in 2015 and 6 cases in 2016.

132. In 2011, 9 of these cases were referred for trial; the figures in subsequent years were 12 in 2012, 4 in 2013, 6 in 2014, 3 in 2015 and 4 in 2016.

133. Under article 155 of the Criminal Code, the internal affairs authorities investigated 32 criminal cases in 2011, 37 cases in 2012, 32 cases in 2013, 36 cases in 2014, 33 cases in 2015 and 27 cases in 2016.

134. In 2011, 14 of these cases were referred for trial; the figures in subsequent years were 17 in 2012, 23 in 2013, 20 in 2014, 23 in 2015 and 15 in 2016.

135. The internal affairs authorities are working to prevent bride-kidnapping, in particular by conducting relevant activities with minors.

136. A government order concerning an action plan for the implementation of United Nations Security Council resolution 1325 (2000) on the role of women in the maintenance of peace and security has been drafted and is currently at the approval stage. The action plan was prepared by an inter-agency working group established pursuant to Government Administrative Instruction No. 23-37868 of 3 October 2017 and in accordance with Ministry of Internal Affairs Order No. 1038 of 7 December 2017.

137. The draft plan, which covers the period from 2018 to 2020, was prepared in view of the expiration of the previous plan, which had been approved by Government Decision No. 560 of 17 November 2015. The new plan is intended to ensure continuity in the effective implementation of Security Council resolution 1325 (2000) in Kyrgyzstan.

Paragraph 10 (a), (b), (c), (d) and (e)

138. Slavery and trafficking in persons are prohibited in Kyrgyzstan under article 23 of the Constitution.

139. Under criminal law, trafficking in persons is defined as the recruitment, transportation, harbouring, receipt, transfer, buying or selling of a human being or any other illegal transaction with or without the person's consent, by means of coercion, blackmail, fraud, deception or abduction, for the purpose of exploitation or other gain (Criminal Code, art. 124).

140. This provision is compatible with the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, of 2000, which Kyrgyzstan ratified by Act No. 74 of 15 April 2013.

141. To ensure that effective measures are taken to combat trafficking in persons, a department for combating abduction and trafficking in persons has been established within the criminal police service of the Ministry of Internal Affairs, pursuant to a Ministry of Internal Affairs order of 18 August 2017.

142. The criminal police service of the Ministry of Internal Affairs has developed a training module for law enforcement officers on trafficking in persons.

143. In 2016, a total of 128 internal affairs officers were trained on "Organizational, legal and tactical foundations of action to prevent and combat trafficking in persons". In 2017, a further 140 officers were trained.

144. There were 9 recorded incidents of trafficking in persons in 2012, 10 in 2013, 19 in 2014, 9 in 2015 and 7 in 2016.

145. In 2012, 6 of these cases were referred for trial; the figures in subsequent years were 8 in 2013, 18 in 2014, 20 in 2014, 7 in 2015 and 7 in 2016.

Paragraph 11 (a), (b), (c), (d), (e) and (f)

146. Between 2012 and 2016, the competent authorities of foreign States executed extradition requests by Kyrgyzstan in respect of 368 persons (99 persons in 2012, 87 persons in 2013, 58 persons in 2014, 49 persons in 2015 and 75 persons in 2016), while Kyrgyzstan executed extradition requests by foreign States in respect of 77 persons (11 persons in 2012, 17 persons in 2013, 18 persons in 2014, 20 persons in 2015 and 11 persons in 2016). There were no cases in which extradition requests were rejected owing to the possible use of torture, in relation either to the requests submitted by foreign States to Kyrgyzstan or the requests submitted by Kyrgyzstan to foreign States.

147. In accordance with article 19 of the Constitution, Kyrgyzstan meets its international obligations by granting asylum to foreign nationals and stateless persons who have suffered political persecution or violations of human rights and freedoms.

148. The Refugees Act has been in force since 25 March 2002. It was amended on 17 March 2012 to ensure that refugee status is granted in accordance with international standards.

149. Pursuant to the 17 March 2012 Act on Amendments to the Refugees Act, the second paragraph of the preamble to the Refugees Act now reads:

“Kyrgyzstan grants all refugees equal legal status without any distinction on grounds of sex, race, language, ethnicity, religion, age, political or other opinion, education, country of origin, property or other status, or other circumstances.”

150. In article 1, the words “is forced to leave his or her place of habitual residence in the territory of another State” have been replaced with the words “is outside the country of his or her nationality or place of habitual residence”.

151. The sixth paragraph of article 2 provides that an asylum seeker is a person who is not a citizen of Kyrgyzstan and applies for refugee status under the circumstances provided for in article 1 of the Act (a refugee is a person who is not a citizen of Kyrgyzstan and has applied for refugee status, who is outside the country of his or her nationality or place of habitual residence owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or well-founded fear of persecution in inter-ethnic and armed conflict, and who is unable, owing to such fear, or unwilling to avail himself or herself of the protection of that country).

152. Article 3 reads as follows:

“Article 3. Refugee legislation. In Kyrgyzstan, matters related to refugees are governed by the Constitution, the present Act and other laws and regulations, duly ratified international agreements to which Kyrgyzstan is a party and universally recognized principles and norms of international law. The provisions of human rights treaties are directly applicable and take precedence over the provisions of other international agreements.”

153. The words “and is extended until such time as a final decision is reached on the application, including on any appeal filed” were added to the sixth paragraph of article 4.

154. The second paragraph of article 11 reads as follows:

“A person whose asylum application is rejected or who loses his or her refugee status may not, under any circumstances, be deported to a country in which his or her life or liberty would be in danger or where he or she might be subjected to torture or to cruel or inhuman treatment.”

155. During the reporting period, i.e. the period from 2012 to 2016, 947 persons applied for refugee status in Kyrgyzstan (126 in 2012, 243 in 2013, 212 in 2014, 176 in 2015 and 190 in 2016). Refugee status was granted to 102 persons (0 in 2012, 12 in 2013, 42 in 2014, 176 in 2015 and 24 in 2016).

156. Over the same period, 515 persons were denied refugee status (23 in 2012, 80 in 2013, 150 in 2014, 126 in 2015 and 136 in 2016).

157. The reasons for the denial of refugee status were that the applications in question were unfounded and did not meet the criteria for the granting of refugee status set out in the 1951 Convention relating to the Status of Refugees and the Refugees Act.

158. In 2012, 61 appeals were lodged in court against denials of refugee status by the competent authority. The figures in subsequent years were 43 appeals in 2013, 157 appeals in 2014, 179 appeals in 2015 and 175 appeals in 2016. All these appeals were rejected by the court.

159. Asylum seekers are not unjustifiably forced to return to their own State or another State.

Paragraph 12

160. Kyrgyzstan has neither submitted nor received any requests for the extradition of an individual suspected of having committed an offence of torture.

Paragraph 13 (a)

161. See the reply to paragraph 2.

Paragraph 13 (b) and (c)

162. See the replies to paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h) and 18 (a), (b) and (c).

Paragraph 14 (a)

163. Although most State Penal Correction Service facilities are located in buildings dating from the 1960s and 1970s, annual renovation work is carried out in all such facilities, with support from donor organizations and funds from the State Penal Correction Service budget.

164. The State Penal Correction Service cost estimates for the maintenance and renovation of buildings and facilities, sanitation and the procurement of medical equipment, instruments and medication are provided on an annual basis to the Ministry of Finance for inclusion in the draft budget.

165. To improve health and hygiene conditions in State Penal Correction Service facilities, the following renovation operations were carried out in 2015 at facilities Nos. 2, 3, 8, 10, 21, 31 and 27: exercise yards were built, the prisoners' bathroom was refurbished, construction was completed on a bathroom and laundry complex for prisoners serving life sentences and major repairs were concluded on the housing facilities, the bathroom and laundry complex, the dining hall and the enclosure of the disciplinary segregation unit.

166. In 2016, with funding from the regular budget, the following work was carried out in State Penal Correction Service facilities Nos. 1, 2, 3, 8, 10, 14, 16, 47, 21, 23, 24 and 25: a major overhaul of the sewerage system and a partial renovation of the heating system were completed; the roofs of the school and housing facilities underwent capital repairs, while more minor repairs were carried out on the roof of the infectious disease unit, the administration and service block, the heating system of the central hospital and the dining hall; the water system was upgraded; the electrical wiring was replaced; and the perimeter enclosure was partially repaired.

Health care

167. In accordance with article 31 of the Act on Procedures and Conditions for the Custody of Suspects and Accused Persons, remand and convicted prisoners are assigned to cells at remand centres with due consideration for their personalities and psychological compatibility and may be held in shared or individual cells. Sick prisoners are placed in accordance with the instructions of the medical staff.

168. Prisoners suspected of having an infectious disease are placed in quarantine cells. The quarantine period is determined on medical grounds.

169. Health care for prisoners awaiting trial, prisoners currently on trial and convicted prisoners is provided either by the dedicated medical units of the facilities themselves (medical units, secure hospitals and prison hospitals) or by State or municipal health-care institutions.

170. The types of health care provided are the same as those covered under the programme of State-guaranteed health-care services.

171. Prisoners awaiting trial, prisoners currently on trial and convicted prisoners can receive additional treatment and preventive care in accordance with the programme of State-guaranteed health-care services, as well as services not covered by the programme at their own expense.

172. These medical services are provided within the secure hospitals or prison hospitals of the penal correction system by specialists from State or municipal health-care institutions.

173. The rights of persons with tuberculosis and persons living with HIV/AIDS are protected in accordance with the Protection against Tuberculosis Act of 18 May 1998 and the HIV/AIDS Act of 13 August 2005.

174. All persons in State Penal Correction Service facilities who are suspected of having tuberculosis are given access to all types of health care, diagnostic tests and tuberculosis treatment.

175. Tuberculosis medications are procured with resources from the Global Fund to Fight AIDS, Tuberculosis and Malaria.

176. The State Penal Correction Service receives financial and technical support for its tuberculosis programme through its partnerships with the International Committee of the Red Cross (ICRC), the United Nations Development Programme and the National Tuberculosis Centre.

177. The rights of persons living with HIV/AIDS are protected under national legislation. Such persons have access to all types of health care and receive adequate information about HIV/AIDS and preventive measures. They have the opportunity to take part in the prevention programmes and projects organized in State Penal Correction Service facilities and to receive legal, psychological and social assistance.

178. With the support of ICRC, the following actions have been taken to improve health care: a new laboratory with all the necessary equipment has been established in facility No. 21 (remand centre No. 1), the medical unit has been provided with the latest medical supplies, and tuberculosis patients are fully provided with medications.

179. Mass screening (sampling) for tuberculosis and other diseases is now carried out among prisoners in all correctional facilities in order to obtain an accurate assessment and analysis of the incidence and prevalence of infectious diseases in the penal correction system, with a view to providing appropriate treatment.

Food

180. In accordance with the relevant regulations, convicted prisoners and persons held in remand centres are provided with 100 per cent of their daily food allowance, which consists of 19 different food items in ordinary facilities and 26 different food items in prison medical facilities.

181. If the foodstuffs stipulated in the regulations are not available in the facility, they are replaced with equivalent items in accordance with Government Decision No. 42 of 8 February 2008.

182. Under these regulations, food is provided three times a day: for breakfast, lunch (two courses) and dinner. Food preparation and distribution are overseen by the prison administration in accordance with the internal rules of the facility.

Measures to reduce overcrowding in remand centres

183. On 26 June 2016, remand centre No. 53 was opened in Jalal-Abad. It is designed to accommodate 60 women and juveniles.

184. The facility was built with support from the OSCE Programme Office in Bishkek and ICRC, and is in line with international standards.

185. The total population of State Penal Correction Service facilities is currently 14,134 persons. At the time of writing, 2,164 persons were being held in remand centres, the maximum capacity of which is 2,307 persons.

Paragraph 14 (b)

186. Most inmates sentenced to life imprisonment have now been transferred to the new building of facility No. 19, where the conditions of detention are compatible with international standards.

187. The treatment of inmates sentenced to life imprisonment is based on the instructions issued through State Penal Correction Service Order No. 480 of 16 November 2011 on the detention of persons sentenced to life imprisonment in remand centres and the maximum-security units of State Penal Correction Service prisons.

188. To improve the legal framework in this regard, a document has been drafted with input from an ICRC expert to ensure that the conditions of detention of persons sentenced to life imprisonment are compliant with international standards.

189. Instructions have been developed on the organization of psychological services for prisoners and detainees in the penal correction system, which were approved by State Penal Correction Service Order No. 107 of 6 March 2016. The instructions reflect the specific nature of services for women prisoners and detainees and other vulnerable groups, including persons sentenced to life imprisonment in State Penal Correction Service facilities.

190. Regulations on the custody of convicted juvenile offenders and regulations on the custody of juvenile detainees in remand centres have been drafted and are currently undergoing legal review.

191. To ensure the timely detection and prevention of violations, including the use of torture by prison personnel or investigators, and the constant supervision of inmate activities and detection of any misconduct by guards, surveillance cameras with hard-drive recording capacity have been installed in the high-security blocks of remand centres Nos. 21, 23, 24, 25, 50 and 53 and in facility No. 19, where inmates sentenced to life imprisonment are held.

192. The situation in facility No. 21 (remand centre No. 1 in Bishkek) is monitored around the clock through a surveillance system in which the video is transmitted directly to the central office of the State Penal Correction Service for centralized supervision.

193. Negotiations and meetings with donor organizations are under way with a view to identifying sources of funding for additional procurement and installation of the necessary equipment for the remaining State Penal Correction Service facilities.

194. In accordance with a government decision of 14 June 2016, open prison No. 29, which was located in the Kara-Buura district of Talas Province, has been closed down.

195. Resources for the upkeep of the penal correction system are allocated from the national budget. Funding over the reporting period covered between 31.3 and 40 per cent of requirements.

196. Every year, 6,800,000 soms are allocated for the purchase of medications; this accounts for 14 per cent of annual requirements. The hygiene conditions of State Penal Correction Service facilities are inspected each year by personnel of the State Penal Correction Service medical department through scheduled visits to the facilities. Between 2012 and 2016, 39 compliance orders were issued (12 in 2012, 5 in 2013, 7 in 2014, 9 in 2015 and 6 in 2016).

197. Active and passive case-finding methods are used in all State Penal Correction Service facilities for the early detection of tuberculosis cases and the prevention of tuberculosis transmission. At facilities Nos. 21 and 31, the Xpert MTB/RIF assay is performed on sputum samples as a means of quickly diagnosing tuberculosis, in addition to the annual X-ray photofluorography screening campaign. Between 2012 and 2016, 36,370 tests were carried out. Over the same period, 758 cases of tuberculosis were identified.

Paragraph 15 (a)

198. According to State Penal Correction Service data, 132 deaths of persons held in State Penal Correction Service facilities were recorded between 2012 and 2016 (27 in 2012, 21 in 2013, 27 in 2014, 30 in 2015 and 27 in 2016), of which 112 were due to illness in State Penal Correction Service facility No. 47 (Central Hospital). In all but three of the other cases (those of T. Zhumanov, M. Zhumaliev and B. Kenzhegulov), a valid decision was taken not to institute criminal proceedings.

199. On 20 and 21 October 2015, the remand prisoners T. Zhumanov, M. Zhumaliev and B. Kenzhegulov, who had killed staff members of remand centre No. 50 during their escape from the facility, died in State Penal Correction Service facility No. 21 (remand centre No. 1) after being recaptured.

200. In consequence, on 2 December 2015, the procuratorial office responsible for monitoring compliance with the law in penal correction agencies and facilities opened criminal proceeding No. 183-15-238 under article 104 (Grievous bodily harm with intent), paragraph 4, of the Criminal Code.

201. However, the investigation was suspended because no suspect could be identified.

202. There were also five recorded deaths in detention facilities of the internal affairs authorities. Three of these (T. Bekbatyrov, S. Sapozhnikov and Z. Murzakarimov) occurred in temporary holding facilities, two (N. Toktakunov and A. Seitkaziev) in a holding cell for administrative offenders and one (N. Kubanychbekov) in a courtroom holding cell.

203. Three of the six deaths (T. Bekbatyrov, N. Toktakunov and A. Seitkaziev) led to criminal proceedings. Following investigation in each case, the outcomes were as follows: R. Alakhunova, a health worker at the family medical centre in the At-Bashi district of Naryn Province, was prosecuted for the death of N. Toktakunov under article 119 (Medical malpractice) of the Criminal Code; and N. Bektursunov, E. Isakov and S. Asygaliev, internal affairs officials in the Jungal district of Naryn Province, were prosecuted for the death of A. Seitkaziev under articles 304 (Abuse of official capacity), 102 (Inducement to commit suicide) and 313¹ (Accepting bribes) of the Criminal Code.

204. The case against R. Alakhunova was discontinued under article 66 (Withdrawal of charges upon negotiation of an agreement with the victim) of the Criminal Code. The proceedings instituted following the death of T. Bekbatyrov were dropped on the grounds that no offence had been committed. The case against N. Bektursunov, E. Isakov and S. Asygaliev is pending in Naryn Municipal Court.

Paragraph 15 (b)

205. On 24 June 2013, the Forensic Activities Act was adopted to establish the legal basis, organizational principles and scope of forensic practice in Kyrgyzstan. It also regulates the legal relations arising from forensic practice.

206. Pursuant to articles 12, 13 and 24 of the Act, the items investigated by forensic practitioners are material evidence, documents, objects, bodies and body parts, animals, samples for comparative analysis, systems, technologies, databases and any materials relating to the case that are the object of forensic assessment.

207. Forensic institutions may be either State or non-State entities. State forensic institutions are specialized agencies (divisions of law enforcement bodies) of public authorities, established to facilitate the work of the courts, investigators and procurators by organizing and performing forensic examinations.

208. Non-State forensic institutions are institutions whose core function is forensic activity. The staff of forensic institutions must consist of experts whose work for the institution constitutes their main occupation and whose level of qualification is evidenced by a duly issued certificate of competency.

209. State and non-State forensic institutions in the same field organize and perform forensic examinations on the basis of a unified scientific and methodological approach to forensic practice, professional training and specialization.

Paragraph 15 (c)

B. Akunov

210. On 14 April 2007, K. Mambetov, an instructor at vocational school No. 87 in Naryn, and B. Mambetaliev, an internal affairs officer in Naryn, were on duty at the Naryn town hall. At approximately 7.30 p.m., B. Akunov, a resident of Ortonura in Naryn district, came into the reception area of the Naryn town hall while under the influence of alcohol and, swearing at the duty staff, demanded that they summon the mayor of Naryn and the governor of Naryn Province. As Mr. Akunov ignored their calls to stop his disorderly behaviour, the duty staff called the police. He then left the town hall building and walked away in an unknown direction.

211. Mr. Mambetov and Mr. Mambetaliev wrote to the chief of the Naryn internal affairs office to request that action be taken against Mr. Akunov for his improper conduct. At approximately 10 p.m. that evening, Mr. Akunov was arrested by the deputy chief of the Naryn internal affairs office, S. Kurmanakunov, and taken to the police station, where, at approximately 10.45 p.m., a substance abuse specialist conducted a medical examination and concluded that Mr. Akunov was in a state of alcohol intoxication, which was recorded in medical report No. 507.

212. Mr. Akunov then ran out of the internal affairs building onto the street and began to show active resistance. On the basis of articles 12 and 13 of the Internal Affairs Agencies Act, the internal affairs officers A. Karybai uulu, B. Kylychbek uulu, U. Ryskulbekov and U. Asanaliev used physical force to put him in a holding cell for administrative offenders. The internal affairs officer U. Asanaliev drew up a report concerning an administrative offence under article 364 of the Administrative Liability Code.

213. The following day, 15 April 2007, at approximately 12.30 p.m., the Naryn procurator's office was informed that Mr. Akunov had hanged himself with his shirt in the holding cell for administrative offenders.

214. On 16 April 2007, the Naryn procurator's office initiated criminal proceedings under article 316 (Negligence), paragraph 2, of the Criminal Code. On 5 July 2007, the forensic panel concluded that Mr. Akunov's death was the result of compression of the neck structures by a noose. Furthermore, abrasions were found on Mr. Akunov's forehead, chest, back and upper and lower limbs. Bruising was found on his left shoulder, forearm and elbow, moderate haemorrhage in the soft tissue of the right parietal region of the scalp, localized cerebral haemorrhage, minor cerebellar haemorrhage and a minor surface laceration of the liver tissue.

215. In the course of the investigation, on 19 April 2007, two assistants of the duty officer at the internal affairs office, B. Kozhombardiev and B. Zhunushbaev, were arrested for failure to perform their duties, which had resulted in the death of Mr. Akunov, and were placed in temporary holding facilities. On 21 April 2007, they were charged under article 316 (2) of the Criminal Code and released on recognizance.

216. The investigation was carried out in strict compliance with the principles of objectivity, thoroughness and comprehensiveness. All the necessary investigative measures were taken and the related handwriting analysis, criminological and medical forensic examinations were conducted. Approximately 50 witnesses were questioned.

217. The investigation established that Mr. Akunov's death was caused by compression of the neck structures by a noose (hanging), while the injuries listed above resulted from the use of force in response to active resistance to the lawful orders of Naryn internal affairs personnel and from the convulsions accompanying mechanical asphyxia.

218. On 15 February 2008, the investigation was completed and the case was referred to Naryn Municipal Court. On 4 April 2008, the Court found Mr. Kozhombardiev guilty and

gave him a suspended sentence of 1 year's deprivation of liberty. Mr. Zhunushbaev was acquitted, as his acts did not constitute an offence. This verdict was upheld by the Naryn Provincial Court on 7 May 2008 and the Supreme Court of Kyrgyzstan on 2 September 2008.

219. On 10 June 2010, following a motion submitted by the lawyer K. Dzhailoev, representing the plaintiff U. Akunov, regarding the injuries received by Mr. Akunov, the Office of the Procurator General initiated proceedings based on the discovery of new facts. After consideration of the facts, on 17 June 2010, the Naryn provincial procurator's office accepted the case for review and referred it to the Supreme Court. On 7 October 2010, the Supreme Court dismissed the petition for review.

Paragraph 15 (d)

220. For information on persons who have applied for refugee status in Kyrgyzstan, see the above reply to paragraph 11 (a), (b), (c), (d), (e) and (f).

221. Regarding Human Rights Committee communication No. 1756/2008, please note the following.

222. In accordance with article 46 of the Code of Criminal Procedure, the State provides full compensation for any damage caused by unlawful detention, remand in custody, house arrest, dismissal from employment, committal to a medical institution, conviction or compulsory medical treatment, whether or not there has been culpable behaviour on the part of the authority conducting the initial inquiry, the investigator, the procurator or the court.

223. In the event of the death of the victim, the right to compensation is transferred to his or her heirs, and any pensions or benefits whose payment had been suspended are transferred to the family members designated as the beneficiaries of a survivor's pension.

224. Material damage includes the loss of earnings, pensions, benefits or other resources due to unlawful acts, unlawful confiscation or appropriation of property by the State pursuant to a court judgment or order, fines and court costs collected in execution of an unlawful court judgment, fees paid for legal assistance and other expenses. Compensation claims for material damage are settled by the courts.

225. In implementation of the Views of the Human Rights Committee in the case of *Zhumabaeva v. Kyrgyzstan*, concerning the failure to conduct an effective investigation into the death of T. Moidunov as a result of unlawful acts by officials of the Bazar-Korgon district, the national courts awarded compensation for moral damage, to be paid out of the State budget, in the amount of 200,000 soms to Mr. Moidunov's sister.

Paragraph 16 (a)

226. At present, there are no underground detention cells in State Penal Correction Service facilities for either convicted prisoners or pretrial detainees.

Paragraph 16 (b)

227. The State Penal Correction Service has one prison colony (No. 14) for male juvenile convicted prisoners in the village of Voznesenovka, Panfilov district, in which there is also a remand centre where female and juvenile detainees are held during trial.

228. The following measures have been taken to improve living conditions in the prison colony for juveniles and in the school for social rehabilitation of convicted juveniles:

- Plastic windows have been installed in the living areas and classrooms, the flooring has been replaced in the living rooms and plastering and painting has been carried out;

- The facilities have been improved with the purchase and installation of furniture, a television, a DVD player, a washing machine, heaters, an electric cooker, blinds, kitchenware and bedding for the juveniles;
 - Individual rehabilitation programmes for juveniles are being introduced, for which purpose 10 computers have been acquired and installed in the rehabilitation centre of the juvenile colony and 22 of the colony's inmates are taking computer literacy classes;
 - A “mini-bakery” project was launched to teach inmates basic bakery and confectionery skills. For more efficient operation of the colony, the bakery was transferred to the industrial area. A multifunctional device, the “mini-bakery” cabinet oven, was purchased and was used to bake bread.
229. The premises have been renovated and provided with the necessary equipment.
- Currently, as the project has ended, bread and confectionery items are no longer being produced.
 - In the remand centre attached to the colony, a classroom has been equipped for general secondary education, in accordance with a directive on organization of the educational process that was issued by the facility on 24 February 2016. Four rooms have been equipped to serve as classrooms, in which teachers conduct 45-minute lessons in 12 subjects: algebra, geometry, Kyrgyz language, Kyrgyz literature, biology, the history of Kyrgyzstan, Russian language, Russian literature, chemistry, geography, world history and physics.
 - An adaptation unit called “Halfway Home” has been established for juveniles who have finished serving a custodial sentence but have no fixed place of residence and no relatives willing to take them in.
 - Pocket-sized self-help guides have been published and distributed to convicted juvenile offenders; for young persons leaving the institution, there is a manual on educational, psychological and guidance services for convicted child offenders. Counselling and support on social and legal matters has been provided to all inmates.
 - Under the “release preparation school” programme run jointly with ICRC personnel, classes, lectures and social initiatives are organized for convicted juvenile offenders during the preparation for their release on parole.
 - In units where juvenile prisoners are housed, legal corners and information stands on children's rights have been set up. These visual aids were provided with the support of the United Nations Children's Fund (UNICEF) and the civil society foundation Pokolenie Insan.
 - There is also a rehabilitation centre consisting of a fully equipped psychological support room with desks, chairs, upholstered furniture, a computer, a television and a videocassette recorder, in which educational, social and psychological activities are carried out with inmates: lectures, quizzes, tests, showings of educational documentaries, individual and group discussions of various kinds, reading, drawing, karaoke and games (draughts, chess).
 - The colony is working with local authorities and civil society organizations on the basis of a jointly developed plan to provide support for the social adaptation of juvenile offenders and their reintegration into society.
230. The operations committee includes representatives of the social work division and the children's rights department of the Ministry of Labour and Social Development, the district department of education of the Ministry of Education and Science, the Commission on Children's Affairs for the Panfilov district rural community, the Panfilov district State Penal Correction Service prison inspection department, the chief physician of the Panfilov district hospital and the deputy chief of the district internal affairs office.
231. In accordance with the instructions on social work to prepare prisoners for release from penal correction facilities, issued through State Penal Correction Service Order No. 8

of 10 January 2013, six months before juveniles are released, the local authorities and the internal affairs and employment offices in the juveniles' place of residence are notified to enable them to take appropriate measures for the juveniles' reintegration into society.

Paragraph 16 (c)

232. In the places of restriction or deprivation of liberty run by the State Penal Correction Service, the Ministry of Internal Affairs and the State Committee on National Security, handcuffing is not used on persons held in pretrial detention as a means of punishment.

Paragraph 16 (d)

233. The central hospital serving State Penal Correction Service facility No. 47 has a psychiatric unit with two qualified psychiatrists. If necessary, psychiatrists are brought in from the National Mental Health Centre of the Ministry of Health.

Paragraph 16 (e) and (f)

234. In accordance with articles 20 and 22 of the Constitution, psychological experimentation without the free, express and properly documented consent of the person concerned is prohibited.

235. The Psychiatric Care and Patients' Rights Guarantees Act was adopted on 17 June 1999 and amended on 20 March 2002, 15 July and 18 December 2003, 8 June and 4 July 2005, 6 July 2016 and 20 February 2017.

236. The Act covers citizens of Kyrgyzstan receiving psychiatric care and applies to all institutions and persons providing psychiatric care in Kyrgyzstan.

237. Foreign nationals and stateless persons receiving psychiatric care in the territory of Kyrgyzstan enjoy all the rights stipulated in the Act on an equal basis with citizens of Kyrgyzstan.

238. Psychiatric care is provided at the voluntary request or with the consent of the individual concerned, except in the circumstances laid down in the Act.

239. Minors under the age of 18 years and persons who have been officially declared to be legally incompetent are provided with psychiatric care either at the request or with the consent of their legal representatives in accordance with the provisions of the Act.

240. Persons with mental disorders enjoy all the civil rights and freedoms enshrined in the Constitution. The restriction of civil rights and freedoms in connection with a mental disorder is permissible only in the circumstances provided for in national law.

Paragraph 17 (a)

241. The intentional joint participation of two or more persons in a crime is regarded as complicity. Together with perpetrators, the organizers or instigators of a crime and any accessories thereto are all considered to be accomplices.

242. A perpetrator is defined as a person who directly commits a crime or directly participates in it along with other persons or who commits a crime through other persons who are not criminally responsible under the law.

243. An organizer is defined as a person who organizes the commission of a crime or directs its perpetration or a person who establishes or directs an organized criminal group or criminal enterprise.

244. An instigator is defined as a person who incites the commission of a crime.

245. An accessory is defined as a person who facilitates the commission of a crime by supplying advice, instructions, information, property or resources or removing obstacles, or

a person who agrees in advance to conceal a criminal, an instrument or means of committing a crime, evidence of a crime or the proceeds of crime, or a person who agrees in advance to acquire or dispose of such proceeds.

246. Organizers, instigators and accessories are prosecuted under the same article of the Criminal Code as perpetrators.

247. Article 305¹ of the Criminal Code defines the elements of complicity in the crime of torture by the perpetrator and other accomplices, through instigation or with the accomplice's consent or acquiescence.

Paragraph 17 (b), (c), (d), (e), (f), (g) and (h)

248. See the replies to paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h) and 18 (a), (b) and (c).

Paragraph 18 (a), (b) and (c)

249. The Ministry of Health has worked with international non-governmental organizations and civil society to develop a practical guide on the documentation of all forms of violence, torture and cruel or inhuman treatment, in line with the Istanbul Protocol. The guide was approved by a Ministry of Health order of 9 December 2014.

250. The guide sets out procedures for full and proper medical documentation, the recording of instances of violence, torture or ill-treatment, the referral of victims to the appropriate authorities to receive comprehensive support, the provision of information to victims, public accounting and registration within 24 hours of detection, improvement of the quality of forensic medical and psychiatric assessments and a sensitive approach to vulnerable groups.

251. The guide is intended for medical personnel providing health care to victims of violence, torture or other cruel, inhuman or degrading treatment or punishment, including the medical personnel of law enforcement authorities, places of deprivation or restriction of liberty and other State and non-State entities.

252. To ensure full implementation of the guide, on 19 February 2015 and 25 March 2016, the Ministry of Health adopted comprehensive action plans for 2015 and 2016 containing detailed measures to inform all levels of management of government agencies, law enforcement authorities and security forces at the central, provincial and district levels about the Ministry of Health guide; to train medical and non-medical specialists within the agencies on the standards for effective documentation; to ensure the centralized distribution of unified medical reporting documentation (registers, forms, instructions, templates and notification reports); and to carry out inter-agency cooperation and monitoring of the effective implementation of the guide.

253. The comprehensive plans of the Ministry of Health have been successfully put into operation. The guide is now being implemented; the methods for statistical reporting, medical examinations and forensic medical and psychiatric assessments have been approved and information and training sessions are held regularly for procurators, judges, members of the armed forces, internal affairs personnel in Bishkek and Issyk-Kul Province, lawyers, crisis centre workers, journalists, etc.

254. Special offices have been fully equipped for the conduct of confidential forensic medical assessments, in which the medical examination is carried out in private with the subject (transparent partition, medical equipment and furnishings) in the buildings of the National Centre for Forensic Medicine and the National Mental Health Centre.

255. All the centres for forensic medicine in Bishkek and in the regions have been equipped with photographic equipment, coloured forensic rulers, teaching materials and equipment, projectors, colour printers, stationery and other training supplies.

256. A transregional train-the-trainers course on the Istanbul Protocol for national experts was held in collaboration with the international organization Physicians for Human Rights and the Empathy rehabilitation centre in Georgia.

257. To implement the guide at the institutional level, a curriculum and teaching aids on the medical documentation of violence, torture and ill-treatment have been produced for instructors at the State Medical Institute for Retraining and Professional Development. There are also plans to provide projectors and laptops. Together with the non-governmental organization Coalition against Torture, the State Medical Institute for Retraining and Professional Development has worked on the routine training of instructors and medical specialists on documentation in accordance with the practical guide.

258. A manual has been developed with experts from the National Centre for Forensic Medicine and the National Mental Health Centre on the questions to be raised when ordering forensic medical and psychiatric assessments in criminal proceedings. Four videos on combating torture have been released and broadcast on national television channels. Training modules called “Medical documentation of violence/torture” and programmes for classes and courses on the Istanbul Protocol in secondary and tertiary medical educational institutions have been developed and approved.

259. It should also be noted that some problems have been encountered with full implementation of the Istanbul Protocol principles. The issues of full funding, training of personnel, resources to maintain the capacity for comprehensive panels of forensic medical experts and inter-agency cooperation are all being addressed.

260. In practice, the aforementioned guide is followed by only some of the medical specialists of the Ministry of Health working in the central regions of the country when they examine victims of torture or ill-treatment, and only occasionally by specialists from non-governmental organizations. Other medical specialists (health-care workers, experts in remote regions, specialists in the State Committee on National Security, the State Penal Correction Service, the Ministry of Internal Affairs and the State Committee on Defence, private-sector doctors) unfortunately do not use it because it is not mandatory for them.

261. To address this problem, on 22 December 2016 the Coordinating Council on Human Rights approved the membership of an inter-agency working group on the implementation of the Istanbul Protocol.

262. On 22 March 2017, the inter-agency working group recommended that the Coordinating Council on Human Rights carry out a legal review, within the Ministry of Justice, of the practical guide produced by the Ministry of Health, for subsequent approval by a government decision and implementation at all levels and in all units of the health system, regardless of structure or ownership. The inter-agency working group’s proposal was endorsed by the Coordinating Council on Human Rights and is currently being implemented.

263. On 3 October 2016, the Ministry of Health instructed the provincial health coordinators to notify the law enforcement authorities promptly of all instances in which health-care workers are victims of physical or psychological violence, threats, pressure, persecution or beatings, including by law enforcement officials.

264. On 21 and 22 September 2016, the Government organized and hosted an international conference on the practical implementation of the principles and standards of the Istanbul Protocol, attended by representatives and experts from the United Nations, OSCE, approximately 25 foreign countries, international health-care organizations and contributing authors of the Istanbul Protocol. The Office of the Procurator General acted as co-organizer of the event, at which individual senior officials gave presentations. The conference provided an opportunity for the exchange of experiences, discussion of existing challenges and ways of meeting them, and adoption of relevant recommendations and resolutions.

Paragraph 19 (a)

265. See the reply to paragraph 23 (c).

Paragraph 19 (b) and (c)

266. When Mr. A. Askarov was admitted to and examined in a quarantine area of facility No. 21, no injuries were recorded.

267. However, on 22 January 2013, he was examined at the Central Hospital serving facility No. 47 by a medical panel of four doctors from the National Cardiology and Therapy Centre of the Ministry of Health. The panel found that he had coronary heart disease; stable angina, functional class III; aortic, coronary and cerebral atherosclerosis; incomplete left bundle branch block with vestibulopathy; sensorineural hearing loss in the right ear; limited pulmonary fibrosis in the lower right lung; superficial gastritis; and chronic cholecystitis.

268. At the panel's recommendation, tests were carried out at the National Cardiology and Therapy Centre of the Ministry of Health: an electrocardiogram (sinus rhythm, heart rate of 68, left axis deviation), a heart ultrasound (no dysfunction of regional contractility identified; no changes in the pericardium), an abdominal ultrasound (echo data show diffuse changes in the liver), a thyroid ultrasound (echo data show no abnormalities), a chest X-ray (no focal abnormalities in the lung field), and an electroencephalogram and echoencephalogram (neurophysiological testing of the brain in the neurosurgery department at the National Hospital of the Ministry of Health).

269. No life-threatening pathological changes were identified; no displacement of the central brain structures was identified.

270. A blood sample was tested for cholesterol, glucose and liver function (indicators were in the normal range).

271. A urologist from the National Hospital of the Ministry of Health was consulted.

272. Diffuse prostate enlargement was found. Treatment was prescribed and Mr. Askarov received the treatment in accordance with the doctor's instructions while under the constant observation of the doctors from the Central Hospital serving facility No. 47.

273. An ear, nose and throat doctor from the National Hospital of the Ministry of Health was consulted. The doctor found moderately severe to severe mixed hearing loss in the right ear, earwax impaction in the right ear, incipient cochlear neuritis in the left ear and mild sensorineural hearing loss. Mr. Askarov received treatment in accordance with the doctor's instructions while under the constant observation of the doctors from the Central Hospital serving facility No. 47.

Paragraph 19 (d)**N. Turdieva**

274. On 18 January 2006, Ms. N. Turdieva lodged a complaint with the procurator's office of Jalal-Abad Province stating that she had been beaten on 14 January 2006 by an investigator from the internal affairs department for Jalal-Abad Province, A. Mageev, and claiming that this had resulted in a miscarriage. At the same time, Ms. Turdieva contacted the human rights organization Spravedlivost, which published an article in its newsletter Pravo dlya vsekh (Law for All) entitled "Dazhe byut beremennykh zhenshchin" (They even beat pregnant women).

275. A forensic medical examination was ordered as part of the investigation. According to its findings, issued on 1 February 2006, Ms. Turdieva had no injuries of any kind and the risk of miscarriage was due to anaemia. From 14 to 23 January 2006, Ms. Turdieva was treated in the maternity ward of the Suzak district hospital and was discharged in satisfactory condition.

276. The results of the investigation did not support Ms. Turdieva's allegations. Therefore, on 12 May 2006, the procurator's office of Jalal-Abad Province declined to initiate criminal proceedings against Mr. Mageev, as his actions did not constitute a crime.

277. On 16 March 2006, Mr. Mageev filed a lawsuit with the Jalal-Abad Municipal Court seeking moral damages of 1 million soms from Spravedlivost for insulting his honour and dignity in the media. On 27 April 2006, he filed a complaint with the Jalal-Abad Municipal Court requesting that the Spravedlivost employees A. Sharipov, V. Gritsenko and M. Abduzhaparov, as well as Ms. Turdieva, be prosecuted for defamation.

278. Following a settlement between the parties proposed by Spravedlivost, the Court terminated the proceedings initiated by Mr. Mageev. In August 2006, Ms. Turdieva gave birth to a healthy child, showing that the miscarriage allegations were unfounded.

D. Khaidarov

279. On 12 June 2010, during the riots in the city of Osh and Osh Province, unidentified persons delivered the bodies of the police officer K. Shadybekov and the border guard K. Abdylidaev to the morgue of the Osh Province bureau of forensic medicine. The bodies showed signs of violent death in the form of a bullet wound to the left side of the chest.

280. Also on 12 June 2010, unidentified persons of Uzbek origin near the Dubai shop in the village of Nariman in the Kara-Suu district fired an automatic weapon at the Ministry of Defence soldiers A. Isabekov, M. Tabaldiev and S. Toktogulov, who were driving past in a BMP infantry combat vehicle travelling from the Kara-Suu district to the city of Osh. Shots were also fired at an official government VAZ-21074 car carrying several border guards, including K. Sooronbaev, to their station. Mr. Isabekov, Mr. Tabaldiev, Mr. Toktogulov and Mr. Sooronbaev all suffered bullet wounds.

281. Subsequently, on 13 August 2010, in the course of a search related to another criminal case, in house No. 106, belonging to S. Absatarov, on Nariman Street in Nariman, Kara-Suu district, an RGD-5 grenade was found and confiscated along with a fuse and 120 rounds of 5.45-mm ammunition.

282. In addition, inquiries established that on 12 June 2010, during the riots that took place in the city of Osh and Osh Province, M. Shadmanov, a resident of Nariman, Kara-Suu district, had made use of a firearm in armed resistance to internal affairs and Ministry of Defence personnel near the Dubai shop.

283. Criminal investigations into the above-mentioned events were initiated on 14 June, 7 July, 14 August, 21 September and 13 October 2010: under Criminal Code article 340 (Murder of a law enforcement official or member of the armed forces); article 341 (Use of violence against a public official), paragraph 2; article 28 (Attempted murder of a law enforcement official) and article 340 (Attempted murder of a member of the armed forces), article 241 (Illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosives or explosive devices), paragraph 1, and article 233 (Rioting), paragraph 2. On 13 October 2010, these criminal cases were combined into a single proceeding.

284. Following an investigation, on 13 October 2010, S. Apsatarov and D. Kadyrov (in absentia) were charged under article 233 (1) and (2), articles 30 and 97 (Murder), paragraph 2, subparagraphs (4), (5), (9) and (15), and articles 28 and 340 of the Criminal Code, and it was ordered that they be remanded in custody as a preventive measure.

285. The following day, 14 October 2010, Mr. Shadmanov (in absentia) was charged under article 233 (1) and (2), articles 30 and 97 (2), subparagraphs (4), (5), (9) and (15), and articles 28 and 340 of the Criminal Code, and it was ordered that he be remanded in custody as a preventive measure.

286. On 23 November 2010, S. Absattarov and B. Zhamaldinov (in absentia) were charged under article 233 (1) and (2), articles 30 and 97 (2), subparagraphs (4), (5), (9) and (15), and articles 28 and 340 of the Criminal Code, and it was ordered that they be remanded in custody as a preventive measure.

287. On 9 December 2010, D. Khaidarov was charged under article 233 (1) and (2), articles 30 and 97 (2), subparagraphs (4), (5), (9) and (15), articles 30 and 174 (Deliberate destruction or damage of property), paragraph 2, subparagraph (2), and articles 28 and 340 of the Criminal Code, and it was ordered that he be remanded in custody as a preventive measure. The criminal investigation was completed and the case was referred to Kara-Suu District Court.

288. On 21 January 2011, Kara-Suu District Court reached a verdict in the case of Mr. Khaidarov and sentenced him to 8 years' imprisonment. However, considering that the conviction was quashed by higher courts and that, after prolonged judicial proceedings, Osh Provincial Court ordered on 26 March 2014 that the Amnesty Act of 21 January 2014 be applied in his case, he and his accomplices were released from custody after the preventive measures against them were revoked.

289. This court decision was overturned by a Supreme Court judgment of 4 June 2010 and the criminal case was referred back to Osh Municipal Court for review.

290. On 28 April 2015, the Municipal Court placed the names of Mr. Khaidarov and the others on the wanted list, and the criminal case was suspended.

291. Regarding his allegations of being beaten by police officers, to ensure the safety of those involved in the judicial process for the criminal cases initiated following the events of June 2010 in the city of Osh and Osh Province, it was decided that the court hearings should be held in the clubhouse of Ministry of Internal Affairs unit No. 703.

292. In addition, on 30 September 2010, the website 24.kg published an article about violations of the law during criminal trials, in which defendants appearing in cases related to the Osh events were beaten by relatives of the victims and the guards escorting the defendants. The procurator's office of Osh Province made the appropriate inquiries into the matter.

293. On 1 September 2010 at 9 a.m., the remand prisoners G. Sadykzhanov and D. Khaidarov were transported to the court hearing in Kara-Suu District Court and were taken back to remand centre No. 5 at 6 p.m. the same day. According to the defendants, on 15 September 2010 at approximately 10 a.m., they were beaten by relatives of the victims and stones were thrown at them in the yard of Kara-Suu District Court.

294. However, inquiries established that no court hearing in the relevant criminal case had been scheduled for 15 September 2010 and that Mr. Sadykzhanov and Mr. Khaidarov had not been taken outside remand centre No. 5 on that date.

295. The provincial procurator's office nonetheless ordered a forensic medical assessment on 1 October 2010. According to the findings issued on 5 October 2010, the defendants had no bodily injuries of any kind. The inquiry into the information reported on the website of the news agency 24.kg did not substantiate the allegations of beating and stone-throwing made by Mr. Sadykzhanov and Mr. Khaidarov.

296. During the investigation and trial of these criminal cases, no complaints were filed by the accused or their legal representatives or counsel with the procuratorial authorities of the province concerning misconduct by the persons carrying out the initial inquiry or pretrial investigation, and thus no such complaints were considered.

Paragraph 20 (a) and (b)

297. The provincial law enforcement authorities have initiated 1,303 criminal investigations in connection with the events of June 2010 in Osh Province. In 138 of these cases (10.5 per cent), an offence was found to have been committed.

298. Following investigation, 102 cases involving 212 persons (33 of Kyrgyz ethnicity, 174 of Uzbek ethnicity and 5 of other ethnicities) were referred to the courts, which, after hearing the 102 cases, convicted 209 persons (30 of Kyrgyz ethnicity, 174 of Uzbek ethnicity and 5 of other ethnicities).

299. Based on the results of an inventory, 629 criminal cases concerning intentional property damage through rioting and arson were combined into a single case.

300. Proceedings have been suspended in 559 cases, of which 26 cases were suspended under article 221 (1), subparagraph (1) (Failure to locate the accused) of the Code of Criminal Procedure, and 533 cases were suspended under article 221 (1), subparagraph (3) (Failure to identify a suspect), of the Code of Criminal Procedure. All possible measures are being taken to shed light on these crimes.

301. Proceedings have been terminated in 13 criminal cases. These include 4 cases in which missing persons were found (terminated under article 28 (1), subparagraph (2), of the Code of Criminal Procedure), 7 cases involving the unauthorized taking of a vehicle (terminated under article 28 (1), subparagraph (10), of the Code of Criminal Procedure) and 2 cases of weapons theft.

302. There are currently no reopened criminal cases being handled by the investigative authorities.

303. In exercise of their oversight function, the procuratorial authorities have reviewed all the criminal cases being handled by the law enforcement agencies of the province and have issued 561 directives, given 12 orders to rectify breaches of the law and initiated 4 disciplinary proceedings.

304. In all criminal cases that are suspended under article 221 (1), subparagraph (3), of the Code of Criminal Procedure, the local procurators promptly examine all the investigative actions undertaken and, where shortcomings are found, issue directives to carry out additional investigative activities to identify the perpetrators of the offence.

305. The reasons for the failure to shed light on the crimes committed during the events of June 2010 include delays by victims in contacting law enforcement authorities, loss of evidence, a lack of eyewitnesses to the crimes and the incomplete and delayed conduct of inquiries.

306. Currently, in 26 criminal cases initiated by law enforcement authorities following the events of June 2010, 47 persons are being sought under wanted persons cases. In the criminal proceedings suspended under article 221 (1), subparagraph (3), of the Code of Criminal Procedure, 215 investigations have been launched and the corresponding search operation plans have been drawn up in order to shed light on the crimes.

307. After reviewing the wanted persons cases and the investigations, the procurator's office of Osh Province issued 28 directives to expand and complete the necessary investigative actions to locate and arrest the wanted persons and gave 2 orders to rectify breaches of the law.

308. A total of 46 reports were filed regarding 46 persons who had gone missing during the riots in Osh Province. As a result of the measures taken in these cases, 19 persons were found dead, 12 persons were found alive, 7 persons (15.2 per cent) remain missing and 8 reports have been transferred to the Osh municipal procurator's office on the basis of territorial jurisdiction.

309. The Inter-Agency Investigative and Operational Brigade of Osh Province has initiated criminal proceedings and is carrying out investigative operations in respect of all the persons who went missing during the events of June 2010. A total of 2 missing persons cases and 13 investigations have been opened. Each of them has been reviewed by the procuratorial authorities, and written directives have been issued.

310. Furthermore, to reinvigorate the search for the persons who went missing during the June events, one order was issued to the chief of the internal affairs department for Osh Province.

311. The review of the missing persons cases showed that the operational services of the internal affairs department for Osh Province were taking sufficient measures to locate the persons being sought.

312. Following the review, an order was addressed to the chief of the internal affairs department for Osh Province to rectify a breach of the law and initiate disciplinary

proceedings against officials of the criminal investigation unit of the internal affairs department for Osh Province. As a result of that order, the violations were rectified.

313. The law enforcement authorities of Osh Province issued international wanted persons notices for 17 persons in 12 criminal cases through the International Criminal Police Organization (INTERPOL). For the remaining persons, all the relevant materials were sent to the national Ministry of Internal Affairs and their names were placed on an international wanted list; inter-State wanted persons notices were then issued for these persons.

Paragraph 20 (c)

314. See the replies to paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h) and 18 (a), (b) and (c).

Paragraph 20 (d)

315. Since 2010, the country's procuratorial authorities have registered 18 complaints from citizens or their representatives claiming that law enforcement officials had used torture or violence against them. On 30 September 2010, an article was published online about violence perpetrated against defendants by representatives of the victims in criminal cases related to the events of June 2010.

316. The procuratorial authorities investigated complaints from A. Askarov, K. Shermatov, D. Raimzhanov, S. Yuldashev and M. Maksudov, A. Tashirov, S. Iminov, U. Kholmiraev, M. Bizurukov, K. Amanbaev, D. Bazarov, S. Osmonov, K. Kadyrov, R. Zheenbekov, M. Soliev, E. Talant uulu, A. Atazhanov, Y. Gulyamov, F. Aliev and the online article.

317. After the investigation, five criminal cases were initiated on the basis of the complaints from S. Yuldashev and M. Maksudov, U. Kholmiraev, K. Amanbaev, K. Kadyrov and R. Zheenbekov. In three of these cases, seven internal affairs officials were tried and acquitted by the courts; the criminal case based on the complaint from Mr. Kadyrov was suspended under article 221 (1), subparagraph (3), of the Code of Criminal Procedure, and the criminal case based on the complaint from Mr. Zheenbekov was terminated under article 28 (1), subparagraph (2), of the Code of Criminal Procedure.

318. A decision was taken not to initiate criminal proceedings in relation to any of the other complaints on the grounds that no offence had been committed by anyone, i.e. because the complainants' allegations were not substantiated.

Paragraph 21 (a) and (b)

319. Chapter 46 of the current Code of Criminal Procedure addresses compensation for damage caused by unlawful actions on the part of courts and agencies in charge of criminal proceedings.

320. The State provides full compensation for any damage caused by unlawful detention, remand in custody, house arrest, dismissal from employment, committal to a medical institution, conviction or compulsory medical treatment, whether or not there has been culpable behaviour on the part of the authority conducting the initial inquiry, the investigator, the procurator or the court.

321. In the event of the death of the victim, the right to compensation is transferred to his or her heirs, and any pensions or benefits whose payment had been suspended are transferred to the family members designated as the beneficiaries of a survivor's pension.

322. Material damage includes the loss of earnings, pensions, benefits or other resources due to unlawful acts, unlawful confiscation or appropriation of property by the State pursuant to a court judgment or order, fines and court costs collected in execution of an unlawful court judgment, fees paid for legal assistance and other expenses. Compensation

claims for material damage are settled by the courts. Under national law, compensation may be sought in either criminal or civil proceedings. This means that if a civil action resulting from a criminal case was not filed or authorized during the criminal proceedings, it is brought forward in civil proceedings (Code of Civil Procedure, art. 33).

Paragraph 21 (c)

323. Since 2017, the Alter Ego rehabilitation centre has been operating in Bishkek. Its activities are based on a programme for the rehabilitation of torture victims that has been run by the Golos Svobody foundation since 2007.

324. The main purpose of the centre is to provide medical and psychological care to persons who have suffered torture or ill-treatment and to their family members. Since its establishment, approximately 600 persons have undergone rehabilitation in the centre. The centre and the programme are funded by grants.

325. State medical institutions facilitate and contribute to the work of the centre by providing treatment and psychological support to victims of torture or ill-treatment.

326. The non-governmental organization Coalition against Torture and public authorities are currently considering issues related to the establishment of specialized rehabilitation services for torture victims, which will be funded by the State.

Paragraph 21 (d)

327. In accordance with the Code of Criminal Procedure, if there is sufficient evidence to suggest that a victim, witness or other participant in a case or his or her family members or close relatives may be at risk of violence, property destruction or damage, or other dangerous and illegal acts, the court, the procurator, the investigator and the agency conducting the initial inquiry take the measures stipulated by law within their respective areas of competence to protect the life, health, honour, dignity and property of such persons.

328. The procedure for implementing safety measures for persons who allege that they have been subjected to torture or other forms of ill-treatment is defined in article 19 of the Act on the Protection of the Rights of Witnesses, Victims and Other Parties to Criminal Proceedings.

329. On receiving a report or communication indicating that someone is in danger of being killed or becoming a victim of violence, property destruction or damage, or other dangerous and illegal acts, the court or judge, the procurator, the head of the agency conducting the initial inquiry or the investigator must verify the report or communication and decide within three days, or immediately in urgent cases, whether or not to take measures to ensure that person's safety. A reasoned decision (ruling) is issued on the matter and sent the same day to the agency in charge of the safety measures, with a view to their implementation, and to the person named in the decision (ruling).

330. The agency responsible for the safety measures determines which of the safety measures provided for in the Act are required and the methods for applying them.

331. The agency responsible for the safety measures informs the court or judge, the procurator, the head of the agency conducting the initial inquiry or the investigator handling the report or communication concerning the crime or the criminal case of the safety measures it has chosen, any changes or additions to them and the results of their implementation. In the event that the threat to the protected person's safety is eliminated, the agency applies for the revocation of the safety measures.

332. The Ministry of Internal Affairs system now has a special witness protection unit.

333. Between 2012 and 2016, the procuratorial authorities issued two orders to provide government protection to the victims A. Chonakhunov, A. Ermek uulu and E. Ermek uulu, who had reported persistent threats and intimidation.

Paragraph 21 (e)

334. Pursuant to article 96 of the Constitution, the Supreme Court is the highest judicial authority in civil, criminal, economic, administrative and other matters; it reviews the rulings of courts upon application by the parties to the proceedings, in accordance with procedures established by law.

335. Chapter 43 of the Code of Criminal Procedure regulates the legal arrangements for reopening proceedings on the basis of new or newly discovered evidence.

336. It states that an enforceable court judgment, ruling or order may be reversed and the proceedings reopened on the basis of new or newly discovered evidence.

Paragraph 22 (a)

337. Under article 81 of the Code of Criminal Procedure, the types of evidence that are defined as inadmissible include statements made by witnesses, suspects or accused persons as a result of the use, during a pretrial investigation, of torture, violence, threats, deception or other illegal acts or ill-treatment; statements made as a result of torture; statements made by persons who, under the Code of Criminal Procedure, have been found to lack the capacity, at the time of questioning, to correctly comprehend or reconstitute the facts relevant to the criminal case; evidence gathered in the course of any procedural act by a person who is not empowered to conduct criminal proceedings in the case or with the involvement of a disqualified person; and any other evidence that has been obtained illegally.

Paragraph 22 (b)

338. To ensure that incidents of torture or other cruel, inhuman or degrading treatment or punishment are promptly brought to light, on 20 July 2016 the Office of the Procurator General issued a written instruction to all lower-level procurators' offices requiring procurators involved in hearings for the examination of pretrial detention motions to look for any obvious signs of torture, abuse or injury and to question the accused in this regard at the hearing. If such acts are found to have taken place, the procurator is instructed to take measures, in accordance with articles 151 and 155 of the Code of Criminal Procedure, for the mandatory taking of a written or oral statement regarding the use of torture or other cruel, inhuman or degrading treatment or punishment, for subsequent registration and thorough verification (see the replies to paragraphs 2, 5 and 17 for information on the training provided in this connection).

Paragraph 22 (c)**F. Gapirov**

339. On 16 June 2010 at approximately 4.30 p.m., F. Gapirov, a resident of the Kara-Suu district, was travelling with his acquaintance M. Makhkamov in the latter's Hyundai Accent vehicle from the village of Nariman towards Zhiidelik in Osh, when he was stopped at the "Airport" checkpoint. The vehicle was searched and two boxes of ammunition for a 9-mm Makarov pistol, totalling 32 rounds, were seized. That same day, a criminal case was opened under article 233 (Rioting), paragraphs 1 and 2, and article 241 (Illegal acquisition, transfer, sale, storage, transport or carrying of firearms, ammunition, explosives or explosive devices), paragraphs 1 and 2, of the Criminal Code.

340. Following investigation, on 14 August 2010, Mr. Gapirov and Mr. Makhkamov were charged and the case was referred to Osh Municipal Court.

341. During the investigation, the accused, Mr. Gapirov and Mr. Makhkamov, stated that they had been transporting the ammunition found in their car to the village of Stalin. However, at their trial, they completely denied their statements, alleging that police officers

had beaten them during the pretrial investigation. In court, Mr. Makhkamov instead made the claim that Mr. Gapirov had known nothing about the ammunition found in his car.

342. Accordingly, on 26 October 2010, the Court found Mr. Makhkamov guilty under article 241 (1) and (4) of the Criminal Code and sentenced him to 4 years' imprisonment. Mr. Gapirov was acquitted and released from custody on 6 November 2010. The verdict was upheld by decisions of the higher courts.

343. Mr. Gapirov's allegations of having been beaten by police officers were verified and, on 3 June 2011, the procurator's office for the city of Osh initiated criminal proceedings under article 305¹ (Torture) of the Criminal Code.

344. During the investigation, Mr. Gapirov stated that, while the police officers were searching the car at the checkpoint, one of them hit him on the right side of the face with the butt of an automatic weapon. He also stated that when he and the other suspect had been taken to the administrative building of the Osh internal affairs department, police officers dressed in camouflage had put a sack over his head and hit him with a truncheon on the soles of his feet and all over his body. He further stated that he would not be able to recognize the police officers.

345. All the necessary investigative actions in the criminal case were carried out, but it was not possible to identify the perpetrators of the crime. On 3 September 2011, the investigation was suspended because of the failure to identify a suspect.

Paragraph 22 (d), (e) and (j)

346. See the replies to paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h), 18 (a), (b) and (c) and 22 (a).

Paragraph 22 (f)

347. In accordance with article 81 of the Code of Criminal Procedure, evidence in a criminal case is defined as any facts on the basis of which investigators, procurators and courts determine, in accordance with the procedures established by law, whether or not an act covered by the Criminal Code has taken place; whether or not the act was committed by the suspect, accused person or defendant; the guilt or innocence of the defendant; and other considerations relevant to the proper resolution of the case.

348. These facts are established through:

- The statements of suspects, accused persons, defendants, victims and witnesses
- Expert opinions
- Material evidence
- Records of investigations and court proceedings
- Legally obtained findings of police operations
- Other documents

349. Evidence obtained in violation of the Code of Criminal Procedure is inadmissible, has no legal force and cannot be used as grounds for a decision in the case or as proof of facts or circumstances.

350. Inadmissible evidence includes:

- Statements concerning the commission of a criminal offence made by a suspect or accused person during a criminal investigation without the presence of defence counsel, including where the right to counsel has been waived, and statements made by a defendant in court without the presence of defence counsel
- Victim or witness statements that are based on conjecture, supposition or hearsay and statements by witnesses who cannot identify the source of their information,

unless such statements are substantiated by the body of evidence examined during the investigation or judicial proceedings

- Tax returns completed in accordance with the Act on the Completion of the Single Tax Return by Citizens of Kyrgyzstan
- Any other evidence obtained in violation of the Code of Criminal Procedure

351. In accordance with article 89 of the Code of Criminal Procedure, documents are recognized as evidence if the information provided or attested to in them by organizations, officials or members of the public has a bearing on the criminal case.

352. Documents may contain information recorded in either written or oral form. Documents may include photographs, films or sound or video recordings obtained, requested or submitted in accordance with the Code of Criminal Procedure and recognized as evidence in the case.

353. Documents are added to the case file and kept for the duration of the file's retention period. If documents that have been seized and added to the case file are needed for record-keeping, accounting or other lawful purposes, the originals may be returned or temporarily provided to the lawful owner, if the case is not thereby disrupted, or copies may be given.

354. Objects that are reasonably believed to have been used as instruments of crime, bear trace evidence or were the targets of criminal activity, and cash, objects, documents or other valuables that may be useful for detecting crime, establishing the facts of the case, identifying the perpetrators, refuting an accusation or demonstrating the existence of mitigating circumstances are considered to be material evidence.

355. Under article 3 (7) and article 6 of the Code of Criminal Procedure, the admissibility of evidence in criminal cases is determined by the law in force at the time it was obtained. Evidence obtained in violation of criminal procedural law is not admissible in the administration of justice.

Paragraph 23 (a) and (b)

356. During the reporting period, there were no registered cases of intimidation, assault or violence targeting human rights defenders or lawyers.

357. However, law enforcement agencies in Osh Province recorded two cases in relation to journalists.

358. On 25 March 2015, the branch of the State Committee on National Security for the city and Province of Osh received information from the internal affairs office in the city of Osh concerning the journalist Umar Farooq, a United States citizen born in 1984, who was collecting information on the inter-ethnic situation and extremism in Kyrgyzstan.

359. That same day, Mr. Farooq was asked to come to the State Committee on National Security office for the city and Province of Osh, where, in the presence of his interpreter, the Kyrgyz citizen K. Akbarova, he explained that he was a journalist working with a number of international news organizations, including the *Los Angeles Times*. He also explained that he was engaged in journalistic research on the current inter-ethnic situation in southern Kyrgyzstan and the situation in the border area between Kyrgyzstan and Uzbekistan.

360. During the inquiry, it was found that Mr. Farooq was not accredited as a journalist with the Kyrgyz immigration authorities, and thus had been collecting information without the necessary permit.

361. Subsequently, in the presence of witnesses and of the lawyers K. Zhunusbaev and M. Abduraupova, Mr. Farooq was searched and was found to have in his possession three CD-ROMs with video recordings of statements on religious topics by Asian individuals with weapons, and also including footage of armed conflict and shots of flags and emblems of religious organizations; one 2-GB Kingston flash drive; 16 pages of documents on A4 paper, including two orders issued by an investigator from the Investigations Division of

the State Committee on National Security head office for the city and Province of Osh, E. Sultanov, charging A. Yusupov with offences under articles 28 and 375 of the Criminal Code and I. Salibaev with offences under articles 375, 168 and 241 of the Criminal Code; a copy of a translation of the conclusions of a theological exegesis on materials including content from the sermons of R. Kamalov, the imam of a mosque in Kara-Suu; texts from the Internet under the title “Zabludivshiesya voiny islama” (Lost Warriors of Islam); four sheets of A4 paper with text in Arabic; an Apple Macbook notebook computer; a Sony camera; a black “Mazzumber 1991” notepad; a brown hard-cover notepad; a blue “Hotber” notebook; a payment receipt from Osh-Nur Hotel for accommodation from 12 to 25 March 2015; and business cards of the lawyers V. Vakhitov and K. Saliev.

362. In view of his refusal to explain where these items had come from, he was requested to surrender them voluntarily for inspection, for the purpose of detecting any information of an extremist nature. He agreed to do so and, in the presence of counsel, voluntarily surrendered all of the above-mentioned items.

363. According to the conclusions of a forensic theological analysis, dated 26 March 2015, the CD-ROM contained video content that was contrary to the constitutional order and the laws and regulations of Kyrgyzstan. There were videos of sermons by the imams Kamalov and a certain “Abduvali”, in which they called for “jihad” and sectarian strife.

364. On this basis, on 26 March 2015 the State Committee on National Security office for the city and Province of Osh instituted criminal proceedings under article 28 (2), article 297 (Attempt to call publicly for the violent disruption of the constitutional order) and article 299² (Acquisition, manufacture, possession, distribution, transport or transfer of extremist materials or deliberate use of symbols or emblems of extremist or terrorist organizations) of the Criminal Code.

365. That same day, an application was filed with Osh Municipal Court for the recognition of the justification and lawfulness of the personal search that was conducted and of Mr. Farooq’s voluntary surrender of the items; this recognition was granted.

366. During questioning, Mr. Farooq stated that he had received the order issued by the investigator E. Sultanov from the lawyers V. Vakhitov and K. Saliev, who had taken part in the relevant cases as defence counsel on behalf of the human rights movement Bir Duino Kyrgyzstan.

367. He further indicated that he was a freelance journalist working with a number of international news organizations, including the *Los Angeles Times* and IRIN News, and that he had come to Kyrgyzstan to engage in journalistic research on the inter-ethnic, inter-sectarian and cross-border situation in the country. He had been making enquiries among the inhabitants of the Kara-Suu district of Osh Province concerning R. Kamalov, an active member of an extremist organization.

368. On 26 March 2015, given that clear signs of the commission of an offence had been found on Mr. Farooq, and bearing in mind that he was a citizen of a foreign State and did not have a permanent place of residence in Kyrgyzstan, Mr. Farooq was arrested on suspicion of having committed the above-mentioned offences and was sent to the remand centre of the State Committee on National Security office for the city and Province of Osh.

369. In order to ensure the objectivity of the investigation, on 27 March 2015, with the authorization of the Osh Municipal Court, the places of residence of the lawyers V. Vakhitov and K. Saliev were searched, as was the office of the representative of Bir Duino Kyrgyzstan. The following items were discovered and seized at that office: the above-mentioned orders of the investigator E. Sultanov; an order for the initiation of criminal case No. 52-15-61 against Rashod Kamalov; six CD-ROMs related to the charges against D. Dzhumabaev, a member of the religious extremist organization Hizb ut-Tahrir; 15 CD-ROMs with sermons by Rashodkhon Kori; three flash drives; two Dictaphones; and five notebook computers. A business card of the United States citizen Umar Farooq was found at the residence of V. Vakhitov. The search of the residence of K. Saliev resulted in the discovery and seizure of two CD-ROMs with various recordings of a religious nature, 55 leaflets with text of a religious nature, two flash drives and a 186-page booklet.

370. During the search of the residence of K. Saliev, his brother, D. Saliev, born in 1985, stated that the leaflets in question belonged to him and that he kept them for personal use, not for distribution.

371. According to an expert theological analysis, the items seized at the residence of K. Saliev did not show signs of extremism. Of the items seized at the Bir Duino Kyrgyzstan office, one CD-ROM contained materials of an extremist nature aimed at inciting sectarian strife and violent disruption of the constitutional order of Kyrgyzstan.

372. The materials collected show that Mr. Farooq, without accreditation or the appropriate visa, was working in the Province of Osh to gather information on extremism and on the inter-ethnic, inter-sectarian and cross-border situation in Kyrgyzstan. His activities were confidential and his purpose was to collect information for subsequent transmission to the publisher IRIN News. How this information would ultimately be used was not determined.

373. Thus, his activities showed none of the signs of overt action to call for the violent disruption of the constitutional order of Kyrgyzstan that must be present in order to constitute the offence referred to in article 297 of the Criminal Code.

374. On a separate note, according to the above-mentioned expert theological analysis, the CD-ROMs that were found in Mr. Farooq's possession contained videos with material that was contrary to the constitutional order and laws of Kyrgyzstan. The videos contained religious statements of an extremist nature.

375. Under the laws in force, an organization is considered to be extremist only if it is recognized as such by the courts.

376. These videos did not contain any informational or promotional material pertaining to a specific extremist organization whose activities have been prohibited in the territory of Kyrgyzstan by decision of a court. This means that Mr. Farooq cannot be prosecuted under article 299² (1) of the Criminal Code.

377. Mr. Farooq's actions were reclassified as an administrative offence, i.e. a violation by a foreign national of the conditions of his or her stay in the territory of Kyrgyzstan.

378. On 28 March 2015, the Osh Municipal Court found that his arrest had been lawful and warranted. On the basis of the administrative offence that was found to have been committed, the Court ordered his removal from the Kyrgyz Republic. Mr. Farooq was thereupon handed over to the United States embassy in Bishkek for the enforcement of the Court's decision, and on 29 March 2015 he left the territory of Kyrgyzstan from Manas Airport in Bishkek.

379. It should be noted that, in order to arrive at a fair decision in the criminal case, it was necessary to determine who was responsible for creating and distributing the materials of an extremist nature.

380. On 19 July 2015, the criminal investigation was suspended, as no suspects could be identified.

381. On 4 October 2015, the journalist A. Bolshevnikov of the television channel Osh Pirim TV filed a statement with the internal affairs office of the district of Alay alleging that B. Adamov, a resident of the town of Gulcha in the district of Alay, had jostled him while trying to prevent him from recording video of the elections for deputies to the Zhogorku Kenesh.

382. After the claim had been considered, on 7 October 2015 the internal affairs office of the district of Alay decided not to bring criminal proceedings, in the absence of an offence. This decision was based on the fact that Mr. Bolshevnikov refused to undergo a forensic examination because he had not suffered any bodily injuries.

Paragraph 23 (c)

A. Askarov

383. During the inter-ethnic clashes that took place between individuals belonging to the Kyrgyz and Uzbek ethnic groups, at approximately 10 p.m. on 12 June 2010 some 400 to 500 persons of Uzbek ethnicity gathered at the intersection of Saidullaev and Jalal-Abad Streets in the town of Bazar-Korgon, while about the same number of persons of Kyrgyz ethnicity gathered at the intersection of Jalal-Abad and Abduraimov Streets. After the heads of local authorities and law enforcement agencies reasoned with them, the crowds dispersed.

384. The next day, 13 June 2010, at approximately 8 a.m., some 400 to 500 persons of Uzbek ethnicity once again gathered on the bridge in Bazar-Korgon, located on the Osh-Bishkek highway, this time armed with firearms, iron bars, wooden sticks and knives, and blocked the Osh-Bishkek highway.

385. A. Askarov, head of the human rights organization Vozdukh, and S. Mirzalimov, a dental surgeon at the Bazar-Korgon dental clinic, began to whip up inter-ethnic hostility by publicly insulting members of the Kyrgyz ethnic group, calling them “Kyrgyz dogs” and other names; called for mass unrest; and urged people to actively disobey the lawful orders of the authorities who had arrived at the scene to uphold law and order. In response to these calls, individuals of Uzbek ethnicity set up makeshift barricades on the streets of Bazar-Korgon.

386. In order to prevent criminal activity on the part of these persons, a task force consisting of 10 to 15 unarmed personnel from the Bazar-Korgon district internal affairs office arrived at the scene. Mr. Askarov continued to engage in criminal conduct by calling on those gathered to “capture the chief of police and kill the others”. At this, S. Mulavkhunov, I. Abduraimov, D. Rozubaev, A. Rozubaev, M. Yuldashev and other men of Uzbek nationality, acting on Mr. Askarov’s unlawful instructions, attacked the district internal affairs officers and injured 13 of them. One member of the task force, Inspector M. Sulaimanov of the district internal affairs office, was killed in a particularly barbaric manner. His body was then set on fire and dumped 100 metres from the highway in the vicinity of the Sakhyl tea room.

387. That same day, the district procurator of Bazar-Korgon instituted criminal proceedings in relation to those events under articles 97 (Murder), 299 (Incitement of inter-ethnic, racial, religious or interregional enmity), 233 (Rioting) and 340 (Murder of a law enforcement official or member of the armed forces) of the Criminal Code.

388. Mr. Askarov was arrested on 16 June 2010 and charged on 17 June 2010. As a preventive measure, the court decided to remand him in custody. Based on the results of the investigation, Mr. Askarov was charged under articles 227 (Hostage-taking), 241, 299², 299, 233, 97 and 340 of the Criminal Code. The criminal investigation was completed and, on 11 August 2010, the case was referred to the court for consideration.

389. For security reasons, the trial was held on the premises of the Nookan District Court. On 15 September 2010, the Court sentenced Mr. Askarov to life imprisonment. The sentence was upheld by higher courts.

390. On 25 May 2012, T. Ismailova, Director of the Grazhdane protiv Korruptsii (Citizens against Corruption) Human Rights Centre, filed an application with the Office of the Procurator General to reopen the proceedings on the basis of newly discovered evidence. The application stated that the investigation had not been carried out objectively and that during the June events, i.e. on 12 and 13 June 2010, Mr. Askarov and other individuals had provided assistance to the injured, had taken them to a hospital and had captured the events on video, as could be confirmed by witnesses who had not previously been interviewed in the case.

391. In order to verify these claims, on 5 June 2012, the Jalal-Abad provincial prosecutor’s office opened proceedings to verify the newly discovered evidence. Based on the results of the investigation, on 15 June 2012 the proceedings were discontinued, as Ms. Ismailova’s claims were not substantiated.

392. Furthermore, on 18 February 2013, the Office of the Procurator General received, from the Ministry of Foreign Affairs, copies of individual communications submitted by Mr. Askarov, V. Gritsenko, B. Japarova, the lawyer of N. Toktakunov and A. Abdirasulova to the United Nations Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights. These communications contain, inter alia, claims that the investigation of Mr. Askarov was not objective, that his conviction was unlawful, that he was not guilty of the charges laid against him and that he was tortured.

393. On 6 May 2013, in the interest of thoroughness and with a view to objectively investigating the claims made by Mr. Askarov and the others in the individual communications, the Office of the Procurator General reversed the 15 June 2012 decision of the Jalal-Abad provincial prosecutor, and the case was reopened in the light of the newly discovered evidence.

394. However, the sole source of the information that Mr. Askarov had been “beaten” and “tortured” by police officers was Mr. Askarov himself, whose claims were not substantiated by anything or anyone else. Almost every argument raised by Mr. Askarov, even those that did not pertain to the substance of the accusations, did not conform to reality.

395. In the course of the investigation, all of the claims made in the communications were thoroughly reviewed. The results of the investigation did not establish the existence of any grounds on which the Supreme Court could, under article 384 of the Code of Criminal Procedure, order the reopening of the criminal case in the light of newly discovered evidence.

396. In view of the results of the investigation, the proceedings in relation to the newly discovered evidence were again terminated on 5 February 2014.

397. In November 2012, Mr. Askarov’s lawyers filed a complaint with the United Nations Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights. In April 2016, the Human Rights Committee accepted the communication (No. 2231/2012) and found that it disclosed a violation of articles 2, 7, 9, 10 and 14 of the International Covenant on Civil and Political Rights.

398. Consequently, on 11 July 2016, the Supreme Court began to consider the criminal case against Mr. Askarov in the light of the new evidence, in response to an application submitted by the convicted person himself and the Views of the Human Rights Committee in the case. The proceedings were public and the hearing was attended by human rights defenders, international observers, representatives of various international organizations and the media. On 12 July 2016 the Supreme Court decided to reverse its prior decision and the ruling of the court of second instance in Mr. Askarov’s case, and referred the case for a new trial in the Chuy Provincial Court.

399. The trial was public and was attended by all representatives of embassies located in Kyrgyzstan, international organizations and journalists who had previously expressed a desire to be present. The Ombudsman (*Akyikatchy*) also attended the proceedings, which were fully covered by the media and on websites. One member of the State prosecution team was the chief procurator of the Office of the Procurator General, S. Kamolidinov, who is of Uzbek background.

400. During the trial, Mr. Askarov’s guilt was fully established on the basis of statements made by witnesses and victims, expert opinions and physical evidence. The Court examined the defendant’s claim to have been tortured during the investigation, and found that it could not be substantiated. The injuries suffered by Mr. Askarov had been caused by M. Makhmudzhanov, a detainee of Uzbek ethnicity, at a time when the two men had been sharing a cell for persons who have committed administrative offences. Mr. Askarov was unable to refute Mr. Makhmudzhanov’s testimony in court on the physical injuries he had inflicted on the defendant. According to the forensic medical report, Mr. Askarov’s injuries were estimated to have been inflicted at the time he was beaten by Mr. Makhmudzhanov.

401. On 24 January 2017, the Chuy Provincial Court again found Mr. Askarov guilty of incitement of inter-ethnic enmity and the murder of the police officer M. Sulaimanov. In other words, it upheld the Bazar-Korgon District Court judgment of 15 September 2010

sentencing Mr. Askarov to life imprisonment. As at the present time, no appeal has been filed against the decision of the Chuy Provincial Court.

402. Mr. Askarov, who has been sentenced to life imprisonment, is currently under medical treatment in State Penal Correction Service facility No. 21 for the following conditions: coronary heart disease, atherosclerotic cardiosclerosis, stable angina (functional class II-III), polyarthritis and osteochondrosis of the spine.

403. Mr. Askarov's state of health is satisfactory and is monitored by medical personnel of State Penal Correction Service facility No. 21. He regularly receives symptomatic treatment.

Assault on defence counsel T. Tomina and others, and threats in connection with the criminal trials related to the 2010 events in Osh

404. On 14 June 2010, during the tragic events that were widely reported at that time, two officers of the Osh internal affairs office, B. Aidarov and B. Baikishiev, disappeared while they were on duty. On 2 July 2010, their bodies, with multiple stab wounds, were found buried in the basement of an unfinished building located at 168 Mominov Street.

405. Criminal proceedings in this regard were instituted on 18 June 2010. As a result of the investigation, S. Nizamkhodzhaev, N. Kasymov, S. Umarov, Z. Dzhuraev and others were charged with murder, rioting and destruction of other persons' property. On 18 August 2010, the criminal case was referred to Osh Municipal Court for consideration.

406. The Court's consideration of the criminal case was scheduled for 13 October 2010 at 2 p.m. The defendant S. Nizamkhodzhaev, who was free on recognizance, arrived at the appointed time to take part in the hearing, along with some close relatives. At the same time, some 35 to 40 relatives of the victims approached him near the entrance to Ministry of Internal Affairs post No. 703, located at 36 Nurmatov Street in Osh, and suddenly began to assault him and his relatives. The defence lawyer D. Turdieva, who was also present, tried to intervene, but relatives of one of the victims began to assault her as well, and she was forced to move aside.

407. Without stopping at this, the victims' relatives rushed towards the defence lawyer T. Tomina, threatening her, and started pushing her towards the crowd, grabbing her by the arm. As a result, Ms. Tomina was also forced to move aside.

408. It was ascertained that these persons also committed acts of vandalism by assaulting M. Kasimov and breaking the rear and side windows of a Daewoo Nubira car belonging to I. Isamidinov.

409. At approximately 3.30 p.m. on the same day, the municipal procurator's office received a report of that incident from the Osh regional hospital. The lawyers Ms. Tomina and Ms. Turdieva were asked to meet with the municipal procurator. During their interview, they refused to undergo a forensic medical examination. They nonetheless filed complaints, and a forensic medical evaluation was ordered. That same day, the files concerning their complaints were sent to the Osh internal affairs office for verification and decision, as required under the Criminal Procedure Act.

410. The outcome of this review was that on 15 October 2010, the Osh internal affairs office instituted criminal proceedings in relation to the above-mentioned acts under article 234 (Hooliganism), paragraph 2 (1) and (4), of the Criminal Code.

411. The investigation was suspended several times, as no suspects could be identified. The last order to suspend the investigation was issued on 14 March 2011.

412. Ms. Tomina, the lawyer, applied to the procuratorial authorities only once, on 26 October 2011, for the transfer of her client, M. Mamadalieva, from the temporary holding facility of the Tash-Kumyr internal affairs office, where she was being held during the court's consideration of the case, to a temporary holding facility at the internal affairs unit in Jalal-Abad, where the conditions of detention for women are better. Ms. Mamadalieva complained of pain in her kidneys. The lawyer did not indicate that Ms. Mamadalieva had been subjected to torture or beatings.

413. On 2 December 2012, the Jalal-Abad provincial procurator's office received an application from the lawyers Ms. Tomina and U. Usmanov to initiate criminal proceedings against law enforcement officials of the Province of Jalal-Abad for the use of unlawful methods of investigation, torture and violations of the rights of Ms. Mamadalieva and E. Rasulov, who were being held in the district of Bazar-Korgon on criminal charges of rioting. The application was sent to the district procurator of Bazar-Korgon for consideration.

414. On 14 December 2012, the Bazar-Korgon district procurator, on the basis of a review of the lawyers' application, again issued a decision not to initiate criminal proceedings on the grounds that the actions of the provincial internal affairs officers did not constitute an offence.

415. The defence lawyers' claims that they were not allowed to communicate in private with their clients and that the latter were subjected to daily beatings were not substantiated.

416. It should be noted that during the investigation of this criminal case, neither the procuratorial authorities nor any other law enforcement agencies received any reports or complaints from Ms. Mamadalieva or Mr. Rasulov, who were represented by their lawyer Ms. Tomina, concerning the use of torture or other unlawful methods of investigation.

Paragraph 23 (d)

417. As of May 2018, Kyrgyzstan has not adopted any legislation that could impede the work of human rights organizations or groups.

Paragraph 23 (e)

418. No individuals or groups have been prosecuted in reprisal for cooperating with the United Nations or other international, regional or national human rights organizations or institutions.

Paragraph 23 (f)

419. The authorities are considering the request from the Special Rapporteur on the situation of human rights defenders to conduct a visit to Kyrgyzstan, and will inform the Committee when a decision is taken.

Paragraph 24 (a) and (b)

420. On 25 March 2015, the Government approved a plan of action for the prevention of abuse and violence against children for the period 2015–2017. Responsibility for implementing the plan lies with the heads of ministries, administrative departments, authorized representatives of the Kyrgyz Government in the provinces, heads of local State administrations and local authorities.

421. The plan includes the implementation of a nationwide outreach campaign for the prevention of abuse and violence against children, the early identification of families and children who are in difficult circumstances, steps to improve the effectiveness of actions by State and local government bodies to prevent abuse and violence against children, and measures to ensure that accessible, effective assistance is provided in cases of abuse or violence against children.

422. By a government decision of 16 January 2014 amending certain prior decisions of the Kyrgyz Government, as from 2014 the amounts allocated for food expenses in residential social institutions have been doubled: to 100 soms per day for older persons and persons with special needs and to 110 soms per day for children with special needs. In order to ensure that the need for medicines in residential social institutions is fully met, since 1 October 2015 the amounts allocated for medicines have been nearly doubled: from 6.50 to

12.50 soms for older persons, from 6.70 to 12.70 soms for persons with special needs and from 6.80 to 12.80 soms for children with special needs.

423. At present, the Ministry of Labour and Social Development is preparing draft instructions for the prevention of torture and other cruel, inhuman or degrading treatment or punishment of persons living in residential social institutions.

424. With a view to the early identification of child victims of abuse or violence, by a decision of 22 June 2015, the Government adopted regulations on the procedure for identifying children and families in difficult circumstances.

425. In order to provide social and other services to child victims of abuse and violence, centres have been established in the village of Tyup and the cities of Karakol and Talas, under a memorandum of understanding between the Ministry of Labour and Social Development, local authorities and the UNICEF office in Kyrgyzstan, to provide psychological and legal assistance to children who have suffered abuse or violence. In 2016, these centres provided social services to 532 children in difficult circumstances, including children who had been subjected to abuse or violence.

426. Since 2014, the Ministry of Labour and Social Development, in accordance with the Government Social-Sector Procurement Act, has provided funding to 21 centres for the provision of social, legal and rehabilitation services to children in difficult circumstances, including the Sezim crisis centre in Bishkek and the Ak-Zhurok crisis centre in Osh. For 2017, such funding was projected to cover no less than 5 per cent. It should be noted that, whereas 4,320 soms were allocated for government social-sector procurement expenditure in 2008, this figure had risen to 22,500 soms by 2015.

427. In addition, the country has 35 centres established by non-profit organizations to provide rehabilitation and social services for children in difficult circumstances, as well as 13 crisis centres for women.

428. In order to provide quality care services to children in difficult circumstances, social services are provided to such children in residential facilities, in accordance with the minimum standards of care, education and socialization of children in institutions. The Ministry of Labour and Social Development has accredited 13 such institutions.

429. In order to respond quickly to cases of abuse or violence against children and families by providing prompt emergency assistance, the Ministry of Labour and Social Development has established a public institution known as the "111 Children's Helpline" Centre. In 2016, the 111 helpline received 711 calls, including 575 from adults and 136 from children. Guidance and recommendations were provided in response to 485 of these calls. The other 226 calls were of such a nature as to require referral to the relevant authorities for action.

Paragraph 25 (a), (b) and (c)

430. See the replies to paragraphs 5, 17 (b), (c), (d), (e), (f), (g) and (h) and 18 (a), (b) and (c).

Paragraph 25 (d)

Z. Tokhtonazarova

431. On the night of 9 September 2005, Z. Tokhtonazarova and E. Mamazhanova went into a kiosk belonging to A. Osmonova and stole items valued at 1,580 soms. Accordingly, on 11 September 2005 the internal affairs authority of the district of Bazar-Korgon instituted criminal proceedings. On the basis of the investigation findings, the case was referred to a court for consideration.

432. Furthermore, on 15 June 2005, Ms. Tokhtonazarova stole a puppy valued at US\$ 50, five chickens, a pair of shoes and a tape recorder from the home of her former mother-in-law O. Mirzaeva. For this reason, on 18 November 2005 the internal affairs authority of the

district of Bazar-Korgon instituted criminal proceedings. However, the investigation was suspended because Ms. Tokhtonazarova's whereabouts could not be determined.

433. The investigation was resumed on 14 January 2006. On 24 February 2006 the criminal investigation was completed and the case was referred to the Bazar-Korgon District Court for consideration.

434. Given that the accused, Ms. Tokhtonazarova and Ms. Mamazhanova, were in hiding, on 15 May 2006 the Court's pretrial restraining order against them was changed to remand in custody, and wanted notices were issued.

435. On 16 June 2006 Ms. Tokhtonazarova and Ms. Mamazhanova were arrested and placed in a holding cell at the internal affairs office in the district of Nookan.

436. By a judgment issued on 21 July 2006, the Bazar-Korgon District Court convicted Ms. Tokhtonazarova of theft and sentenced her to 5 years' imprisonment; it also sentenced Ms. Mamazhanova to 1 year's imprisonment, suspended.

437. On 16 October 2005, the human rights organization Vozdukh filed a complaint on Ms. Tokhtonazarova's behalf with the district procurator's office of Bazar-Korgon, alleging that the investigator M. Zhamankulov of the district internal affairs office had beaten and raped her. On 10 April 2006, a similar complaint was filed by Ms. Tokhtonazarova herself.

438. The human rights organization Vozdukh, in its monthly newsletter *Pravo dlya vsekh* (No. 3 of March 2006), published an article by the human rights defender A. Askarov entitled "Gorbatogo mogila ispravit" (Old habits die hard), in which the author reiterated the account set out in the newspaper *Kyrgyz Rukhu* of 28 October 2003 in the article "Mentter tiruu tovardy kanchaga satyshat? zhe IVStegi seksualdyk kulchuluk" and in monthly newsletter No. 9 of March 2003 in the article "Bit ili ne bit, vot v chem vopros" (To beat or not to beat, that is the question) and No. 18 of September 2003 in the article "Kto vinovat v smerti novorozhdenno?" (Who is to blame for the newborn's death?).

439. In that article, the editor-in-chief of the newsletter, Mr. Askarov, stated that Ms. Tokhtonazarova had been arrested by officers of the Bazar-Korgon district internal affairs office on 9 September 2005 and had been placed in a temporary holding facility, where she had remained until 16 September 2005 without authorization from the procurator. The article also stated that the investigator M. Zhamankulov had insulted her in every possible way, forced her to confess to a crime she had not committed, threatened to scald her with boiling water and, on seven occasions, pushed needles under her fingernails.

440. In addition, on 4 April 2006, the website Fergana.ru published an article entitled "Prava cheloveka: Popav v SIZO na yuge Kirgizii, možno zaberemenet, rodit, pokhoronit rebenka i byt podvergnutym pytkam" (Human rights: Go to jail in southern Kyrgyzstan and you can get pregnant, give birth, bury the child and be subjected to torture).

441. In view of the publication of information on violations of the law, and in the interest of ensuring that the allegations were fully and objectively examined, on 13 April 2006 the Bazar-Korgon district procurator instituted criminal proceedings under article 305 (Abuse of authority), paragraph 2 (3), of the Criminal Code.

442. At the same time, in light of the posting of that article online, the then Prime Minister of Kyrgyzstan, F. Kulov, issued an order on 2 May 2006 under which a commission composed of K. Ibraimov, Chief of the Public Security Department of the Ministry of Internal Affairs (Chair of the commission), T. Chalov, senior inspector of the Public Security Department of the Ministry of Internal Affairs, and B. Karatalov, adviser to the defence and law enforcement division of the Office of the Prime Minister of Kyrgyzstan, was formed to verify the information published on electronic media.

443. The commission carried out a review that included a visit to the district of Bazar-Korgon. It found that the information published in the newsletter *Pravo dlya vsekh* could not be substantiated, and sent the review file to the district procurator of Bazar-Korgon for inclusion in the file of the above-mentioned criminal case.

444. While the review was being conducted, the author, Mr. Askarov, avoided meeting with the members of this commission, invoking a variety of reasons.

445. On 5 April 2006, the district procurator of Bazar-Korgon received a copy of the complaint that had been sent to the Procurator General of Kyrgyzstan on behalf of Ms. Tokhtonazarova. The complaint was registered in the district procurator's office. On 7 April 2006, Ms. Tokhtonazarova was summoned to an interview. In the presence of her mother, Ms. Tokhtonazarova explained that she had spoken to the journalist Mr. Askarov only once, in September 2005, about the beatings she had suffered at the hands of the investigator Mr. Zhamankulov. She had not written the other complaints that had been addressed to the Procurator General of Kyrgyzstan; the signature was not hers and the complaint was typed in the Kyrgyz language, which she does not know, and she does not have a typewriter.

446. According to a forensic handwriting analysis dated 5 July 2006, the signature on the complaint in her name that was dated 5 April 2006 and addressed to the Procurator General of Kyrgyzstan and the district procurator of Bazar-Korgon had been written by someone other than Ms. Tokhtonazarova.

447. The investigators of the district internal affairs office of Bazar-Korgon, A. Abdykalykova and M. Zhamankulov, who had investigated the criminal cases against Ms. Tokhtonazarova, demonstrated that all of their investigative activities had been carried out lawfully, without the use of any form of violence. During the investigation, Ms. Tokhtonazarova, in the presence of a lawyer, had fully acknowledged that she was guilty of the offences in question.

448. Mr. Askarov himself, who was questioned as a witness in the case, stated that the allegations that Ms. Tokhtonazarova had been beaten by Ms. Abdykalykova and Mr. Zhamankulov and subjected to other violent acts by law enforcement officers had been published on the basis of information provided by the complainant.

449. Thus, the claims referred to in the articles published in the media by Mr. Askarov and others and in Ms. Tokhtonazarova's complaints concerning unlawful acts that allegedly had been committed against her in the temporary holding facility, consisting of beatings and rape, were completely refuted by the findings of the investigation. In the light of those findings, on 21 July 2006 the criminal case was closed for lack of evidence of an offence.

Paragraph 25 (e)

450. To date, the legislature has not adopted any law regulating the promotion of non-traditional sexual orientation.

Paragraph 26

451. As of May 2018, 17 non-governmental organizations make up the "Coalition against Torture" network, which monitors the use of torture or other cruel, inhuman or degrading treatment or punishment. There are also more than 15 crisis centres for victims of child abuse or domestic, sexual or gender-based violence. Under the Government Social-Sector Procurement Act of 21 July 2008, over the period 2014–2016 a total of 14 centres were established to provide social services to children in difficult circumstances.

Paragraph 27

452. The Counter-Terrorism Act has been in force since 8 November 2006. It sets out the basic principles of action to counter terrorism; the legal and organizational framework for preventing and combating terrorism and mitigating its consequences; modalities for coordination among government bodies involved in combating terrorism; the rights and obligations of individuals and entities, irrespective of their form of ownership, in connection with counter-terrorism; and procedures for international cooperation in countering terrorism.

453. The legal framework for countering terrorism consists of the Constitution, the Criminal Code, the Code of Criminal Procedure and other legislation, international treaties

to which Kyrgyzstan is a party and which have entered into force in the manner prescribed by law, and the generally recognized principles and rules of international law.

454. The body responsible for counter-terrorism in Kyrgyzstan is the State Committee on National Security. It coordinates the activities of State bodies involved in counter-terrorism in order to harmonize their actions to prevent, detect and stop terrorist acts and to identify and eliminate the causes and conditions conducive to the preparation and commission of terrorist acts. The Chair of the national security authority is personally responsible for the coordination of the activities of government bodies.

455. In order to improve the legislative framework for counter-terrorism, amendments to the relevant laws were made on 6 February 2009, 17 March 2009, 26 July 2011, 29 May 2013, 27 December 2013, 2 August 2016 and 13 May 2017.

Paragraph 28

456. On 24 January 2017, Kyrgyzstan adopted a new Criminal Code, Code of Criminal Procedure, Penal Enforcement Code and Code of Minor Offences, as well as a law on the grounds for and granting of amnesty, all of which entered into force on 1 January 2019.

457. Currently, large-scale measures are being implemented throughout Kyrgyzstan to inform the public about these laws and to provide appropriate training to law enforcement, judicial and prison officials.
