LIST OF QUESTIONS TO THE KYRGYZ REPUBLIC FOR FULFILMENT OF THE PROVISIONS OF
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR).

In accordance with the rules and procedures of the United Nations Human Rights Committee (HRC) on
consideration of periodic reports of States Parties to the ICCPR;

This list of questions is prepared by the Social Fund “Centre for International Protection”, which carries
out work in the field of protection of victims of human rights violations in the Southern provinces of the
Kyrgyz Republic;

These questions cover the part of the periodic report of the Kyrgyz Republic which deals with fulfilment of
articles 6, 7, 9, 10 and 14 of the ICCPR.

Constitutional and legal frameworks for the realisation of the ICCPR:

1. What status does the ICCPR have in domestic law? May judges refer to it directly in court? Is it
   applied in practice in courts?
2. What status do the Views of the HRC on individual complaints hold in the legislation of the Kyrgyz
   Republic? Are the Views of the HRC a source of law?
3. Are the Views of the HRC accessible to citizens of the Kyrgyz Republic?
4. Is there a system of official translations of the Views of the HRC?
5. Please indicate the current procedure for the implementation of the Views of the HRC adopted
   under the first optional protocol to the ICCPR. What specific measures have been taken in
   response to the Views of the HRC adopted in response to individual complaints against the
   Kyrgyz Republic?
6. Is monitoring carried out of the fulfilment in practice of the provisions of the ICCPR, Views of the
   HRC and General Comments of the HRC?
7. Are measures being undertaken to bring judicial practice into line with the Views of the HRC?
8. Is compliance with human rights a departmental performance indicator for the Interior Ministry
   [russ: MVD] and State Committee on National Security [russ: GKNB]?
9. Does a communication by the Ombudsman to a state organ of the Kyrgyz Republic form the
   basis for a review or other obligatory action?

Right to Life (article 6)

10. Please provide additional information on the number of detainees serving whole-life prison
    sentences, the basis for their convictions and the places of their detention.
11. Please provide additional information on the results of the review of sentences on the basis of the
    Law of the Kyrgyz Republic no. 91 of 25.06.2007 “On changes and additions to the criminal code,
    criminal implementation code, criminal procedural code and other legal acts”.
12. Please comment on point 202 of the periodic report in the light of the murder of Mahamat Iminov
    in prison colony 16 in 2012.
13. Is a State Party forbidden from expelling, returning or extraditing a person to a State in which
    there is convincing evidence that he or she will face torture or the death penalty? Have there
    been any cases of expulsion, return or extradition of persons from the Kyrgyz Republic, in the
    presence of convincing evidence that such persons will face torture or the death penalty in the
    destination country?
Freedom from torture; treatment of prisoners and other detainees; security of person and freedom from arbitrary arrest (articles 7, 9, 10)

14. Please comment on the allegation that torture is regularly used by law enforcement officials and security forces in order to obtain confessions from suspects.

15. Please provide statistical data on the number of complaints directly linked to alleged acts of torture and ill treatment or other illegal acts by state officials falling under article 305-1 of the criminal code, and also information on investigations, criminal proceedings and punishments in connection with any such complaints.

16. Which State organs, except the General Prosecutor’s Office, have published procedural or normative acts, dealing with investigations into cases of torture?

17. Is informant or undercover agent information received during police investigative operations admissible as evidence in a criminal case? Are police investigative operations subject to judicial supervision (as opposed to supervision by the prosecutor)?

18. Is evidence admissible if in court the accused or a witness declares that their testimony was obtained under torture? What actions does the law envisage a judge should take in such circumstances?

19. What is the system for assessment of the work of the police authorities?

20. Does the state party keep a centralised register of persons in pre-trial detention across the whole country? Please provide statistical information on the number of persons in pre-trial detention in the various pre-trial and penitentiary institutions of the state.

21. In what ways does the State party exert control over the maintenance of the minimum standard procedures of the UN for the treatment of prisoners? What priorities have been established for the legal reform aimed at improvement of the penitentiary system?

22. Starting from the moment of first detention [restriction of freedom], for how long may a person be held in pre-trial detention, including both the period prior to the start of judicial proceedings, and during the course of the proceedings themselves (point 193 of the periodic report)? What is the procedure for the extension of the period of pre-trial detention? On what basis and by which state authority may the period of pre-trial detention be extended? Is the period of pre-trial detention during judicial proceedings included in the overall period of pre-trial detention before the entering into force of any eventual sentence?

23. What legal guarantees are available to a person who is held in administrative detention in the police temporary administrative detention unit [russ: priemnik-raspredelitel]?

24. Do persons who are in administrative detention have the right to consult a lawyer, and if so from what point in time?

Right to a fair trial (article 14)

25. Please comment on the mechanism of early release from prison (suspension of sentence) for good behaviour and whether it is subject to judicial review.

26. Please provide information on the measures taken for the reinstatement of rights and reparation of damages to victims of human rights violations.

27. Please provide information on the procedure for the appointment/selection of judges. Under what circumstances may a judge be relieved of his or her position? Please provide information on the number of judges who have been relieved of their positions before the official expiry of their terms.

28. What measures are taken to ensure that judicial proceedings are open to the public, including local and international human rights observers?

29. Please provide information on the principle of equality of arms between defence and prosecution and its implementation in respect of the possibilities and opportunities available in practice to prosecutors and lawyers during the course of criminal proceedings. Please provide statistical data on the number of cases in which lawyers were provided by the state party and the number of lawyers so provided.
30. Please provide information on the state organs responsible for the fight against terrorism and extremism. Are any particular legal procedures used in the case of persons suspected or accused of terrorism?

31. Does a person have the right to a lawyer from the first moment of detention (point 9 of the periodic report)? Are any particular norms applied to persons suspected of terrorism?