



SUBMISSION

**for list of issues for the fourth periodic report of Kyrgyzstan
on the implementation of the UN Convention against Torture and
Other Cruel, Inhuman or Degrading Treatment or
Punishment**

Committee against Torture, the 81st session

June 2024

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1. DEFINITION OF TORTURE AND ITS QUALIFICATION AS A CRIMINAL OFFENSE

1.1. Definition of Torture

The Committee recommended that Kyrgyzstan puts the article "Torture" in the Criminal Code in accordance with all elements contained in Article 1 of the Convention against Torture (paragraph 9 (a) of the Concluding Observations).

The definition "torture" in the article 137 of the Criminal Code still does not fully correspond to Article 1 of the Convention because it limits the perpetrators of the crime to only officials and does not provide for criminal liability for torture by other persons "acting in an official capacity."

The incomplete definition of the perpetrator of the crime allows a wide range of potential torturers to evade responsibility for torture.

Questions:

1) What are the reasons preventing the alignment of the definition of "torture" in the Criminal Code with Article 1 of the Convention and expanding the perpetrators of the crime of torture to include persons acting in an official capacity?

2) Whether the issue of putting the definition of torture fully in accordance with the Convention against Torture and expanding the circle of persons criminally liable for torture to include individuals acting in an official capacity discussed during the development and adoption of the new Criminal Code, which entered into force on October 28, 2021?

1.2. Exclusion of the Possibility of Pardon for Persons Convicted for Acts of Torture

The Committee recommended that Kyrgyzstan excludes the possibility of pardon for persons convicted of acts of torture (paragraph 9 (b) of the Concluding Observations).

The current legislation of the Kyrgyz Republic allows persons convicted of torture to submit a petition for pardon once the sentence has come into force. In practice, there have been instances where individuals convicted of torture have been granted a pardon.

Under the Decree of the President of the Kyrgyz Republic "On Pardoning Convicts" from November 1, 2021, the sentence of Sh.A., who was serving a term of imprisonment for torture, was reduced by three years. Upon completion of the reduced sentence, he was released from correctional colony 1¹.

Questions:

1) Whether the changes in the current legislation are planned to put the provisions and practice on pardon in line with the international legal obligations of the Kyrgyz Republic under the Convention?

¹ <https://24.kg/obschestvo/257047/>

2. NATIONAL CENTER FOR THE PREVENTION OF TORTURE

2.1. Effective Implementation of the Mandate by the National Center for the Prevention of Torture

The Committee recommended ensuring that the National Center for the Prevention of Torture has the necessary financial, human, and material resources to effectively fulfill its mandate throughout the country (paragraph 23 (a) of the Concluding Observations).

The territorial representations of the National Center for the Prevention of Torture in the Naryn, Batken, and Talas regions, have only one employee each. That creates difficulties in conducting preventive visits to places of detention and closed institutions, as Part 2 of Article 25 of the Law on the National Center for the Prevention of Torture requires that preventive visits to be conducted by groups consisting of no less than two persons.

Due to the restructuring of the staff of the National Center for the Prevention of Torture in 2022, one expert was allocated to work in the territorial representation for the Batken region, by the means of reducing one staff unit in the territorial representation for Osh city and Osh region.

The need to allocate an additional four specialists was reflected in Resolution No. 3245-VI of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic from September 18, 2019. However, as of the present time, this issue remains unresolved. In the territorial representations of two regions of the country, there continues to be only one employee each².

Questions:

1) Does the Cabinet of Ministers envisage the allocation of additional staffing units necessary for the effective implementation of the mandate of the National Center for the Prevention of Torture?

2.2. Effective investigation of cases of obstruction or interference with the work of the National Center for the Prevention of Torture

In 2019, as a result of legislative changes, criminal and administrative liabilities for obstruction and interference with the activities of the National Center for the Prevention of Torture were removed.

The Committee recommended that Kyrgyzstan reintroduces into the Criminal Code a provision establishing criminal liability for obstructing the activities of the National Center for the Prevention of Torture, ensure effective investigation of each case of obstruction and interference with its activities, and hold those responsible accountable (paragraph 9(a) of the Concluding Observations).

The Committee's recommendation has not been implemented, and due to the lack of adequate punishment, the practice of obstructing the activities of the National Center for the Prevention of Torture continues. Typically, obstruction manifests as denying access to groups conducting preventive visits to closed institutions. Additionally, incidents have been noted where access to

² Annual report of the National Center for the Prevention of Torture for 2022, p. 15.

inspect facilities, provide video recordings of facilities, and other forms of obstruction were denied³.

According to the National Center for the Prevention of Torture, in 2023, six cases of obstruction were documented. Reports on all instances of obstruction were submitted by the National Center for the Prevention of Torture to the prosecutorial authorities. However, following their review, no officials faced appropriate sanctions⁴.

Questions:

1) *What liability is provided for by the current legislation of the Kyrgyz Republic for obstructing and interfering with the activities of the National Center for the Prevention of Torture?*

2) *Why was there no appropriate punishment for those responsible in the six cases of obstruction mentioned in the report of the National Center for the Prevention of Torture for the year 2023?*

3) *What measures does the Cabinet of Ministers intend to take to eliminate the causes and conditions that contribute to obstruction and interference with the activities of the National Center for the Prevention of Torture?*

3. FUNDAMENTAL LEGAL SAFEGUARDS

The Committee recommended that Kyrgyzstan ensure that all arrested or detained persons, including minors, have access to fundamental legal safeguards from the outset of deprivation of their liberty. This includes the right to immediate access to a lawyer or, if necessary, free legal assistance, particularly during investigation and interrogation, the right to request and promptly undergo medical examination by a qualified professional upon arrival at the place of detention, and the right, upon request, to access an independent physician (paragraph 15 of the Concluding Observations).

3.1. The right to immediate access to a lawyer or, if necessary, to free legal assistance

According to the conclusions of the National Center for the Prevention of Torture, the lack of immediate and unimpeded access to a lawyer for detainees is one of the reasons contributing to the use of torture during criminal investigations⁵.

The lack of financial means among detained suspects and defendants to hire a lawyer often results in them relying on legal services provided under state-guaranteed legal aid. However, in practice, state-appointed lawyers are frequently criticized for taking a formalistic approach, leading to inefficiencies in the protection they provide⁶.

Questions:

1) *Are there effective mechanisms for monitoring, identifying, and promptly responding to violations of the right to immediate and unhindered access to a lawyer for detainees?*

2) *How many individuals have been held accountable for violating the right to immediate and unhindered access to a lawyer for detainees in 2022 and 2023?*

3) *What measures is the Cabinet of Ministers implementing to enhance the effectiveness of state-guaranteed legal aid for detainees?*

³ Annual report of the National Center for the Prevention of Torture for 2022, p. 13–14

⁴ Annual report of the National Center for the Prevention of Torture for 2023, p. 3

⁵ Annual report of the National Center for the Prevention of Torture for 2022, p. 29

⁶ Annual report of the National Center for the Prevention of Torture for 2022, p. 30

3.2. The right to request and promptly undergo medical examination by a qualified professional upon arrival at the place of detention

Part 6 of Article 44 of the Criminal Procedure Code requires that upon each arrival of a suspect or accused person into a temporary detention facility (hereinafter referred to as IVS) or place of detention, as well as upon receipt of a complaint from the suspect or accused themselves, their lawyer, close relatives, or spouse regarding the use of violence, torture, or cruel treatment by officers of investigative and law enforcement agencies, the person must undergo mandatory medical examination with the preparation of the corresponding document.

According to observations by the National Center for the Prevention of Torture, medical examinations are not conducted upon every arrival, especially during the initial placement of individuals into temporary detention facilities (IVS). Medical assistance in these facilities is limited to the availability of a medical kit and emergency medical services. The highest number of such violations was documented at the IVS of the Department of Internal Affairs in Jalal-Abad, where reports indicated the absence of medical examinations for 19 detainees⁷.

90% of the medical examination forms number 003-u for individuals placed in temporary detention facilities (IVS) of internal affairs agencies is filled out inadequately and incompletely, and does not comply with the Instruction for its completion approved by the Order of the Ministry of Health of the Kyrgyz Republic dated March 24, 2020, No. 190⁸.

However, there was also documented incidents of pressure exerted on medical personnel during medical examinations. For instance, on April 17, 2023, the National Center for the Prevention of Torture received a report regarding torture inflicted upon detainee M.D. at the Department of Internal Affairs in Zhayyl district, aimed at obtaining confessions for a theft case. During the medical examination, personnel from this department pressured both the medical staff and M.D. to conceal evidence of physical injuries received⁹.

Questions:

1) *What effective mechanisms exist for monitoring, identifying, and promptly responding to violations of the right to demand and undergo a medical examination immediately upon arrival at a place of detention?*

2) *How many internal investigations have been conducted into identified instances of violations of the right to demand and undergo a medical examination immediately upon arrival at a place of detention, and how many individuals have been held accountable?*

3) *What measures does the Cabinet of Ministers employ to enhance the qualifications of medical personnel conducting medical examinations and to improve the quality of completion of Form No. 003-u?*

4) *How many registered cases of pressure being exerted on medical personnel to influence the objectivity of medical examination results of individuals placed in places of detention were registered, and how many individuals have been held accountable for the years 2022-2023?*

⁷ Annual report of the National Center for the Prevention of Torture for 2023, p. 17.

⁸ Annual report of the National Center for the Prevention of Torture for 2023, p. 45.

⁹ Annual report of the National Center for the Prevention of Torture for 2023, p. 14.

4. DURATION OF PRETRIAL DETENTION

The Committee recommended that Kyrgyzstan ensure in legislation and practice that pretrial detention is applied only as a measure of last resort (paragraph 17 (b) of the Concluding Observations).

According to Article 114 of the Criminal Procedure Code, detention is the most severe restraint measure and should only be applied in cases where it is impossible to apply a less severe measure against individuals accused of committing specific categories of crimes. In exceptional cases, this measure may be applied if one of the following circumstances exists: the accused person does not have a permanent or temporary residence in the territory of the Kyrgyz Republic; their identity is not established; a previously applied restraint measure has been violated; or they have evaded the investigating authority or court.

Thus, the criminal procedural legislation defines detention as a measure of last resort. However, in practice, in nine out of ten cases where motions for restraint measures against the accused are filed, the judge (court) decides to detain them.

Statistical data on court cases reviewed by the courts of the Kyrgyz Republic regarding the application of restraint measures in 2022

Types of preventive measures	Considered	Including	
		granted	denied
travel ban	41	36	5
bail	0	0	0
house arrest	519	492	27
pre-trial detention	7402	6397	1005

Statistical data on court cases reviewed by the courts of the Kyrgyz Republic regarding the application of preventive measures, for the 9 months of 2023

The total number of individuals subjected to preventive measures	Among them:			
	Arrest	House arrest	travel ban	bail
5185	4918	233	4	-

In this way, in 2022, precautionary measures were applied to 6,925 individuals, out of which pretrial detention was applied to 6,397 (92.4%) individuals. In the first 9 months of 2023, the total number of individuals subjected to precautionary measures was 5,185, out of which pretrial detention was applied to 4,918 (94.9%) individuals¹⁰.

Questions:

1) *Has an analysis been conducted into the reasons for the widespread practice of choosing pretrial detention as a restraint measure against individuals accused of committing a crime?*

2) *Does the Supreme Court of the Kyrgyz Republic take measures aimed at establishing judicial practices for considering motions for restraint measures, with the priority of using alternative measures not related to pretrial detention?*

¹⁰ Annual report of the National Center for the Prevention of Torture for 2023, p. 24.

5. DETENTION CONDITIONS

5.1. Ensuring adequate detention conditions in places of deprivation of liberty

The conclusion of the National Center for the Prevention of Torture based on monitoring places of deprivation of liberty is that despite measures introduced to improve detention conditions, it is premature to speak of systemic changes and the creation of conditions in places of detention and restriction of freedom that meet international and national standards¹¹.

In 2023, the National Center for the Prevention of Torture received 22 complaints regarding unsatisfactory detention conditions¹².

According to the National Center for the Prevention of Torture, the main violations of detention conditions in **Temporary Detention Centers (IVS)** are as follows:

- None of the IVSs comply with temperature, humidity, lighting, and ventilation standards;
- There are no shower cabins in the cells;
- There is no three-meal provision (except for the IVS of the Ministry of Internal Affairs in Bishkek);
- In 13.3% of IVSs, there are no sanitary facilities (IVS's in Sokuluk, Issyk-Ata, Kemin, Moskovsky, Zhayil, and Panfilov districts);
- In 85% of IVS's, there are no toilets in the cells; only 7 facilities have toilets located inside;
- 29% of IVS's do not have beds; detainees sleep on the floor or on wooden bunks;
- IVS cells are not equipped with shelves, hangers, trash bins, or desks;
- 80% of first aid kits in IVS's are not suitable for use;
- There are no exercise yards: benches and sports equipment are absent;
- There is no hot or cold water in the shower rooms;
- All IVS's completely lack any specific conditions tailored to detained women that would accommodate their biological characteristics and needs¹³.

The National Center for the Prevention of Torture emphasizes a serious violation associated with the ongoing practice of constructing temporary detention facilities (IVS) in basement and semi-basement premises. Despite multiple appeals by the National Center to the Prosecutor's Office of Naryn Oblast, it is planned to place an IVS in the basement of a newly constructed law enforcement building.

None of the facilities designated for **administrative arrest by law enforcement agencies** meet the established requirements, and detaining individuals for administrative offenses in such facilities constitutes cruel and inhuman treatment towards detainees¹⁴.

Penal institutions are characterized as worn-down buildings, structures, and all types of engineering communications. Most of the buildings were constructed over 60-70 years ago. Medical care and nutrition are not provided at an adequate level. Living conditions are assessed as unsatisfactory, partly due to insufficient funding¹⁵.

¹¹ Annual report of the National Center for the Prevention of Torture for 2023, p. 3.

¹² Annual report of the National Center for the Prevention of Torture for 2023, p. 6.

¹³ Annual report of the National Center for the Prevention of Torture for 2023, p. 16.

¹⁴ Annual report of the National Center for the Prevention of Torture for 2023, p. 20.

¹⁵ Annual report of the National Center for the Prevention of Torture for 2023, p. 21.

According to data from the Penal Service under the Ministry of Justice of the Kyrgyz Republic, all the aforementioned violations are caused by underfunding of the penal system from the state budget. Allocation of funds is carried out on a residual basis. Only in the last two years has funding for the penal system averaged around 60%. Prior to this, for many years, funding averaged around 33-34% of the calculated needs¹⁷.

Questions:

1) *What measures have been taken since the review of the previous report in November 2021 to implement systemic changes and create detention conditions that meet the minimum requirements of international standards?*

2) *What justifies the decision to construct new detention facilities in basement and semi-basement premises, which inherently implies violations of international standards, particularly regarding temperature control, humidity levels, lighting, ventilation, and others?*

3) *What are the plans of the Cabinet of Ministers to eradicate the long-standing practice of underfunding the penal system, as well as institutions that serve as places of detention for suspects and accused individuals, and facilities within law enforcement agencies for administrative arrest?*

5.2. Ensuring sufficient representation of female staff in places of detention for women

According to the National Center for the Prevention of Torture, except for three temporary detention facilities (IVS of the Ministry of Internal Affairs in Bishkek, and the police departments in Osh and Balykchy), there are no female staff members employed in the IVS establishments. This situation leads to gender discrimination and violates the rights of detained women¹⁸.

In December 2020, the UN Committee on the Elimination of Discrimination against Women considered the individual complaint of Roza Gorbaeva. The applicant stated that during the three years her criminal case was pending, she was held in six different IVS facilities, the personnel of these IVS facilities were exclusively male, and male officers conducted searches on her, although by law, personal searches should be conducted by an officer of the same gender as the detainee. The shower and toilet facilities were located in a visible area accessible to male supervisors, thus preventing her from using them privately¹⁹. The Committee found that Kyrgyzstan had violated its obligations under 9 articles of the Convention for the Elimination of Discrimination against Women and recommended providing the victim with appropriate compensation, including financial compensation proportional to the harm suffered, and ensuring the physical and psychological safety of female detainees.

Questions:

1) *How does the Cabinet of Ministers plan to address the issue of the absence of female staff in 42 (93%) of the temporary detention facilities of law enforcement agencies, thereby eliminating discrimination against female suspects and accused individuals held in these facilities?*

¹⁶ Annual report of the National Center for the Prevention of Torture for 2023, p. 27.

¹⁷ Annual report of the National Center for the Prevention of Torture for 2023, p. 29.

¹⁸ Annual report of the National Center for the Prevention of Torture for 2023, p. 17.

¹⁹ <https://24.kg/obschestvo/186905/>

6. INVESTIGATION OF ACTS OF TORTURE AND ILL-TREATMENT

6.1. Ensuring investigation in all cases where there are reasonable grounds to believe that an act of torture or cruel treatment has been committed

The problems of ineffective investigation of torture and cruel treatment allegations, judicial prosecution of perpetrators of torture, and impunity remain relevant.

According to statistical data from the General Prosecutor's Office of the Kyrgyz Republic, in 2022 there were 178 registered complaints of torture and other forms of cruel, inhuman, or degrading treatment and punishment, while in 2023 there were 126 complaints.

№	Position	Period	
		2022	2023
1	The number of registered complaints and reports of torture and cruel treatment	178	126
2	Refusal to initiate criminal proceedings/discontinuation of proceedings	149	104

Despite a decrease in the practice of torture, there is still a trend of inefficiency in responding to and investigating torture allegations.

Torture victims are practically deprived of legal guarantees for timely medical examination and an effective mechanism to investigate their complaints. A preliminary investigation stage effectively denies procedural guarantees to torture victims as provided for by national legislation and international standards.

According to observations by the National Center for the Prevention of Torture, preliminary investigations into torture allegations are conducted for unreasonably long periods of time. Judicial examinations are scheduled untimely, often after bodily injury evidence has already disappeared, resulting in decisions to refuse to initiate criminal cases. In rare cases, such decisions may be overturned by a higher prosecutor or investigative judge as illegal, leading to additional scrutiny. This cycle of "investigation-refusal-overturn-review" can last for a considerable time, causing irreversible loss of evidence in many instances.

In 2022, 84% of torture and cruel treatment allegations were refused criminal case initiation, in 2023, this figure was 83%²⁰.

The decision to initiate criminal proceedings under the article "Torture" of the Criminal Code is extremely rare. For instance, out of 126 torture allegations reviewed preliminarily, only 18 criminal cases were initiated. However, none of these cases were initiated under the specific allegation of "Torture" (0%). Instead, they were initiated under related ("near-torture") articles such as "Abuse of Office," "Exceeding Authority," and others.

²⁰ Annual report of the National Center for the Prevention of Torture for 2022, p. 25 / Annual report of the National Center for the Prevention of Torture for 2023, p. 24

According to Part 6 Article 159 of the Criminal Procedure Code, investigations into criminal cases involving crimes against health, particularly under Article 137 of the Criminal Code ("Torture"), are conducted by investigators from national security agencies and law enforcement bodies. However, the majority of torture complaints are against personnel of law enforcement agencies. For the State Committee for National Security (GKNB), due to high workload and the specific nature of its operations, torture cases are not a priority direction.

In rare cases where individuals are accused of torture, legal proceedings typically conclude either with an acquittal or a dismissal of criminal liability. According to data provided by the Supreme Court of the Kyrgyz Republic to the National Center for the Prevention of Torture, from 2014 to 2022, no one has been convicted under the charge of "Torture" (Article 137 of the Criminal Code)²¹.

Questions:

1) *Have investigators of the internal affairs agencies been trained on the specifics of investigating criminal cases related to torture, given their authority to investigate cases of this category?*

2) *Are trainings conducted for investigators of the State Committee for National Security (GKNB) to enhance their knowledge and skills in investigating criminal cases involve torture?*

3) *Is there consideration of accountability for investigators for unlawful and unjustified decisions to refuse to initiate criminal cases regarding torture allegations, as well as unjustified delays in preliminary investigations and proceedings of these cases? Please specify the number of investigators held accountable for these violations and the disciplinary measures taken.*

4) *Is there an analysis of judicial practices in cases involving allegations of torture? Have reasons for the lack of ensuring inevitable punishment for torture been identified?*

5) *What actions do the authorities of Kyrgyzstan intend to take to establish proper procedural practices ensuring effective investigation of each case of torture and cruel treatment, while adhering to principles of promptness, independence, impartiality, thoroughness, and holding perpetrators accountable and punishing them according to the severity of the crime, as well as restoring the violated rights of torture victims?*

6.2. Rehabilitation, compensation and restitution for victims of torture

There is no mechanism for compensating victims of torture and ill-treatment in place, and in practice, victims do not receive fair and adequate compensation, nor rehabilitation, as a result of acts of torture and cruel treatment.

State payments of compensation to torture victims based on decisions by the UN Human Rights Committee are rare. Moreover, the amounts paid as compensation are inadequate compared to the harm suffered²².

Court decisions have awarded damages for moral harm to torture victims or their representatives, which have been paid from the state budget:

- 200,000 soms (\$2280) to Turdukan Dzhumabaeva (torture and death in a law enforcement agency)
- 200,000 soms (\$2280) to Suynbai Akmatov (torture and death in a law enforcement agency)

²¹ Annual report of the National Center for the Prevention of Torture for 2022, p. 25.

²² Annual report of the National Center for the Prevention of Torture for 2023, p. 52.

- 300,000 soms (\$3420) to Mamatkarim Ernazarov (torture and death in temporary detention facility of a law enforcement agency)
- 50,000 soms (\$570) to Ulan Nazaraliev (torture in a law enforcement agency)
- 50,000 soms (\$570) to Roza Gorbaeva (inhumane conditions of detention violating human dignity)

Questions:

1) *Request for information on all cases filed in court for the recovery of material damages and moral harm by individuals subjected to torture and ill-treatment, as well as the outcomes of these lawsuits, including the amounts awarded by the court in each case.*

2) *Please comment on assertions that the compensation amounts of 200,000 soms each awarded by the courts to the relatives of Moidunov Tashkenbay and Akmatov Turdubek, and the compensation amount of 300,000 soms awarded to the relatives of Ernazarov Rahmanberdi (all three deceased as a result of torture), as well as the moral harm compensation amount of one million soms awarded to the torture victim Anarbek uulu Esenbek, do not correspond to criteria of reasonableness and fairness.*

3) *Does the legislation of Kyrgyzstan establish criteria, the aggregate application of which should serve as a basis for judges to calculate the amount of compensation for moral harm caused by violations of human rights and freedoms, particularly in cases of torture or death resulting from torture?*

4) *What other forms of compensation and rehabilitation measures are provided to victims of torture?*

7. SITUATION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

The committee recommended that Kyrgyzstan ensure that human rights defenders and journalists can freely carry out their work and activities in the state party without fear of repression or attacks (paragraph 27 (a) of the Concluding Observations).

On April 2, 2024, the President of Kyrgyzstan signed the law "On Amendments to the Law of the Kyrgyz Republic 'On Non-Commercial Organizations'" (the "Foreign Agents Law").

This law establishes a new status for NGOs in Kyrgyzstan called "foreign agent," which will be applied to national NGOs receiving foreign funding and engaged in political activities.

The law introduces a very broad and vague definition of political activity, which includes any actions aimed at influencing government decisions, changing state policies, or shaping public opinion for these purposes.

The implementation of this status significantly increases the risks of stigmatization for NGOs engaged in lawful activities, including advocacy with national and international organisations and participation in public debates. It also contributes to fostering distrust, fear, and hostility towards such organizations, both from the public and governmental institutions, thereby making their work excessively difficult.

Consequently, this is likely to lead to depleting human resources from the civil sector, closure of NGOs, and reduction or even cessation of foreign funding to NGOs. This, in turn, undermines the rights and opportunities for protecting vulnerable groups and contributes to increased social tension and decreased trust in government authorities.

Questions:

1) *What guarantees exist to protect NGOs engaged in human rights activities from abuses by officials and abuses of power in connection with amendments to the Law on Non-Commercial Organizations and to keep them fulfilling their activities without any obstacles?*

8. COMMUNICATIONS UNDER ARTICLES 21 AND 22 OF THE CONVENTION

Kyrgyzstan has not recognized the competence of the Committee against Torture to receive and consider communications concerning statements by one State party that another State party is not fulfilling its obligations under the Convention in accordance with Article 21 of the Convention.

Kyrgyzstan has also not recognized the competence of the Committee against Torture to receive and consider communications from individuals under its jurisdiction claiming to be victims of violations of the Convention by a State party, or such communications made on their behalf in accordance with Article 22 of the Convention.

In 2022, the National Center for the Prevention of Torture submitted to the Jogorku Kenesh (Parliament) a draft Law "On Recognition of Procedures for Complaints in accordance with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." There is no information available on the progress of this draft law.

Questions:

1) *What objective reasons exist that prevent the Kyrgyz Republic from making communications in accordance with Articles 21 and 22 of the Convention? When state party is planning to recognize the competences of the Committee under articles 21 and 22 of the Convention?*

9. DISSEMINATION OF THE REPORT AND CONCLUDING OBSERVATIONS

The Committee recommended to Kyrgyzstan to ensure wide dissemination of the report and concluding observations submitted to the Committee in relevant languages through official websites, media, and non-governmental organizations.

The recommendation has not been fulfilled. The report and concluding observations have not been translated into the state language, and they have not been published on the official websites of government bodies or in official media. The opportunities of non-governmental organizations are limited.

Questions:

1) *What objective reasons exist that prevent the translation of Kyrgyzstan's report submitted to the Committee and the Committee's concluding observations into the state language, as well as their publication on official websites of government bodies and in official media?*

10. PROBLEM OF IMPLEMENTATION OF UN TREATY BODIES' DECISIONS ON INDIVIDUAL COMMUNICATION

The UN Committee on Human Rights issued 32 decisions recognizing Kyrgyzstan's violation of the right to freedom from torture and other cruel, inhuman, or degrading treatment or punishment. None of the Committee's decisions were published to inform the public.

Despite the establishment of the Human Rights Coordination Council under the Government of the Kyrgyz Republic in 2013, and the approval by the Government in 2017 of regulations on the interaction of state bodies in considering communications and decisions of UN human rights treaty bodies, Kyrgyzstan has not managed to activate an effective mechanism for implementing the Committee's observations in the country.

The Committee's decisions have not been implemented. There is no official information available regarding measures taken by Kyrgyzstan to implement the Committee's observations.

The recent decision of the Supreme court from 5 December 2023 on the case of Kurmanbekov **2723/2016 from 17.04.2023** is worth highlighting. The court did not recognise the decisions of the Human Rights Committee as grounds for reopening the torture case, as the national courts had already made a legal assessment and issued their final judgement that there had been no torture.²³ The Supreme Court of the Kyrgyz Republic considered that the Committee's consideration does not constitute a new circumstance to reopen the case and infringes on the sovereignty of the State.

On the cases of *Abdurasulov and others 3200-07/2018 from 28.09.2022 and Yusupov and others 3227-30, 3293, 3619, 3621, 3770 / 2018 from 28.09.2022*, the Supreme Court of the Kyrgyz Republic By its ruling of 19 March 2024 rejected the lawyers' request to reopen the criminal case, considering that the Committee's Views infringe on the principle of State sovereignty and that the Committee has no right to interfere in domestic affairs.

Questions:

1) Please provide detailed information on the specific measures taken to provide legal remedies, including compensation payments, and to prevent the recurrence of violations of rights recognized by the UN Committee on Human Rights as having been committed by Kyrgyzstan in relation to the right to freedom from torture.

²³ <https://spravedlivostkg.org/verhovnyj-sud-ne-prinyal-vo-vnimanie-reshenie-komiteta-on/>, <https://kaktus.media/494232>, www.azattyk.org/a/32783006.html