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Kyrgyz Republic

Head of state: **Almaz Atambaev**

Head of government: **Temir Sariev (replaced Dzhoomart Otorbaev in May)**

No impartial and effective investigation took place into human rights violations, including crimes against humanity, committed during the June 2010 violence and its aftermath. The authorities failed to take effective measures to end torture and other ill-treatment and bring perpetrators to justice. The space for civil society continued to shrink, against the background of growing intolerance towards ethnic, sexual and other minorities. Legislation restricting freedoms of expression and association was introduced and later withdrawn "for consultation". Prisoner of conscience Azimjan Askarov remained in detention while the homes of lawyers and the NGO who worked on his and other ethnic Uzbeks' cases were raided by security officials.

TORTURE AND OTHER ILL-TREATMENT

Torture and other ill-treatment, and impunity for these violations, remained commonplace despite the introduction, in late 2014, of a programme of monitoring of places of detention under the National Preventive Mechanism and instructions on how to document torture issued by the Ministry of Health to medical personnel based on the UN Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

On 16 June 2015, the European Court of Human Rights issued a judgment on *Khamrakulov v. Russia*, stating that forcible return of ethnic Uzbek applicants from Russia to Kyrgyzstan would expose them to risk of torture and other ill-treatment.

Kyrgyzstan accepted the recommendations of the UPR of Kyrgyzstan in June, aimed at combating torture and other ill-treatment. These concerned the investigation of allegations, particularly those

by members of ethnic minorities, relating to the June 2010 violence and ensuring that the National Centre for the Prevention of Torture be adequately resourced and remained independent.

IMPUNITY

Only a minority of alleged torture and of gender-based violence cases led to an effective investigation, and still fewer resulted in the prosecution of perpetrators.

The NGO Coalition against Torture in Kyrgyzstan documented 79 cases of torture and other ill-treatment in the first half of 2015. A specialist investigation unit created by the Prosecutor General's Office in June started criminal investigations into three cases of torture. By October, 35 criminal cases in relation to over 80 law enforcement officers accused of acts of torture were under consideration by the courts. However, only in four cases dating back to 2011 did courts hand down a guilty verdict.

The authorities made no genuine effort to effectively investigate the June 2010 ethnic violence in Osh and Jalal-Abad, where serious crimes were committed by members of both ethnic Kyrgyz and Uzbek communities, but the latter sustained most deaths, injuries and damage. Since then, ethnic Uzbeks have been targeted disproportionately for prosecution. Nonetheless, Kyrgyzstan rejected the UPR recommendations to redress the lack of ethnic representation in the police and security forces, and adopt comprehensive anti-discrimination legislation. Lawyers defending ethnic Uzbeks detained in the context of the violence have continued to face harassment in connection with their work.

On 21 May, the Sokolukski District Court sentenced three staff members of a local court in the Talas region to eight years each for gang-raping a woman, Kalia Arabekova, in December 2013. However, the judge refused to order the arrest of the men pending their appeal hearing, despite the victim's repeated complaints about the threats she was receiving. On the night of 21 July, she was assaulted, threatened and raped at her place of residence by two masked men, one of whom she was able to recognize as her initial assailant.

PRISONERS OF CONSCIENCE

Azimjan Askarov, an ethnic Uzbek human rights defender and a prisoner of conscience who was sentenced to life in prison for purportedly participating in the 2010 ethnic violence, remained in prison. His award by the US State Department of the Human Rights Defenders Award in July prompted an angry response from senior Kyrgyz officials. The President denounced the award as a provocation aimed at inciting separatism and the government rescinded a 1993 co-operation agreement with the USA.

FREEDOMS OF EXPRESSION AND ASSOCIATION

In a climate of growing intolerance and discrimination against members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, a draft homophobic law introduced in Parliament in 2014 was adopted in its second reading in June by an overwhelming majority of MPs. It proposed amendments to the Criminal Code and other legislation which criminalized "fostering positive attitude" towards "non-traditional sexual relations", and envisaged sanctions ranging from

finer to one-year imprisonment. The draft law was withdrawn before it could be voted in the third and final reading, "for additional consultation", and is expected to be returned to Parliament again.

Human rights defenders and other civil society activists faced increasing harassment and pressure from the authorities in connection with their work, and complained of a growing climate of insecurity.

A draft law was reintroduced in Parliament that would force NGOs receiving foreign aid and engaging in any form of vaguely defined "political activities" to adopt and publicly use the stigmatizing label of "foreign agents". The President and senior political figures spoke strongly in support of this initiative, modelled on similar legislation adopted in Russia in 2012. The draft law was withdrawn "for further discussion" in June, but was expected to be back before Parliament for further consideration and adoption.

On 27 March members of the State Committee of National Security (GKNB) in Osh searched the office of human rights NGO Bir Duino ("one world") and the homes of two lawyers working for it, Valerian Vakhitov and Khusanbai Saliev. During these raids, GKNB officers seized documents relating to the cases the lawyers were working on, as well as computers and digital memory devices. The lawyers' complaint about the searches and the local court's decision authorizing them was heard at Osh Regional Court and the Supreme Court on 30 April and 24 June respectively, both of which ruled that the searches constituted illegal interference in the lawyers' work. Bir Duino has, among other things, provided legal assistance to ethnic Uzbeks who faced prosecution following the June 2010 violence in Osh, including Azimjan Askarov.

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