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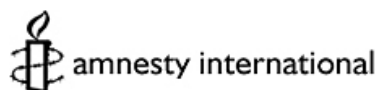
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Amnesty International Annual Report 2012 - Kyrgyzstan

Head of state: **Almaz Atambaev** (replaced Roza Otunbaeva in December)Head of government: **Omurbek Babanov** (replaced Almaz Atambaev in December)Death penalty: **abolitionist**Population: **5.4 million**Life expectancy: **67.7 years**Under-5 mortality: **36.6 per 1,000**Adult literacy: **99.2 per cent**

Despite facilitating two independent commissions of inquiry, the authorities failed to fairly and effectively investigate the violence of 2010 and its aftermath. The authorities rejected the strong evidence of crimes against humanity, including rape and sexual violence, being committed against ethnic Uzbeks in Osh during the violence. Lawyers defending ethnic Uzbeks continued to be threatened and physically attacked. Despite official directives from the General Prosecutor's Office to investigate every single report of torture, prosecutors regularly failed to thoroughly and impartially investigate such allegations and bring those responsible to justice.

Background

Following the violence between ethnic Kyrgyz and ethnic Uzbeks in southern Kyrgyzstan in June 2010, which left hundreds dead, thousands injured and hundreds of thousands displaced, the authorities recognized the need to ensure an independent investigation into the events. They mandated two commissions of inquiry: one national, one international. While serious crimes were committed by members of both ethnic groups, the majority of the damage, injuries and deaths were suffered by ethnic Uzbeks.

The National Inquiry issued its report in January. It failed to address the human rights violations committed, ignored the evidence of crimes against humanity and reiterated the official narrative of co-ordinated Uzbek aggression provoking a spontaneous response on the part of ethnic Kyrgyz. In May, the International Commission of Inquiry, also known as the Kyrgyzstan Inquiry Commission (KIC), concluded differently. There was strong evidence of widespread, systematic and co-ordinated offences against ethnic Uzbeks in the southern city of Osh that would amount to crimes against humanity if proved in court. The investigations and prosecutions that had taken place were flawed and ethnically biased. The report concluded that the torture of detainees in connection with the violence had been "almost universal".

The authorities accepted the KIC's findings that torture and ill-treatment had taken place but categorically rejected that crimes against humanity had been committed, and in turn accused the KIC of ethnic bias and flawed methodology.

Torture and other ill-treatment

Reports of torture and other ill-treatment in the aftermath of the June violence continued throughout 2011. The authorities acknowledged that torture and ill-treatment in detention was a problem.

In April, a new Prosecutor General was appointed. She soon issued a directive requiring all reports and complaints of torture to be immediately investigated and all places of detention to be inspected regularly and without notice. In September, she issued detailed instructions on the methodology of investigating torture. Human rights organizations and the Ombudsman's Office co-operated with the OSCE in order to set up independent detention monitoring groups throughout the country with the right of unimpeded access to all detention facilities. The groups started operating in August.

The then President and the new Prosecutor General made repeated efforts to stop the routine use of beatings and other ill-treatment in order to extract confessions. However, at regional and local levels there appeared little commitment to effectively address and prevent these serious human rights violations. The KIC concluded that "acts of torture were committed in detention centres by the authorities of Kyrgyzstan in the aftermath of the June events... [S]uch acts of torture are ongoing and ... the response of the authorities to allegations of torture has been grossly inadequate."

There were serious concerns that while investigating crimes, police officers continued to disproportionately target Uzbeks and Uzbek neighbourhoods, threatening to lay charges of serious crimes, such as murder, in relation to the June violence in order to extort money from them. At least two ethnic Uzbeks died in police custody reportedly from torture.

- Usmonzhon Kholmiraev, an ethnic Uzbek Russian citizen, died on 9 August, reportedly as a result of torture, two days after he was arbitrarily detained in Bazar-Korgan by plain-clothes police officers and taken to the local police station. He told his wife a gas mask had been put over his face and he had been beaten. When he collapsed, one of the officers reportedly knelt him in the chest two or three times until he lost consciousness. The police threatened that if he did not pay them US\$6,000, they would charge him with violent crimes in relation to the June 2010 violence. He was eventually released after his family gave the officers US\$680. He was hospitalized the next morning and died of his injuries a day later. His wife said that he had told her that the officers were responsible for his injuries. His wife and her lawyer, who were present at his autopsy, reported that the forensic examination found that he had died of internal haemorrhaging. Following an official request from the Russian consulate, the prosecutor of Jalal-Abad opened a criminal case in August against four police officers with several charges, including torture.

The government renewed its invitation to the UN Special Rapporteur on torture and he visited the country in December. He concluded that the use of torture and ill-treatment was widespread for the purpose of extracting confessions. Torture methods included "being subjected to asphyxiation through plastic bags and gas masks, punched, beaten ... and applied electric shocks ... during arrest and first hours of informal interrogation." Conditions of detention ranged from "adequate to dreadful".

Unfair trials

Trials and appeal hearings at all levels fell short of international standards. Allegations of forced confessions were not investigated; defence witnesses were not interviewed; lawyers continued to be threatened and physically attacked, including inside the courtroom.

- In April, the Supreme Court indefinitely postponed the appeal hearing 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. The presiding judge ordered a thorough and independent investigation into prison conditions in the south of the country after the defence argued that there were no facilities to house long-term prisoners or those sentenced to life and that Azimzhan Askarov and his co-defendants would be at risk of torture and cruel, inhuman and degrading conditions if returned to Jalal-Abad. The Court did not order investigations into the allegations that the defendants were tortured to force them to "confess". On 20 December the Supreme Court turned down the appeal and confirmed Azimzhan Askarov's life sentence amid international protests. He remained in a prison medical facility outside the capital city Bishkek to which he had been transferred in November 2010. He was allowed to receive visitors and was provided with adequate medical assistance. The Special Rapporteur on torture described conditions in detention facilities in Bishkek as "dreadful" and "unacceptable".
- In August, lawyer Tatiana Tomina, an ethnic Russian who regularly represented ethnic Uzbek clients, described how she had been assaulted by four ethnic Kyrgyz women on leaving Osh city court. One of the women hit her with a bag and the others then beat, kicked and punched her, while shouting abuse. Court employees and police officers who witnessed the assault did not intervene. Before leaving the court building, the women threw stones at her and threatened her with more violence.
- During a hearing at Kara Suu district court in September, relatives of an ethnic Kyrgyz man killed in the 2010 violence shouted threats at the defence lawyer of the accused, Makhamad Bizurkov, an ethnic Uzbek Russian citizen. They pulled the lawyer's hair, threw rocks at the defendant who was sitting in a metal cage, and attacked the police officers present in the courtroom. A human rights monitor attending the hearing reported that the judge admonished the relatives but did not order them to leave the court or

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sanction them for assaulting the lawyer and obstructing justice. After the judge and the prosecutor had left the courtroom, the victim's relatives continued throwing rocks and plastic bottles at the defendant's cage. The women also hit the police officers who tried to stop them, verbally abused and threatened the human rights monitor and pushed her out of courtroom.

Impunity

Impunity for law enforcement officers who perpetrated torture and other ill-treatment continued to be a serious problem in Kyrgyzstan. It became even more apparent following the June 2010 violence. Attempts by relatives to complain to police and prosecutors about this treatment continued to be obstructed. Prosecutors invariably failed to adequately investigate the allegations and bring those responsible to justice.

In February, the President reiterated her concerns about the lack of investigation into the complaints she had received of torture and other ill-treatment by security forces. The Osh Regional Prosecutor's Office then announced that it would review 995 criminal cases to check whether the proceedings complied with national legislation. However, by the end of the year, there had been only one successful prosecution for torture and other ill-treatment in police custody and the five police officers convicted of torture received only suspended sentences. Their appeals were pending at the end of the year.

Investigators and prosecutors also failed to investigate and prosecute the vast majority of crimes against ethnic Uzbeks committed during and since the June 2010 violence, including crimes against humanity committed in Osh in June 2010. In at least 200 documented cases of murders of ethnic Uzbeks during the June violence, either no criminal investigation was opened or the proceedings were suspended. However, many relatives were reluctant to follow up on the murders for fear of reprisals.

Human rights and women's organizations reported that women and girls were reluctant to report rapes and other sexual violence, given the cultural stigma attached to the victims in their traditional communities. Although some 20 incidents had been documented and independently corroborated, human rights monitors believed the real figure to be much higher.

Most of the rapes and other sexual violence were committed by groups of Kyrgyz men, against Uzbek women and girls, although there were also instances of Uzbek men raping Kyrgyz women. There were also reports of boys being raped and one report of a middle-aged Uzbek man being gang-raped by Kyrgyz attackers before being stabbed and set on fire. In most instances the rapes were accompanied by verbal ethnic abuse and severe physical violence.

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