

AI Index: PRE 01/097/2010
22 March 2010

Kazakhstani authorities must tackle police brutality

Amnesty International has urged the authorities in Kazakhstan to end abuse by police that regularly sees suspects kicked, beaten and asphyxiated from the moment they are stopped by officers.

Amnesty International's report published today, *Kazakhstan: No effective safeguards against torture*, documents the pervasiveness of torture and other ill-treatment in the criminal justice system and the persistence of impunity for such actions.

"The Kazakhstani authorities must adopt a zero tolerance approach to torture and they are reneging on their international commitments by refusing to tackle this issue," said Halya Gowan, Europe and Central Asia Programme Director.

Kazakhstan, currently chairing the Organization for Security and Cooperation in Europe (OSCE), is also failing to address its human rights commitments under international law, including on the prevention of torture and other cruel, inhuman or degrading treatment.

Under domestic law police are obliged to register a detention within three hours, however, most of the reported instances of torture or ill-treatment occur during the hours after a suspect has been detained.

At times the detention is not registered for days and the detainees are kept de facto incommunicado without access to lawyers, doctors or family members. The names of the detaining police officers are not officially recorded.

Under pressure and as a result of ill-treatment, many confess to crimes they have not committed and, as confessions extracted under torture are routinely admitted in court, convictions may be solely based on confessions.

The practice of extracting confessions under torture is partly caused by the fact that police officers are judged by the number of solved crimes despite deficient forensic training and equipment and is further compounded by corruption.

Official commissions tasked with monitoring detention centres have been working since 2005, but their powers to inspect all detention facilities is compromised.

Access to investigation isolation facilities of the National Security Service has been systematically denied and access to detention facilities under the jurisdiction of the Ministry of Interior has also not always been granted.

“The Kazakhstani authorities must allow independent monitoring mechanisms to undertake unannounced visits to all detention centres. This has proven to be a very effective tool of prevention of torture,” Halya Gowan said.

At the same time, avenues for redress are virtually non-existent. Victims of police brutality are reluctant to complain for fear of reprisals. Those who dare complain may themselves become the target of intimidation. If they do dare to lodge a complaint, the investigations are not conducted promptly, thoroughly, or impartially.

“To date no one who has complained about torture has succeeded in obtaining reparation,” Halya Gowan said.

“This climate of impunity undermines the role of law in Kazakhstan by the police as well as the judiciary. It is not surprising at all that the public has lost confidence in the criminal justice system.”

“Timely and decisive action on the most pressing issues can have a profound and long-lasting impact on all who live in the country.”

Amnesty International calls on the authorities of Kazakhstan to implement key safeguards against torture such as:

- Ending the practice of de facto unacknowledged detention;
- Giving unhindered access to independent public monitors to all detention facilities;
- Implementing the law which bans the admissibility of torture confessions in court proceedings;
- Creating a truly independent complaints mechanism.

Cases

Rasim Bairamov was taken to the local police station in Rudnovo, a small town in northern Kazakhstan in July 2008 “to have a word”. Instead, he said he was beaten all over his body, kicked, had a gas mask pulled over his head and the air supply turned off.

The police officers wanted him and his friend Aleksandr Bruikhanov to confess to stealing some money and three bottles of beer from a local shop, a charge which they both denied. But after 48 hours of the alleged beatings, torture, sleep deprivation and threats to harm their families, the young men signed a “confession”.

It was not until this point that their detention was formally registered and they were informed of their rights. Their mothers have been tirelessly sending complaints for two years about the alleged torture and other ill-treatment of their sons. They have asked for a criminal investigation to be opened against two specific police officers named by their sons as the main perpetrators and for criminal charges of torture to be brought against them. However, their requests have invariably been turned down by prosecutors at all levels.

In October 2008, Dmitri Tian was summoned to a police station in Astana to be questioned as a witness in a murder case. He said that he was stripped to his underwear and beaten with plastic bottles and truncheons to make him confess to the murders of a mother and her three children. The police officers did not inform him of his rights and his initial detention was not recorded. When he tried to complain he was allegedly beaten again. In court the judge instructed the jury not to consider the allegation of torture. Dmitri Tan was sentenced to 25 years imprisonment in June 2009. No investigations into the allegations of torture were conducted.