



Kyrgyzstan: 3 Years After Violence, a Mockery of Justice

Publisher [Human Rights Watch](#)

Publication Date 8 June 2013

Cite as Human Rights Watch, *Kyrgyzstan: 3 Years After Violence, a Mockery of Justice*, 8 June 2013, available at: <http://www.refworld.org/docid/51b6e3b84.html> [accessed 8 August 2014]

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Correction: In its news release of June 7 on Kyrgyzstan, Human Rights Watch stated incorrectly that Daniyar Kadirov was detained in late June 2010. The news release has been corrected to state that Kadirov was detained in April 2011.

(Bishkek) - Justice for crimes committed during the ethnic violence in southern Kyrgyzstan in June 2010 remains elusive and the authorities' commitment to accountability is in doubt. Many people have gone on trial in connection with the violence. But the justice process has been seriously flawed from arrest to conviction, and has led to lengthy prison sentences based on unsound convictions.

Criminal investigations into the June 2010 violence have been marred by widespread arbitrary arrests and ill-treatment, including torture. Unchecked courtroom violence and other egregious violations of defendants' rights have blocked the accused from presenting a meaningful defense. Human Rights Watch has documented how investigations disproportionately and unjustly targeted ethnic Uzbeks, and how this group has a heightened risk of torture in custody.

"The government of Kyrgyzstan needs to halt the scandalous litany of due process and other human rights abuses in the name of criminal investigations since 2010," said Mihra Rittmann, Central Asia researcher at Human Rights Watch. "The authorities need to reset the process to create real justice for the 2010 violence and its aftermath. As a first step, they should review all convictions tainted by torture allegations or other glaring violations of fair trial standards."

The situation is especially acute for a handful of ethnic Uzbeks who have been languishing in pretrial detention for up to three years, while their cases bounce among various courts. There are new signs of justice skewed against ethnic Uzbeks with the March 2013 arrests of three ethnic Uzbeks in Osh, and pending extradition cases of several ethnic Uzbeks in Russia, on charges relating to the violence.

The ethnic clashes erupted in southern Kyrgyzstan on June 10, 2010. The violence, which lasted four days, left more than 400 people dead and nearly 2,000 houses destroyed. Horrific crimes were committed against both ethnic Kyrgyz and ethnic Uzbeks. However, while ethnic Uzbeks suffered the majority of casualties and destroyed homes, the majority of those prosecuted for homicide have been ethnic Uzbeks.

The Kyrgyz government has said that in response to the violence it has opened thousands of criminal cases. However, the vast majority of criminal cases in which the victims are ethnic Uzbeks have not yet been investigated.

One ongoing trial of six ethnic Uzbeks, now in its third year, illustrates the rights violations that have plagued the administration of justice for the June 2010 events.

Five of the six men - Dilmurat Khaidarov, 40; Shukurullo Kochkorov, 34; Bahadir Sabirov, 37; Ganijan Sadikzhanov, 39; Khairullo Saipov, 37 - were detained in late June 2010 on multiple charges, including murder and participation in mass riots. A sixth - Daniyar Kadirov, 43 - was detained in April 2011. They have been languishing in pretrial detention for three years with repeated delays and retrials in their cases, and gross violations of fair trial standards. Khaidarov's lawyer, Tatyana Tomina, told Human Rights Watch that Saipov and Kochkorov are critically ill and are not getting adequate medical care.

Tomina also told Human Rights Watch that all six defendants testified in court that they had been tortured, but that judges ignored their testimony and prosecutors refused to investigate their claims.

Human Rights Watch is concerned that seven ethnic Uzbeks, detained in March and interrogated in Osh on charges relating to the June 2010 events, may have been subjected to the same pattern of abuse.

On March 31, police detained Mahamadsoli Ismailov, 57; Ikromjon Noomanov, 50; and Ibidullo Abdulajanov, 35, on multiple charges relating to the disappearance and presumed death of their neighbor during the June 2010 events. Ismailov was subsequently released and placed under house arrest.

Four more residents from the same neighborhood were detained repeatedly for periods of up to 12 hours over the course of several days, starting on March 31. Initially the police questioned them about the same case, without the lawyers they chose present.

On April 3, the lawyer for one of the four, Khaibibullo Saidaliev, 51, filed a complaint with the police after Saidaliev suffered a heart attack, allegedly due to beatings in custody. The authorities claim that a forensic medical examination, conducted approximately two weeks after the alleged abuse, found no markings of abuse, and on those grounds the prosecutor's office declined to open a criminal investigation. Saidaliev's lawyer is appealing the decision.

Human Rights Watch's research from 2010-2013 in southern Kyrgyzstan found that prosecutorial authorities have repeatedly refused to investigate serious and credible allegations of torture. Courts have relied heavily on confessions allegedly extracted under torture to sentence defendants to long prison terms.

In only one case - in which a man died following his detention - did authorities make a rare exception to the virtual impunity for the police for torture. In August 2011, authorities brought criminal charges against four police officers for "deliberate grave damage to a person's health causing death," "abuse of power," and "torture," after police detained Usmonzhon Kholmiraev and tortured him for several hours, threatening to frame him for involvement in the June 2010 violence if he did not pay them to release him. On August 9, 2011, Kholmiraev died from his injuries.

However, almost two years later, none of those charged in the death have stood trial. Although there have been preliminary hearings, repeated delays means that the date for the trial on the merits has not been scheduled.

"The need for the Kyrgyz government to hold police who are torturing detainees accountable is as real and urgent today as it was in 2010," Rittmann said.

Court hearings relating to the June 2010 clashes have been undermined by violence and threats against defendants and their lawyers. Although court staff, including judges and security officers, witnessed - and in some cases were targeted in - such attacks, no action has been taken against those disrupting the court, or abusing the defense.

The two-year trial of Mahamad Bizurukov, 35, an ethnic Uzbek charged with murdering an ethnic Kyrgyz man in 2010, typifies the violence during court hearings. At a June 5 hearing in Osh, the victim's relatives threw shoes and spat at Bizurukov, screeched insults and threats, attempted to attack him, and hit and threatened a Human Rights Watch researcher for taking notes at the hearing. Police and security officials, for the most part, stood by passively observing. In the two years this trial has been ongoing; the authorities' failure to hold the perpetrators accountable has fostered a culture of impunity, Human Rights Watch said.

The government of Kyrgyzstan should unequivocally condemn such courtroom violence, and halt attacks and threats that so gravely undermine the integrity of Kyrgyzstan's judicial system, Human Rights Watch said. The Kyrgyz government should also establish a review process for all criminal cases related to the clashes in which the verdicts are unsound because of credible allegations of torture and other human rights violations against the defendants.

Authorities can start by reviewing the case of Azimjon Askarov, a human rights defender who was found guilty of involvement in the gruesome killing of a policeman, and in the injuring of several officers, during mass disturbances in the southern city of Bazar-Kurgan in June 2010, and who was sentenced to life in prison. Askarov's prosecution was marred with fair trial violations and allegations of torture, but Kyrgyzstan's prosecutorial authorities have repeatedly refused to open a criminal investigation into allegations that he had been mistreated.

"It is not too late for Kyrgyz authorities to do the right thing, and immediately release Askarov pending a full and fair review of his case and allegations of torture," Rittmann said.

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