



HR HELSINKI FOUNDATION
for HUMAN RIGHTS

**International
Partnership**
for Human Rights

E-NEWSLETTER

Issue no. 1 (28 November 2014): THE COALITIONS AGAINST TORTURE IN KAZAKHSTAN, KYRGYZSTAN AND TAJIKISTAN

ABOUT THE E-NEWSLETTER

This e-newsletter is the first in a series of newsletters issued by the **NGO coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan**, the **Helsinki Foundation for Human Rights (HFHR, Poland)** and **International Partnership for Human Rights (IPHR, Belgium)**. It is produced as part of a joint project of these NGOs, entitled “**Action for freedom from torture in Kazakhstan and Tajikistan**”.

We want to make this newsletter a useful resource for local human rights defenders and a source of information on activities and issues of concern of NGO coalition members for other interested local and international professionals.

An initial brainstorm of coalition members and international partner NGOs generated the following topics for future issues of this e-newsletter:

- **Human rights defenders at risk:** How can human rights defenders and NGOs enhance their security? What international organizations provide support? Where and how can human rights defenders find a safe haven in case of emergency?
- **What if foreign agent laws are being prepared and adopted in Central Asia?** – Interviews with colleagues from Russia and Belarus and their recommendations to Central Asian colleagues.
- **Human rights work and burn-out:** How to cope with work pressure, high expectations of victims' relatives and stigmatization by the authorities and pro-government media?
- **Interviews with experienced human rights defenders** on their motivation to work against torture and advice they wish to give to young human rights defenders.
- Information about selected **anti-torture activities carried out by NGO coalition members, HFHR and IPHR.**

Your ideas for future issues of the e-newsletter:

Please contact the editor of this newsletter if you have ideas of other topics that you wish us to feature in the future (Anne Sunder-Plassmann, International Partnership for Human Rights, anne.sunder-plassmann@iphronline.org). We are also happy to receive other feedback relating to the content of the newsletter.)

The newsletter is disseminated to **human rights defenders and lawyers belonging to the anti-torture coalitions** as well as **journalists, psychologists, independent experts, international human rights activists and diplomats** and others interested in the fight against torture in Kazakhstan, Kyrgyzstan and Tajikistan.

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WORKING TOWARDS ERADICATION OF TORTURE: THE COALITIONS AGAINST TORTURE IN KAZAKHSTAN, KYRGYZSTAN AND TAJIKISTAN

All three anti-torture coalitions consist of member organizations working on torture and other human rights issues. Some focus on specific groups such as women, children, the disabled or LGBT. The coalitions **invite other local human rights groups** that share the coalitions' values and counteract torture with competence and commitment to **join them**.

Valentina Gricenko, director of the NGO Justice, Kyrgyzstan: "Our government has become immune to human rights defenders, they don't pay attention to individual organizations. Working as a coalition – that's the call of the day."

What do the NGO coalitions against torture do?

Tatyana Chernobil, independent member of the Coalition against Torture in Kazakhstan: "Armed with information 'from the field', so to speak, provided by the Coalitions' members, we prepare analytical briefings, critical overviews, and formulate recommendations to the government. This provides us with a truly effective basis for our fight against torture."

- Each coalition formulates **policy recommendations** based on information and concerns identified by its members. It **speaks with one voice for better impact**.
- The coalitions **engage in dialogue with their governments** and urge them to implement their countries' obligations under international human rights law.
- Each coalition prepares **reports, briefings and interventions for human rights mechanisms** and/or bodies of the United Nations (UN), the Organisation for Security and Co-operation in Europe (OSCE) and the European Union (EU).
- The coalitions offer their members **support, professional advice** and engage in **increasing professional skills**.
- They **closely cooperate with other professionals** such as **lawyers, journalists and psychologists**.
- The coalitions adhere to such important principles as **transparency and professional ethics**.

All **three anti-torture coalitions have formulated key recommendations** to their governments that they believe are particularly pressing. The following recommendations are among the top recommendations identified by all:

- Ensure that the main **safeguards against torture are guaranteed to anyone in detention** (e.g. prompt access to a **lawyer** of the detainee's choice from the moment of deprivation of liberty; routine **medical examinations** to be carried out at the moment of admission to a detention facility; **remand hearings** to take place no later than 48 hours after the moment of detention and judges should inquire into the legality and grounds of detention and the detainee's treatment in custody).
- **Establish an independent and competent mechanism** to promptly, thoroughly and impartially **investigate all allegations of torture** or other ill-treatment.

Sardar Bagishbekov, director of Voice of Freedom, Kyrgyzstan: "We can say that setting up the Coalition is the continuation of a long laborious process in which 'brick by brick' a situation is being built, where human rights have to be recognized in Kyrgyzstan. And I hope very much that we will be able to 'finish building this house'."

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KAZAKHSTAN

The NGO Coalition against Torture in Kazakhstan was founded in 2007 and is thus the oldest anti-torture coalition in Central Asia. It currently consists of 25 member organizations and five independent experts located across the country.

In recent years NGOs belonging to the Coalition have received between 350 and 400 complaints about torture or other ill-treatment per year. They have supported torture victims in their struggle for justice, engaged in litigation in strategic cases and filed seven torture cases with the UN Human Rights Committee under the Individual Complaints Procedure.

In recent years the Coalition has been chiefly involved in lobbying for and feeding recommendations into setting up the National Preventive Mechanism, a monitoring mechanism of detention facilities created on the basis of the Optional Protocol to the Convention against Torture (Optional Protocol) and aimed at reducing the risk of torture. The Coalition has advocated and continues to advocate for it to function in accordance with principles enshrined in the Optional Protocol. Many Coalition members participate in the NPM's Coordination Council and have engaged in monitoring detention facilities since March 2014.

As a matter of priority the Coalition against Torture in Kazakhstan is currently calling on the authorities to:

- Bring the NPM in line with requirements under the Optional Protocol by, among other issues, granting the mechanism access to all closed institutions including orphanages, homes for the elderly and disabled, army barracks and offices of police departments and authorizing the NPM to publish reports about monitoring visits when it deems necessary.

In addition to the organizations issuing this newsletter, the **Coalition against Torture in Kazakhstan** **closely cooperates with:** Amnesty International, Civic Solidarity Platform, Freedom House Kazakhstan, Open Society Justice Initiative and the World Organization against Torture (OMCT).

KYRGYZSTAN

The Coalition against Torture in Kyrgyzstan was established in 2012. It built on a network of anti-torture NGOs that had cooperated closely since 2009. Currently 16 organizations and two independent experts are members of the Coalition.

Every year the Coalition receives more than 100 credible allegations of torture or other ill-treatment. Member organizations send letters of complaint to the procuracy on each of these cases. Torture victims who turn to the Coalition are offered legal aid and appropriate forms of rehabilitation.

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Viktor Ten, Director of Taldykorgan Human Rights Center, Kazakhstan:

“Participation in the Coalition gives us a sense of unity vis-à-vis such a large-scale problem as torture. Differing views are welcome and Coalition members exchange them freely. Members contribute their talents and knowledge and in the end everybody participates in the Coalition's success.”

Dinara Sayakova, director of the Independent Human Rights Group, Kyrgyzstan:

“The members of the (NGO network and later of the) Coalition achieved some positive change through their fight against torture, (for example) the ratification of the Optional Protocol to the Convention against Torture, the establishment of a normative base for the National Center for the Prevention of Torture, the review of criminal cases, the initiation of cases under the Article of «torture» of the Criminal Code of the Republic of Kyrgyzstan.”





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Individual case database

The NGO Voice of Freedom developed an electronic database to register individual torture cases having made the experience that “when you keep a lot of information about individual cases in files and folders, it is not always easy to retrieve up-to-date information ahead of lobbying meetings or while travelling abroad.” The database is accessible by Voice of Freedom staff via the internet and adheres to high security standards. It helps human rights defenders keep track of and swiftly react to developments in individual cases. It also provides statistics that help analyze trends.

Voice of Freedom is currently training other members of the Coalition against Torture in Kyrgyzstan to use the database and has provided information about the setup of the database to other interested NGOs belonging to anti-torture coalitions in Kazakhstan and Tajikistan.

In addition to the **recommendations** shared by all three coalitions (see above), the Coalition against Torture in Kyrgyzstan calls on its government to prioritize the following recommendations:

- Promptly implement the **Action Plan against Torture** and Other Cruel, Inhuman or Degrading Treatment and Punishment in the Kyrgyz Republic that was adopted by government in October 2014.
- Provide the country’s **National Preventive Mechanism** with the necessary financial, human and material resources to fulfil its mandate independently and effectively.
- Make the following **legal amendments**: bring the **definition of torture in the Criminal Code** in line with the definition contained in the Convention against Torture; **abolish the statute of limitations applicable to torture** and other ill-treatment and **ensure that torturers are excluded from amnesty laws**.

In addition to the organizations issuing this newsletter, the **Coalition against Torture in Kyrgyzstan** **closely cooperates with** the Civic Solidarity Platform, the Open Society Institute and Physicians for Human Rights.

TAJIKISTAN

The **NGO Coalition against Torture in Tajikistan** (www.notorture.tj) was founded in September 2011 and currently consists of 13 human rights organizations, two lawyers’ associations and three independent experts.

From 2011 to 2013 Coalition members documented 137 cases of torture or other ill-treatment. They represented 38 cases in court or interacted on the victim’s behalf with other state agencies. It engages in strategic litigation inside the country and takes cases to the UN Human Rights Committee under the Individual Complaints Procedure.

Nargis Zokirova, Director of the Bureau on Human Rights and Rule of Law, Tajikistan: “In my view our Coalition is so successful mainly because it professionals with different backgrounds have gathered under its umbrella; we understand and support each other. I hope our Coalition will continue to work in this spirit, a spirit of cooperation and enthusiasm.”

In addition to the **recommendations** shared by all three coalitions (see above), the Coalition against Torture in Tajikistan calls on its government to prioritize the following recommendations:

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- Tajikistan should allow the **creation of public monitoring commissions** and give them unlimited access to detention facilities to carry out independent inspections.
- Put in place the relevant procedures and **ratify the Optional Protocol** to the Convention against Torture as a matter of urgency.
- Provide for the institution of **independent forensic medical examinations** and ensure that medical personnel working inside detention facilities are truly independent of law enforcement agencies and trained on the provisions of the Istanbul Protocol.

In addition to the organizations issuing this newsletter, the **Coalition against Torture in Tajikistan closely cooperates with:** the Committee against torture in Nizhny Novgorod, Russian Federation; Amnesty International, Penal Reform International, Civic Solidarity Platform, Open Society Institute – Assistance Foundation Tajikistan, Swiss Cooperation Office in Tajikistan, and the OSCE Center in Dushanbe.

REGIONAL COOPERATION OF THE THREE ANTI-TORTURE COALITIONS

The coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan also engage in joint activities on a regional level, thus benefiting from each other's expertise, consolidating efforts to fight against torture in Central Asia, and supporting each other's recommendations.

EU-funded project “Action for freedom from torture in Kazakhstan and Tajikistan”

Currently, the coalitions against torture in Kazakhstan and Tajikistan are engaged in a comprehensive EU-funded anti-torture project running from December 2013 to June 2016, together with European NGO partners, the Helsinki Foundation for Human Rights (leading partner of the project) and International Partnership for Human Rights. Thanks to funding from Open Society Foundations, the Coalition against Torture in Kyrgyzstan participates in many of the project activities such as joint press releases, interventions at intergovernmental human rights conferences, regional anti-torture conferences, as well as educational seminars for lawyers, legal staff of NGOs and psychologists.

Svetlana Chernikova, psychologist of the Crisis Centre at Kostanay Regional Psychiatric Hospital, Kazakhstan: “It is hard to overestimate the role of the Coalition against Torture: It aims at making relations between people as humane as possible. People from different professional backgrounds join forces to work for torture victims, for the restoration of their rights, reparation and compensation of the harm suffered under torture.”

The project includes a wide range of activities including **supporting victims of torture, monitoring torture cases, pushing for prosecution of perpetrators, lobbying for legal improvements and implementation of the country's international human rights obligations on the national and international level, and awareness-raising.** Concerted efforts of all project partners are aimed at ensuring a lasting improvement of respect of freedom from torture.

For further information about the action refer to the following EU press release or contact the NGO project partners:

http://eeas.europa.eu/delegations/tajikistan/documents/press_corner/2014/new_pr_helsinki_foundation_en.pdf

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How to contact the coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan?:

Coalition against Torture in **Kazakhstan**: Office of the Kazakhstan International Bureau for Human Rights and Rule of Law, Room 423/428, House no. 4-a, 8th microdistrict, 050035 Almaty, Tel./fax: +7-727-249 59 62, 249 60 44. E-mail: roza.akylbekova@gmail.com, smirnova.ig.anna@gmail.com.

Coalition against Torture in **Kyrgyzstan**: Office of the NGO “Voice of Freedom” (Coalition Secretariat): Toktogul street 144, Bishkek, Tel. +996-312-62 33 73. Asel Koylubaeva, Chairperson of the Coalition’s Coordination Council, email: kantemirovna@gmail.com.

Coalition against Torture in **Tajikistan**: Please send an email to: notorture.tj@gmail.com.

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