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Best Practices - Preliminary Recommendations for Kyrgyzstan
Safeguards for Prevention
Torture and Cruel, Inhuman or Degrading Treatment

Safeguard #1 Definition of Detention / Custody to Trigger Procedural Safeguards

Currently, in Kyrgyzstan, "coercive procedural action, which essentially consists in imprisoning a suspected person for a short period (up to forty-eight hours) pending a judicial warrant,¹ a coercive procedural action, which essentially consists in incarcerating an accused under a court decision.² Regarding custody, the CPC states that he detained on the suspicion of committing a crime shall be placed in the temporary detention center. The procedure for and the conditions custody for the detained shall be provided by the legislation of the Kyrgyz Republic.³ However, nowhere does it state that the term custody is in fact defined. Further, Kyrgyz Law describes its procedural guarantees as beginning from the moment of actual arrival at the detention facility.⁴

Recommendation:

Kyrgyzstan should amend the definition for detention, or create a definition for custody, so that it is found to occur at the moment of factual detention/custody and all procedural safeguards should be triggered from that point.

Best Practice

Kyrgyzstan should define detention as the moment of factual detention

Safeguard #2

officers of preliminary investigation and investigation.¹² However, there is no provision detailing who these medical personnel should be or what their training must be.

Recommendation #1

Kyrgyzstan should ensure that each temporary detention facility has at least two independent (from facility and prosecutorial structures) medical professionals on staff, or available at all times.

Recommendation #2

Detained persons should have a compulsory medical examination, which must be documented in writing and adhere to certain minimum standards, upon every entrance to the detention facility. Detained persons must also have the right to request examination at any time. Once requested, examinations should take place within 24 hours.

Recommendation #3

Medical personal should keep a detailed record of findings from medical examinations. This record book should be available for inspection by the relevant investigative authority at any time necessary (bearing in mind any confidentiality concerns).¹³

Best Practice -

Kyrgyzstan should ensure that all detained persons see independent medical personnel for a full examination upon their initial entrance to a detention facility, after any exit and re-entry and

A log should be kept of all examination and any reports of injury or medical concerns. This log book should be available for inspection by the relevant investigatory official or prosecutors should the need arise.¹⁸

All medical personnel stationed at or responsible for examinations at detention facilities should be trained in the relevant methods and forensic techniques regarding examinations specific to the identification of signs of torture, abuse and other forms of ill treatment.

Good Practice

Detainees may request to see independent medical personal at their own expense.¹⁹

This request should be honored at all time, and should not require judicial permission.

