

Human Rights Watch

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Update - July 22, 2016

On July 22, 2016, the Chui Regional Court in Bishkek upheld the acquittal verdict of four police officers charged in connection with the death in August 2011 of Usmanjon Kholmiraev. To date, no one has been held accountable for the torture leading to Kholmiraev's death.

(Berlin) A court in [Kyrgyzstan](#) will hear an appeal on January 25, 2016, in a protracted case involving the torture of a man who died from injuries sustained in beatings in police custody, Human Rights Watch said today. The Kyrgyz authorities should ensure that the appeals hearing is fair and leads to an effective remedy for torture.

The Chui Regional Court in Bishkek is due on January 25, 2016, to hear an appeal filed by Zulfiya Kholmiraeva, the wife of an ethnic Uzbek man, Usmanjon Kholmiraev, who died in August 2011. Kholmiraeva appealed the acquittal verdict of four police officers charged in connection with her husband's death.

It is deplorable that in four years, the Kyrgyz authorities have failed to hold a single person accountable for Kholmiraev's torture and subsequent death, said [Hugh Williamson](#), Europe and Central Asia director at Human Rights Watch. Kyrgyzstan has the responsibility to identify and prosecute those responsible for what happened to Kholmiraev.

Police detained [Kholmiraev](#) on August 7, 2011, in Bazar Korgon, a town in southern Kyrgyzstan. While he was in custody, police officers allegedly tortured Kholmiraev for several hours, threatening to charge him with crimes related to the [June 2010 ethnic violence](#) in southern Kyrgyzstan and trying to extort money from him in exchange for his release. Kholmiraev was taken to the hospital, and police released him only after his family gave the police US\$680.

Kholmiraev told his wife before he died that as soon as he was taken into the station, the police put a gas mask on him and started punching him. When he fell down, one of the officers, using his knees, jumped on Kholmiraev's chest two or three times.

Kholmiraev's wife told Human Rights Watch that her husband could barely walk when he was released, and that his condition worsened the next day. In the early hours of August 9, 2011, Kholmiraev died. A forensic medical examination determined the cause of death was acute blood loss due to blunt trauma to the chest. Kholmiraev was 41.

The prosecutors' office opened a criminal investigation and brought criminal charges against four Bazar Korgon police officers. Prosecutors charged Ularbek Ismailov, Munarbek Mamataliev, and Nurgazy Tutashev with torture and extortion. Ismailov and Tutashev were additionally charged with deliberate grave damage to a person's health causing death.

The prosecutor also charged Kuban Nuriev, the head of the Bazar Korgon police station, with abuse of power with serious consequences and hiding a crime.

The prosecution immediately moved to have proceedings transferred away from Bazar Korgon, fearing that Kholmiraeva could not get a fair hearing there. In September 2011, Kyrgyzstan's Supreme Court ruled to move the trial to the Sokuluk district court in Chui region, not far from the capital, Bishkek.

However, the investigation and four year trial that ended with an acquittal verdict has not provided Kholmiraeva with an effective remedy or accountability for the torture and ill-treatment that led to her husband's death, Human Rights Watch said.

The trial was delayed repeatedly, in large part due to the multiple attempts by the defense to have the case sent back for additional investigation or to move the trial back to the south. Each time, after months of appeals processes, the Supreme Court ruled that the court in Sokuluk should hear the case on its merits.

In July 2014, the Sokuluk district court finally began proceedings on the merits of the case. On October 19, the court delivered its verdict, acquitting the police officers on all charges.

The prosecution appealed, contending that the court ignored key testimony implicating the chief of police and other officers, as well as the conclusions of the forensic medical examination, whose findings are consistent with Kholmiraevs allegations of torture. Kholmiraevs lawyer noted in a separate appeal that one of the witnesses, a neighborhood police officer who testified that money had been extorted from Kholmiraev, had been intimidated. The police officer apparently had fled the country due to threats from the defendants relatives.

The integrity of the trial was also undermined by acts of hostility in the courtroom and harassment of Kholmiraeva. Utkir Dzhabbarov, a lawyer at the Jalalabad-based human rights organization Spravedlivost, which has been closely monitoring the case since it began, told Human Rights Watch that supporters of the police officers on trial harassed and put pressure on the court and on the prosecution, including screaming at Kholmiraeva when she testified in July 2014. Dzhabbarov said that supporters also pressured Kholmiraeva to drop the case, including going to her home.

Kyrgyzstan is party to numerous international human rights treaties that ban the use of torture, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Kyrgyzstan acceded in 1997.

Kyrgyzstans Criminal Code and Constitution also criminalize torture, but impunity for such crimes remains the norm. Human Rights Watch documented [widespread allegations of torture and ill-treatment](#) in the context of the investigations and trials that followed the ethnic violence in southern Kyrgyzstan in June 2010, yet those responsible for the abuse have enjoyed virtual impunity for their crimes.

Following its second periodic review of Kyrgyzstan, the UN Committee Against Torture said in its December 2013 concluding observations that it is deeply concerned about the ongoing and widespread practice of torture and ill-treatment of persons deprived of their liberty.

The committee said the government should take effective measures to ensure that all allegations of torture or ill-treatment related to the June 2010 violence by security or law enforcement officials are fully and impartially investigated, and that the officials responsible are prosecuted.

Torture is always a crime and it is especially urgent that when torture leads to a death, the responsible parties are identified and prosecuted, Williamson said. Kyrgyzstan should be doing much more to stop ill-treatment and torture in the criminal justice system and can start by fairly reviewing Kholmiraevs case.

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