
KYRGYZSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, human right defenders continued to operate in difficult conditions, especially due to the political instability in the country after the change of power in April 2010. Their situation dramatically deteriorated following the ethnic violence and serious human rights violations that occurred in the south of the country in June 2010. Some defenders were persecuted on fabricated charges. At the end of June 2010, the pressure exerted on members of NGOs, independent journalists and lawyers representing ethnic Uzbek that the authorities accused of crimes in the context of the ethnic clashes, became systematic. Those responsible for such threats, whether private or governmental, did not suffer any consequences and remained unpunished.

Political context

On April 7, 2010, a protest movement held in Bishkek to demand the release of fourteen opposition leaders arrested on April 6 was violently repressed by the police and the special forces, leaving 87 people killed and 600 wounded, and forcing President Kurmanbek Bakiyev to abandon his office on April 15. In June 2010, ethnic Uzbek and Kyrgyz violently clashed in the southern regions of Osh and Jalal-Abad, leaving approximately 438 people killed according to Government sources¹, and thousands wounded². As a result, hundreds of thousands of civilians fled their homes requiring protection, humanitarian aid, food, medicine and shelter³. The authorities failed to provide protective measures needed by the population and organised mop-up operations from June 21 to 23 marked by violence, primarily against the Uzbek population. According to the authorities, more than 5,000 criminal cases were brought in relation to the June events, mainly targeting ethnic Uzbek. In about 3,500 cases, the investigation was suspended and suspects not found⁴. The cases in which investigations and trials went forward were marred with allegations of police abuse and violations of the right to a fair trial.

In the context of economic instability and the June ethnic clashes, the Interim Government headed by Ms. Roza Otunbayeva failed to ensure

1/ Among the identified bodies, 108 were Kyrgyz and 268 Uzbek. See General Prosecutor office Report, June 7, 2011.

2/ See General Prosecutor office Report, January 25, 2011.

3/ According to UNHCR, 275,000 people were displaced.

4/ See General Prosecutor office Report, January 25, 2011.

the respect of human rights. In the prevailing instability, especially in the south of the country, human rights violations were still taking place with impunity even months after the end of the violence. The investigation into the April events was unfortunately put off the political agenda. In parallel, the change of Government was marked by attacks against supporters of the former President. Members of Parliament elected in 2007, particularly members of the “Ak Jol” presidential party, were among the first to be subjected to threats and violation of the right to peaceful assembly. Journalists from Uzbek ethnicity were also harassed by the police and the authorities, who accused them of working to destabilise the country⁵. As for the investigations into the June violence, the National Investigation Commission, and the investigation commissions of the Kyrgyz Ombudsman (both in their reports of January 2011) as well as of Parliament (in its report of June 2011) gave all an ethnically biased analysis, putting the responsibility of the violence on the Uzbek minority, while the Independent International Commission of Inquiry into the events in the southern part of the Kyrgyz Republic (*Kyrgyzstan Inquiry Commission* - KIC), which was mandated by the President of the Kyrgyz Republic to explore the facts and circumstances, causes and aftermath of the tragic events of June in the south of Kyrgyzstan and headed by the Special Representative for Central Asia of the OSCE Parliamentary Assembly, Mr. Kimmo Kiljunen, concluded that the Kyrgyz Government was responsible for failing to protect Kyrgyz citizens and that crimes against humanity were committed in impunity. On May 26, 2011, about one month after KIC’s report became public, the Kyrgyz Parliament officially declared the Head of the Commission *persona non grata*, prohibiting his entry into Kyrgyzstan.

Earlier in the year, in March 2010, the authorities censored the media to forestall the mobilisation of the opposition at the occasion of the fifth anniversary of the “Tulip Revolution”. These measures were lifted the day after power changed hands. However, during the June clashes, the Interim Government restricted the flow of information in order to “preserve the inter-ethnic peace” and instructed the media on how to communicate on the events⁶. Several media outlets were also nationalised in order to establish a stricter control of the content of their programmes.

5/ See Citizens Against Corruption (CAC), “Kylm Shamy” Centre for Human Rights Protection and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

6/ *Idem*.

On June 27, 2010, a referendum on the new Constitution took place. The OSCE deployed a limited observation mission due to security concerns. Despite several shortcomings, it was conducted in peaceful conditions. However, in a situation of massive internal displacement, and an atmosphere of fear and intimidation compounded by arrests of prominent public figures from the Uzbek community, participation in the south was lower than in the rest of the country. As a result, more than 90% of those who voted approved the new Constitution, which confirmed Ms. Roza Otunbayeva as Interim President until December 31, 2011 and led to the dismissal of the judges of the Constitutional Court⁷. In addition, the October 2010 parliamentary elections were declared to comply overall with international standards by the OSCE despite the lacking environment for free elections in the south of the country⁸. The fact that campaign materials and ballots were produced only in Russian and Kyrgyz languages additionally limited the ability of ethnic Uzbek to engage in the electoral process. Five political parties successfully passed the threshold to gain seats in the Parliament. Among them, the new opposition party to the Interim Government, Ata-Jurt party, won the majority of seats but failed to win an absolute majority.

Reprisals against human rights defenders investigating violations committed in the south

Members of human rights NGOs and independent journalists monitoring human rights violations committed during the ethnic clashes in June 2010 and working to protect the Uzbek minority, were particularly subjected to harassment by various groups, notably State officials and criminal gangs. Human rights defenders of Uzbek origin were under particular threat as they were labelled and perceived as disloyal, whereas defenders of Kyrgyz origin were frequently accused of being “traitors” to their own people. For instance, the representative of the President in the Parliament, Mr. Beknazarov Azimbek, former member of the Interim Government responsible for coordinating law enforcement agencies, the Prosecutors’ offices and the judicial system declared at the beginning of June 2010 that “human rights defenders and human rights NGOs get their noses everywhere to receive grants”. As of June 14, Mr. Tursunbek Akun, the Kyrgyzstan Ombudsman, started accusing Ms. **Aziza Abdirasulova**, Director of the Centre for Human Rights “Kylm Shamy”, her husband who also works for the same NGO, Mr. **Zhanyzak Abdirasulov**, and Ms. **Tolekan Ismailova**,

7/ See OSCE/ODIHR Limited Referendum Observation Mission Report, *The Kyrgyz Republic Constitutional Referendum of June 27, 2010*, July 27, 2010.

8/ See OSCE/ODIHR International Election Observation Mission Report, *The Kyrgyz Republic Parliamentary Elections of October 10, 2010*, December 20, 2010.

Director of the organisation “Citizens Against Corruption” (CAC), of being “unpatriotic” for wanting to disclose information on the events. On June 16, he gave a press conference in Bishkek accusing Ms. Abdirasulova and Ms. Ismailova of being “traitors” who are “monitoring Uzbek districts only”. Following these accusations, a slander campaign was launched against the three human rights defenders in the media, who were presented as “traitors to the nation”. On June 18, 2010, Ms. Tolekan Ismailova was accused of “not being a Kyrgyz” by the Mayor of Osh, at the occasion of President Otunbayeva’s visit to Osh. Moreover, on June 28, 2010, Ms. Ismailova and Ms. Abdirasulova were summoned for interrogation at the Osh Regional Prosecutor’s office as witnesses in a criminal case⁹. This incident was used as a pretext to intensify the slander campaign against CAC and Kylum Shamy. On the same day, the President of the “Ar-Namys” party and other people warned CAC members that criminal gangs were out to hunt Ms. Ismailova and other defenders. President Otunbayeva also called Ms. Ismailova and warned her that she should leave Osh immediately¹⁰. Following the publication of a report by Human Rights Watch (HRW) on August 17, 2010, Mr. Tursunbek Akun accused Ms. Aziza Abdirasulova of deliberately giving partial (pro-Uzbek) information to HRW representatives. Finally, on February 4, 2011, the Ministry of Internal Affairs pressed charges against Ms. Abdirasulova for “defamation”¹¹. This followed an interview she gave to the *Deutsche Welle* on November 17, 2010, during which she had revealed that “law-enforcement agents, in particular policemen, were the first to use weapons leading to deaths during the violent clashes”, referring to official documents from the Prosecutor’s office, the Military Prosecutor and the Ministry of Internal Affairs. The Ministry subsequently decided to drop the charges¹².

Human rights defenders investigating violations committed in the south, were also subjected to arbitrary detention and judicial harassment. On June 16, 2010, Mr. Azimjan Askarov, Director of the human rights organisation “Vozdukh” (Air), based in the city of Bazar-Korgon, in the province of Jalal-Abad, who had been documenting police ill-treatment

9/ Among other issues, they were interrogated on information erroneously published by the website www.24.kz, which mentioned Ms. Ismailova and Ms. Abdirasulova as its sources. Ms. Ismailova subsequently made a disclaimer as soon as she learnt that the figures mentioned were erroneous and the information was corrected on the same day.

10/ When Ms. Ismailova learned that people had been making enquiries about her children and grandchildren, she decided to leave temporarily Kyrgyzstan with her family. They returned after the parliamentary elections on October 13, 2010.

11/ Ms. Abdirasulova was also a former member of the National Investigation Commission, of which she resigned.

12/ See CAC.

of detainees and monitoring the human rights situation in Jalal-Abad, in particular the violent events that took place in Bazar Korgon in June 2010, was arrested by agents of Bazar Korgon police. He was arrested for allegedly having urged ethnic Uzbek, along with other leaders of the Uzbek community, to take as a hostage the district official who had ordered the blockade of the Bishkek-Osh highway and having attacked police officers causing the death of one of them¹³. On September 15, 2010, Mr. Askarov was sentenced to life imprisonment, along with seven ethnic Uzbek, by the Bazar Korgon District Court for “hostage-taking”, “complicity in murder”, “incitement of racial hatred”, and “participation and organisation of mass disorder”. Alleging that the latter had suffered acts of torture in custody¹⁴, his lawyer asked for a medical examination, which was denied. On November 10, 2010, the Tash Kumyr City Court in Nookan upheld on appeal Mr. Askarov’s life sentence, following a trial marked by irregularities. On January 31, 2011, the Judge of Bishkek Supreme Court accepted to examine new evidence in the criminal case, including evidence showing that Mr. Askarov was not present at the scene when the incidents took place, and the hearing was suspended. The final hearing was to be held on April 12, 2011, but was further postponed pending the results of an investigation on the conditions of detention. As of the end of April 2011, the trial was still suspended *sine die*.

International observers were not spared by reprisals. During the international fact-finding mission sent by FIDH to Kyrgyzstan from June 20 to 28, 2010, an “accident” occurred attesting that independent observers and human rights defenders were not welcomed in the region. On June 27, 2010, members of the mission, Mr. **Ales Bialiatski**, President of the Human Rights Centre “Viasna” (Belarus) and FIDH Vice-President, Ms. Aziza Abdirasulova, Ms. Tolekan Ismailova as well as Ms. **Oksana Chelysheva**, a Russian journalist, were victim of an accident near the village of Papan, Osh region. The screws on the back wheel of the car had been sawn through during a short period of time during which they had left the car. By chance, no one was hurt. A group of persons, unknown to them, approached their

13 / In the morning of June 13, 2010, in connection with inter-ethnic clashes in Osh, approximately 400 to 500 ethnic Uzbek gathered on a bridge in the village of Bazar Korgon, located on Osh-Bishkek highway. They were armed with firearms, iron bars, sticks and knives. The group blocked Osh-Bishkek highway and organised riots. As a consequence, an investigation task force was dispatched to the location, consisting of policemen of Bazar Korgon district. While attempting to prevent criminal actions, seven policemen were injured at varying severity, and one of them, Inspector Sulaimanov from the district police, received multiple stabs that led to his death.

14 / All of the defendants were subjected to acts of torture and ill-treatment by prison guards during custody and presented visible physical injuries.

car and told them that human rights defenders were not welcome in Osh because they “defended the rights of the Uzbeks”¹⁵.

Reprisals against lawyers representing persons accused of crimes in relation to April and June 2010 events

The trials against those accused of violence in the capital in April 2010 and in Osh in June 2010, were marked by numerous procedural violations and in some cases even beatings of the accused between hearings and in presence of judges. Lawyers representing the accused were also victim of assaults, slander and threats of death and sexual assault as reprisals. Threats against lawyers representing those accused in relation to the April 7, significantly increased during hearings of the trials that started on November 17, 2010 and were ongoing by the end of April 2011. For instance, lawyers from the NGO Legal Clinic “Adilet”, Ms. **Hurnisa Mahaddinova**, Mr. **Dastan uulu Ulan**, Mr. **Timur Kamyshorov** and Ms. **Cholpon Djakupova**, Director of the NGO, were subjected to death threats by members of the public attending the hearings. Lawyers of non-Kyrgyz origin were also victims of racist insults. Besides, the Presiding Judges systematically failed to ensure respect and order in the court room, and none of those who voiced insults and threats were expelled from the court room. On November 17, some plaintiffs even attempted to physically assault the lawyers. Law-enforcement agencies intervened and the accused was then evacuated from the court room. Adilet addressed numerous letters to the President and the law-enforcement agencies to complain and request protection, but to not avail as of April 2011. The Minister of Justice even threatened to disbar lawyers who had complained about the conditions of the trial¹⁶. Similarly, in Osh, lawyers defending the accused in criminal cases that followed the June 2010 violence were threatened and sometimes even assaulted. For instance, on September 30, 2010, during a hearing held in the military unit of the Interior Ministry in Osh, lawyer Mr. **Tair Asanov** and his colleagues were beaten by a crowd. Yet, the Presiding Judge and the military personnel failed to intervene. Since then, Mr. Asanov has received numerous death threats¹⁷. On October 11, 2010, during a hearing in Osh, unknown people also attacked lawyer Mr. **Tashtemir uulu Almaz**. On October 14, 2010, during another hearing in the military unit of the Interior Ministry in Osh, lawyers Ms. **Dinara Turdumatova**, Ms. **Nazgul Suyunbaeva**, Mr. **Ravshan Sadyrov** and Mr. **Kurbanychbek Joroev** were assaulted by the public who was attending

15 / See CAC, Kylum Shamy and FIDH Joint Report, *Kyrgyzstan: a weak state, political instability: the civil society caught up in turmoil*, October 2010.

16 / See Adilet.

17 / See CAC Press Release, September 30, 2010.

the hearing after the Prosecutor had made commentaries like “Uzbek are at fault (...) you started it (...)”. They complained to the Department of Internal Affairs of Osh but as of April 2011, they had not received a reply. In addition, in all cases, despite notably complaints sent by CAC to the Prosecutor’s office, as of April 2011, no investigation had been conducted by the authorities, no protection measures granted to lawyers, and the Bar Association had failed to react¹⁸.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
	Positive developments on freedom of assembly	Press Release	March 3, 2010
Mr. Azimjan Askarov	Arbitrary detention / Judicial harassment	Press Release	June 18, 2010
	Sentencing to life imprisonment	Urgent Appeal KGZ 001/0910/OBS 109	September 16, 2010
		Press Release	November 16, 2010
		Urgent Appeal KGZ 001/0910/OBS 109.1	January 31, 2011
		Urgent Appeal KGZ 001/0910/OBS 109.2	February 11, 2011
Ms. Tolekan Ismailova and Ms. Aziza Abdirasulova	Judicial harassment	Open Letter to the authorities	June 30, 2010

¹⁸/ See CAC.