

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Special Rapporteur on the independence of judges and lawyers**

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24)  
KGZ 2/2014

22 May 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 25/2, 25/18, 25/13, and 17/2.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the physical attack against Ms. **Dinara Turdumatova**, a human rights lawyer, by an official at the Ministry of Internal Affairs.

Ms. Dinara Turdumatova is a member of the Bar in Osh and Batken provinces, and she has actively taken up cases relating to human rights violations.

According to the information received:

On 1 May 2014 at around 8:00 p.m., Ms. Turdumatova arrived at the premises of the Ministry of Internal Affairs in Osh city in order to attend the proceedings in relation to her client, who was reported to have been arbitrarily detained by law enforcement officers. After discussing the circumstances of the arrest of her defendant, Ms. Turdumatova pointed out to the investigator at the Ministry of Internal Affairs, whose name is known to the Special Rapporteur, that there have allegedly been substantive violations of her defendant's rights during pre-trial detention and interrogation by law enforcement officials.

At around 11:00 p.m., during a later meeting at the investigator's office, Ms. Turdumatova again raised her concerns with the investigator and reportedly asked him to take measures to remedy these violations of her defendant's rights. In response, the investigator reportedly asked all those who were present in his office

to leave. However, at this point, Ms. Turdumatova played a recording made on her phone of an earlier interrogation during which the investigator had reportedly forced her defendant to sign the protocol of interrogation, although the defendant did not agree with it. Reacting to this, the investigator reportedly took her phone and started twisting her hand. He then turned off the light in the office, grabbed her hair, and punched her in the head three times. When attacked, Ms. Turdumatova started screaming for help and run into the hallway of the police department.

Shortly after this incident, she reportedly met the Head of Internal Affairs, who began insulting her and refused to call an ambulance, threatening to take away her practising licence. Mr. Turdumatova was later taken to the Osh city hospital, where she was diagnosed with a wrist fracture and a brain concussion as a result of the physical attack by the investigator.

On 2 May 2014, Ms. Turdumatova filed a complaint with the Prosecutor office of Osh city. On 6 May 2014, the Prosecutor's office ordered a forensic examination into the injuries sustained by Ms. Turdumatova. It is alleged that Ms. Turdumatova has received threats from the authorities urging her to withdraw her complaint.

Serious concern is expressed about the physical and psychological integrity of Ms. Turdumatova in view of allegations that she may have been subjected to this physical attack as a result of her peaceful work promoting and protecting human rights, and also at the allegations that Ms. Turdumatova has been threatened by authorities to withdraw her complaint.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the details, and where available the results, of the forensic examination of the injuries sustained by Ms. Turdumatova. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders, such as lawyers, in the Kyrgyz Republic are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Turdumatova are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment

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Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

### **Annex**

#### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state the right of everyone, individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the mentioned Declaration:

- article 9, para. 3 point c), which provides that everyone has the right, individually and in association with others, to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms;

- article 12, paras 2 and 3, which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate defence of human rights.

We would also like to refer to your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We also would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990, and in particular principle 16 concerning threats to lawyers and interference.

Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Kyrgyzstan acceded on 5 September 1997.