

KYRGYZSTAN

In 2010 Kyrgyzstan experienced its worst violence and upheaval since independence in 1991, with disastrous results for human rights.

Unrest surrounding President Kurmanbek Bakiyev's ouster in early April led to 85 deaths, hundreds of injured, and continuing violence. Between June 10 to 14 ethnic violence shook southern Kyrgyzstan, killing hundreds, injuring thousands, destroying more than 2,600 homes, and resulting in the temporary mass exodus to Uzbekistan of nearly 100,000 ethnic Uzbeks from the country's southern provinces. For several days Kyrgyz authorities failed to contain or stop the killings and large-scale destruction, and did not appear to take every possible measure to protect all citizens.

The country remained extremely volatile after the June violence, especially in the south, where lack of security and accountability has allowed vigilantism and rule of force to prevail over the rule of law. As trials related to the violence began, angry mobs—mostly comprised of relatives of ethnic Kyrgyz killed in June violence—attacked defendants and their relatives, human rights defenders, journalists, and lawyers.

A constitutional referendum on June 27, 2010—just two weeks after the mayhem—transformed Kyrgyzstan to the first parliamentary republic in Central Asia. Parliamentary elections on October 10 were largely peaceful despite the tense atmosphere. With five parties passing the five percent threshold, international observers praised the elections as “pluralistic.”

April Turmoil

On April 7, 2010, demonstrators ousted President Bakiyev from office, throwing the country into political turmoil. In preceding weeks, the political opposition had held a series of demonstrations to air various grievances, including concern regarding President Bakiyev's growing authoritarianism, persecution and imprisonment of influential opposition political leaders, alleged government nepotism and mismanagement, increased energy tariffs, growing corruption, and government closure of several media outlets.

Authorities detained several opposition leaders on the eve of nationwide opposition gatherings planned for early April. Political violence erupted in response to the first detention and was eventually quelled on April 6 in Talas, a city in northwestern Kyrgyzstan. Violence erupted again on April 7 in Bishkek, when security forces tried to disperse a peaceful protest against the detention of more opposition leaders. Thousands of people eventually gathered in front of the White House, the main government building in Bishkek, in a standoff with security forces. Some demonstrators were armed with weapons they had seized from police. As the situation escalated security forces fired on the demonstrators with live ammunition.

Clashes ended in the early morning hours of April 8 when opposition supporters took control of the White House, forcing Bakiyev to abandon his office. He fled the country on April 15, and a 14-member interim government of opposition leaders took charge.

The authorities' investigation into April's events has focused on members of the ousted government. It is unclear to what extent, if any, the authorities have investigated crimes committed by demonstrators, including illegal seizure and use of weapons.

Mayhem in Southern Kyrgyzstan in June

The political power struggle that followed Bakiyev's ouster acquired an ethnic dimension in southern Kyrgyzstan when the area's large Uzbek minority sided with the interim government and helped prevent Bakiyev staging a comeback. The growing role of the ethnic Uzbek community in the political arena led to escalating tensions and violent clashes between ethnic Uzbeks and Kyrgyz in May 2010.

On the evening of June 10, violence erupted in Osh when a large crowd of ethnic Uzbeks gathered in the city center in response to several fights between small groups of ethnic Kyrgyz and Uzbek men earlier that day; the fighting escalated, with crowds clashing throughout the night.

Outraged by the violence and concerned about their brethren in Osh, crowds of ethnic Kyrgyz from neighboring villages descended on the city and joined local



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residents in clashing with ethnic Uzbeks, looting and torching Uzbek shops and neighborhoods, and even killing Uzbeks.

Widespread use of heavy military vehicles in the attacks on Uzbek neighborhoods indicated that, in at least some cases, government forces facilitated the attacks by knowingly or unwittingly giving cover to violent mobs. It remains unclear whether government forces actively participated in these attacks, and if so, to what extent.

On June 13, 2010, violence spread to neighboring Jalal-Abad province, causing more deaths, injuries, and destruction.

According to official statistics, more than 400 people died during the violence and around 2,600 homes were destroyed, most of them owned by ethnic Uzbeks.

Aftermath of the Violence

The government's investigation into the violence has included serious violations of Kyrgyz and international law. Arbitrary arrests and extortion were widespread, and there is credible evidence in numerous cases that detainees were ill-treated and tortured. One man died from injuries he sustained in custody.

The authorities systematically denied defendants due process rights, such as the right to representation by a lawyer of their choice and the right to consult with a lawyer in private, which made it impossible for clients to complain confidentially about ill-treatment, extortion, and other violations. Lawyers also said the authorities have routinely refused to order medical examinations of detainees in cases of suspected ill-treatment.

In the vast majority of cases authorities claimed that they had been unable to verify allegations of torture and ill-treatment, and refused to launch criminal investigations. At this writing no official has been charged or prosecuted for the use of torture and ill-treatment.

In August the government acknowledged that most individuals detained in connection with the violence were ethnic Uzbeks, raising concern that the investigation into the violence was biased. As the post-violence crackdown by police on

the ethnic Uzbek community intensified in late June and July, ethnic Uzbeks wanting to flee to Uzbekistan could not do so due to the closed land border.

At numerous trials related to the June violence, aggrieved relatives of ethnic Kyrgyz victims attacked ethnic Uzbek defendants, defendants' relatives, lawyers, and journalists, before, during, and after trial hearings. Police did little to stop or prevent these attacks.

For example, on September 15, 2010, a court in southern Kyrgyzstan sentenced Azimjon Askarov, an ethnic Uzbek human rights defender and head of the NGO Air, to life in prison for his alleged role in an incident in which an ethnic Kyrgyz policeman was killed during the June violence. During the trial the victim's relatives and supporters threatened and struck Askarov's lawyer, shouted threats and insults at the defense team, and beat relatives of the defendant. Police were present but did not act. The court heard numerous witnesses for the prosecution, but defense lawyers felt they could not endanger witnesses by calling them to the stand. On two occasions prior to the trial angry groups, allegedly including the policeman's relatives, threatened and physically attacked Askarov's lawyer. Local authorities did not respond.

Similar attacks continued at trials through October.

Threats to Human Rights Defenders

Several of Kyrgyzstan's most prominent human rights leaders received threats in connection with their investigation into the June violence and its aftermath.

In late June Tolekan Ismailova of Citizens Against Corruption, a human rights NGO, fled the country for several months with her family after the Osh prosecutor's office falsely accused her and Aziza Abdirasulova of Kylum Shamy, another human rights NGO, of distributing inaccurate information about a police operation that followed the violence. A few days later Ismailova's neighbors in Bishkek reported that strangers had come to the neighborhood to inquire about her family and where she lived. Abdirasulova received numerous threats. For example in August, angry residents of Bazar-Kurgan threatened to kill one of Abdirasulova's children if their mother monitored Askarov's trial.

In October two unknown men threatened the program coordinator of Spravedlivost (Justice), based in the southern city of Jalal-Abad, for providing free legal assistance to defendants in cases related to the June violence.

Elections

Parliamentary elections on October 10 and the election campaign that preceded them were conducted in a peaceful and rather pluralistic manner—an important step towards future free and fair elections. The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) noted a number of shortcomings though, especially regarding election legislation and the accuracy of voter lists.

Key International Actors

A unified international community expressed concern about the April 2010 disturbances, quickly condemned the June violence, and called for the restoration of law and order. It also called for objective investigations into the events. However, key governments and international organizations such as Russia, the Collective Security Treaty Organization (CSTO), and the UN Security Council were much more hesitant to take necessary measures to protect the civilian population. Despite calls from the Kyrgyz authorities during the June violence, no international body proved ready to deploy stabilization forces.

Six weeks after violence erupted in June OSCE participating states reached an agreement, at the Kyrgyz government's request, to deploy a small unarmed international police force to the region in a monitoring and advisory role. The Kyrgyz government also requested the OSCE Parliamentary Assembly's special envoy for Central Asia establish an independent international commission of inquiry into the June 2010 violence. Due to disagreement within the Kyrgyz government about both initiatives, their deployment was postponed until after the October 10 election. At this writing the international commission has commenced its work, while the government continues to hold up the deployment of the police advisory group.

During his visit to Kyrgyzstan on April 3, 2010—just before the overthrow of the Bakiyev government—United Nations Secretary General Ban Ki-moon said he was “troubled” by the crackdown on independent media in Kyrgyzstan and urged authorities to respect all human rights, including free speech and freedom of the media.

On May 3, 2010, during Kyrgyzstan’s Universal Periodic Review (UPR) at the UN Human Rights Council, UN member states issued a number of important recommendations, including ensuring an early return to constitutional order; rule of law and respect for human rights; ending all forms of intimidation, harassment, aggression, arbitrary arrest and detention, and torture against all persons, especially human rights defenders, peaceful demonstrators, and journalists; ensuring judicial independence; ensuring the rights of minorities; and inviting the special rapporteur on torture to visit in 2010. Kyrgyzstan accepted these and other recommendations. On June 18, 2010, the Council adopted a resolution condemning ethnic violence in Kyrgyzstan and called on the high commissioner to keep it appraised of the situation.