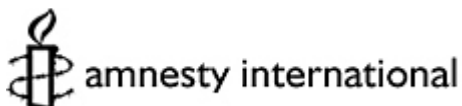


Title	Amnesty International Annual Report 2011 - Kyrgyzstan
Publisher	Amnesty International
Country	Kyrgyzstan
Publication Date	13 May 2011
Cite as	Amnesty International, <i>Amnesty International Annual Report 2011 - Kyrgyzstan</i> , 13 May 2011, available at: http://www.unhcr.org/refworld/docid/4dce155c28.html [accessed 6 June 2012]
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Amnesty International Annual Report 2011 - Kyrgyzstan

Head of state: Roza Otunbaeva (replaced Kurmanbek Bakiev in July following his resignation in April)

Head of government: Almaz Atambaev (replaced interim head Roza Otunbaeva in December, who had replaced Daniar Usenov in April)

Death penalty: abolitionist

Population: 5.6 million

Life expectancy: 68.4 years

Under-5 mortality (m/f): 49/42 per 1,000

Adult literacy: 99.3 per cent

Four days of violence in June between ethnic Kyrgyz and ethnic Uzbeks left hundreds dead and forced hundreds of thousands to flee their homes. Serious human rights violations marred the efforts to restore order to the region, including widespread reports of the use of excessive force by security forces, arbitrary detentions, and torture and other ill-treatment during transfer and in custody. Attempts to establish the truth about what happened were undermined by apparent ethnic bias. At least 271 people were remanded in custody charged with participation in the June violence, the majority ethnic Uzbeks. Human rights defenders, civil society activists and lawyers were beaten and detained; some were held on serious criminal charges and tortured to extract confessions.

Background

Rising tensions between the government of President Kurmanbek Bakiev and the opposition escalated in early April, resulting in violent clashes between security forces and demonstrators on 7 April in the capital, Bishkek. Eighty-seven people were killed and hundreds wounded, including police officers, armed men and unarmed civilians. Shortly afterwards, the opposition dissolved the parliament and the constitutional court and formed an interim government, led by Roza Otunbaeva. President Bakiev resigned on 15 April and fled the country. In the weeks that followed, ethnic Kyrgyz mobs attacked Kurdish, Meskhetian Turk and Russian villages across the country, killing villagers, looting and destroying properties and livestock. In May, violent clashes between mainly Kyrgyz supporters of ousted President Bakiev and Uzbeks in Jalal-Abad city left at least five people dead and dozens injured.

On 10 June, clashes between gangs of mostly ethnic Kyrgyz and Uzbek young people in Osh city rapidly escalated. Over the next four days, large-scale arson, looting and violent attacks, including killings and sexual violence, swept through Osh and Jalal-Abad regions, disproportionately affecting Uzbek-populated areas. Official statistics released in October provisionally placed the number of dead at 408, although the final number, which had not been published by the end of year, was likely to be higher. At least 1,900 were severely injured. The violence was followed by heavy-handed search operations by security forces as well as criminal investigations and prosecutions, largely perceived to be flawed and biased.

Satellite imagery revealed that 1,807 buildings in Osh city alone were totally destroyed. Some 400,000 people, both Kyrgyz and Uzbek, fled their homes. Up to 100,000 refugees, mostly Uzbek women and children and the elderly, fled across the border to Uzbekistan, although almost all had returned by the end of June. Thousands remained internally displaced living in temporary, mostly inadequate, accommodation with relatives, host families, or in public buildings, tents and camps.

The facts and causes of the June violence continued to be hotly contested by the ethnic communities. There were several credible independent reports of the complicity of Kyrgyzstani officials and security forces in the attacks.

The authorities recognized the need to ensure an independent investigation into the June events and mandated two commissions of inquiry: one national, one international. In addition, the Kyrgyzstani national Ombudsman announced that he would conduct his own inquiry. By the end of the year no reports had been published.

A referendum on 27 June approved a new Constitution which introduced parliamentary democracy, limited the length of the presidential time in office to one six-year term and confirmed Roza Otunbaeva as President until December 2011. Parliamentary elections on 10 October returned five parties to parliament, but the first attempt to form a coalition government failed in November. A coalition government was finally formed at the end of December.

Torture and other ill-treatment

Reports of torture or other ill-treatment in the aftermath of the June violence were widespread. Beatings by law enforcement officers appeared to continue to be routine: in the street during apprehension, during transfer to detention centres, during initial interrogation, and in pre-charge detention facilities. Search operations by security forces, ostensibly to seize weapons and detain suspects, were reportedly carried out using excessive force. There were serious concerns that the law enforcement operations and criminal investigations in the aftermath of the June violence disproportionately targeted Uzbeks and Uzbek neighbourhoods, while failing to identify and investigate alleged Kyrgyz perpetrators. Hundreds of men, the majority Uzbek, were arbitrarily detained and allegedly beaten during raids and later tortured or otherwise ill-treated in detention. In August, President Otunbaeva reportedly said she was aware that human rights violations had been committed by security forces during the June events and their aftermath, but that she had effectively no control over law enforcement in the south of the country.

- Early on 21 June, security forces entered the Uzbek village of Nariman in Osh region, reportedly beat people with rifle butts and destroyed personal documents during house searches. A spokesperson for the Ministry of Internal Affairs claimed that the operation was intended to dismantle the barricades which had been erected, arrest suspects and seize weapons. Reportedly, one man was shot and died on the way to hospital, another was beaten to death and many more were injured. Several men were detained.

Unfair trials

Trials continued to fall short of international standards.

Following unfair trials, courts handed down at least 24 life sentences and six long-term sentences of between 15 and 25 years' imprisonment for murder and mass disturbances in relation to the June unrest. Allegations of forced confessions were not investigated, defence witnesses were not interviewed, and lawyers were threatened and physically attacked.

- In September, the trial of prominent human rights defender Azimzhan Askarov and seven co-defendants, accused of the murder of a Kyrgyz police officer during violence in Bazar-Korgan, was marred by repeated acts of violence against Azimzhan Askarov's family and lawyers both inside and outside the courtroom. Court officials, including the judge, reportedly intervened only sporadically to stop the violence and restore order. The defendants' lawyers were not given the opportunity to question witnesses or submit petitions, or to call defence witnesses as the authorities were not able to guarantee their safety. When the lawyers expressed concern that they would not be able to defend their clients under these conditions, the judge reportedly threatened to have their licences to practise revoked. The defendants denied their guilt and maintained in court that they had been forced to confess under duress. Their allegations were not investigated and five of them, including Azimzhan Askarov, were sentenced to life imprisonment. The Jalal-Abad regional court which heard the appeal case did not examine any of the defendants' allegations of forced confessions or order an investigation into these allegations. Defence lawyers were not able to call witnesses, and relatives and colleagues of the murdered police officer continued to threaten the lawyers. The appeal court upheld the sentences imposed by the court of first instance. An appeal to the Supreme Court was pending at the end of the year. As the director of the NGO Vozdukh (Air), Azimzhan Askarov had been working on cases of torture in the region for many years.
- In November, former President Bakiev, some of his relatives and members of his administration, as well as members of the elite Special Forces unit Alfa went on trial in Bishkek on charges relating to the April violence. President Bakiev was tried in his absence for authorizing the use of force. The members of the Alfa unit were accused of carrying out the order to shoot to kill. During the mass trial, which started in a covered sports stadium in Bishkek, relatives of those killed shouted racist abuse at the ethnic Russian lawyers and defendants and threatened to kill them if they did not leave the country. The trial was suspended on 30 November after a small device exploded outside the stadium.

Impunity

In November, President Otunbaeva told prosecutors that she was concerned about the number of complaints she had received of torture and other ill-treatment by security forces in relation to the June events which apparently had not been properly investigated. By the end of December no prosecution for ill-treatment in police custody appeared to have taken place. The deputy prosecutor for Osh region stated that his office had received very few complaints of torture in detention. This contrasted starkly with the allegations raised by human rights organizations and defence lawyers of widespread beatings or other ill-treatment of Uzbek detainees.

The first deputy Minister of Internal Affairs stated in September that there had been isolated cases of torture and ill-treatment of detained Uzbek suspects and that the Ministry had ordered investigations into the most serious of these cases. In some instances, the deputy Minister had conducted investigations personally. He had interviewed Azimzhan Askarov, who, when asked directly, had denied outright any torture or other ill-treatment by police officers. This brief interview in the presence of local police officers constituted the extent of the investigation to date into the torture allegations repeatedly raised by Azimzhan Askarov's lawyer, in spite of previously documented evidence, including photographs, of injuries sustained whilst in custody.

Ethnic bias

There were concerns over ethnic bias in the attitudes of the authorities following the June events. Groups of Kyrgyz civilians, often women, assaulted the relatives of victims and detainees outside police stations or the prosecutor's offices, effectively obstructing their attempts to submit complaints about allegations of torture to police and prosecutors. Groups of Kyrgyz women also assaulted ethnic Kyrgyz, Uzbek and Russian lawyers defending Uzbek suspects on court premises and inside police compounds, mostly in the presence of police officers who did not intervene to stop the assaults. By the end of the year, no investigations had reportedly been opened into offences by these groups.

- On 5 November, a court in Jalal-Abad convicted two Kyrgyz men of murdering three Uzbek civilians on 13 June and sentenced them to 25 and 20 years in prison. This was the only conviction of the year of ethnic Kyrgyz for a serious criminal offence committed in the course of the June violence. The Jalal-Abad prosecutor's office stated that 88 people faced charges in relation to the June violence, and that 26 were ethnic Kyrgyz.

By 10 November 2010, official figures revealed that 271 individuals had been arrested in relation to the June violence. Human rights defenders and lawyers maintained that the majority of those arrested were ethnic Uzbeks.

Repression of dissent

In April the interim government revoked the entry ban on several foreign human rights defenders which had been imposed by the government of ousted President Bakiev.

However, in a climate of ethnic tensions and growing nationalist discourse, human rights defenders found themselves in the difficult position of having to justify their work protecting different ethnic communities. Those who documented the June events were targeted by the authorities, who attempted to confiscate their material and obstruct their work. Uzbek human rights defenders and lawyers were particularly at risk of violence and were threatened, beaten, and, in some cases, detained, tortured and sentenced to life imprisonment after an unfair trial. Their Kyrgyz colleagues and those of other ethnic origins also came under increasing pressure and were threatened and assaulted by Kyrgyz civilians for defending the rights of Uzbek suspects.

- Lawyer Tair Asanov was attacked in court after calling for an investigation into police ill-treatment against his client and nine other men during their trial in Osh. Tair Asanov's client was accused of crimes ranging from involvement in the death of the Kara Suu District Police Chief and his driver, to taking part in riots. After he requested an investigation into the beatings, Tair Asanov was attacked by relatives of the murdered police chief, who were present in the courtroom. After the hearing ended, relatives followed Tair Asanov outside the courtroom and attacked him again. Police were present while he was being beaten but did not intervene.

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