



**UNIVERSAL PERIODIC REVIEW SUBMISSION: KYRGYZSTAN
NORWEGIAN HELSINKI COMMITTEE**

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In Kyrgyzstan we find some of the some of the most positive developments in Central Asia on government policy level in terms of human rights and democracy. Conscious efforts have been made in the past four years to move away from the authoritarian form of government evident in many of its neighboring countries, and to improve the situation concerning civil and political rights in particular. Elections in recent years have received generally positive assessments by the OSCE observer missions.

However, the government of Kyrgyzstan has not done enough to deal with the aftermath of the tragic events that broke out in the provinces of Osh and Jalalabad immediately following its last Universal Periodic Review, in May 2010. To this day, human rights violations in the south of the country undermine many positive initiatives in the capital. These violations in the south are a main concern.

The promotion of draft laws intended to curb the rights of civil society as well as sexual minorities is another cause of concern. So far, none of these drafts have made their way into the country's legislation, but as such initiatives continue to be raised by Members of Parliament, this trend threatens to inverse progress made by Kyrgyzstan after the April 2010 revolution.

BACKGROUND

At the outset of this Universal Periodic Review, the dramatic circumstances surrounding Kyrgyzstan's previous UPR, which took place during the first week of May 2010 at the 8th session of the Human Rights Council, deserves particular mention.

In spite of the turmoil facing the Interim Government at home, and an economic situation worsened by frequent border closures by the country's neighbours, Kyrgyzstan was represented by an official delegation in Geneva in May 2010. At the time, less than a month had passed since Kyrgyzstan's second revolution, which saw the ousting of Kurmanbek Bakiev from the presidency, as well as several of his close family members from other

important government positions. In the course of 7 April 2010, 86 people had lost their lives in the capital Bishkek – many shot by snipers placed on the roof of the Presidential Administration.

During the review, the delegation underlined that the protection of rights and freedoms remained the essential goal of the reforms that had been implemented in Kyrgyzstan and that all legal conditions would be established in Kyrgyzstan to protect the fundamental rights of individuals, concluding that human rights protection would remain an indivisible part of the government's activities. The country accepted most of the recommendations offered by other UN member states.

Soon after the UPR in Geneva, violence broke out between ethnic Kyrgyz and Uzbeks in the country's second largest city Osh on 10 June 2010, spreading soon to the Jalalabad Province further north. Violence continued for over three days, during which the central government was unable to gain control of the situation.

The reasons behind the violence were complex, but as the number of dead rose to over 300, it became clear that Kyrgyzstan had become the scene of one of the worst human rights crisis seen in the OSCE region in recent years.

While recognizing the efforts made by Kyrgyzstan to move in a democratic direction through fair and free elections in the years following the crisis, the Norwegian Helsinki Committee remains deeply concerned about the implications of the violence in the provinces of Osh and Jalalabad and about the way in which the government has followed up on these tragic events.

Right to life, liberty and security in person

EVENTS IN THE SOUTH OF KYRGYZSTAN IN JUNE 2010 AND THEIR AFTERMATH :

Human rights violations in relation to the events in the south of Kyrgyzstan in 2010 may be divided into three phases: The most intense period of violence, from 10 to 13 June 2010; violations during "clean-up operations" in the first weeks immediately after the violence; and violations related to the legal aftermath of these events, including torture and ill-treatment of detainees, inadequate access to legal aid, threats and violence against detainees and their lawyers, as well as biased court decisions.

The government of Kyrgyzstan quickly took steps to invite an independent, international mission to the country following the tragedy in the south. In this sense, the level of openness contrasted with that of the governments of Uzbekistan and Kazakhstan to involve independent monitors following the violent and tragic events in Andizhan in May 2005 and Zhanaozen in December 2011. The Kyrgyzstan Inquiry Commission published its report in May 2011. Similarly, the government was open to meetings with representatives of the Norwegian Helsinki Committee and our partner organization Human Rights Center Memorial during the crisis, and generally did not attempt to hinder the work of human rights groups in the south of the country.

The government deserves recognition for this initial openness and recognition of the seriousness of the situation. However, the situation both then and today has been characterised by systematic and widespread violations of human rights.

Violence in the period 10-13 June 2010

The events in Osh during the worst period of violence have been chronicled in some detail in a joint report by the Norwegian Helsinki Committee, Human Rights Center Memorial and Freedom House, entitled “A Chronicle of Violence”, which was published in May 2012¹. The report raised serious questions related to the role of government forces in the crisis. The same is true of reports by other international organizations devoted to this period of the crisis, including those by the Kyrgyzstan Inquiry Commission², Human Rights Watch³, International Crisis Group⁴ and others.

Among the questions that remain unanswered regarding this period, is the level of involvement of government forces in attacks on ethnic Uzbek neighbourhoods in particular. In some parts of Osh, government forces were seen to partake in the violence, causing escalation of the conflict rather than contributing to ending it. Questions also remain about the identity of snipers on mount Suleyman-Too in Osh, from where sniper fire killed several civilians in city neighbourhoods below.

Clean-up operations and violence in June-July 2010

In the first few weeks following the most intense period of violence, use of excessive force was evident during so-called clean-up operations carried out by government forces in both Osh and Jalalabad Provinces. A team consisting of representatives from the Norwegian Helsinki Committee, Human Rights Center Memorial and local non-governmental organizations worked in the region during this time, and witnessed numerous incidents of violence against civilians, carried out by representatives of government forces.

Typically, government forces without clear identifying insignias or uniforms would arrive to a neighbourhood, sometimes accompanied by Armored Personnel Carriers (APCs) to carry out document checks and search for weapons in people’s homes. During these searches, residents present were frequently beaten up, sometimes struck with rifle butts, valuables would be stolen, and young males would often be taken away for further interrogations. The team interviewed several persons in both Osh and Jalalabad Provinces with clear bruises from beatings, including severe beatings to the groin and on their backs. Most were afraid to file charges, fearing that a formal complaint would lead to repercussions. Some were found in their homes following the clean-up operations, others with more serious injuries were interviewed in hospitals in both Osh and Jalalabad Provinces. Several persons had been tortured in what they described as government buildings.

¹http://www.nhc.no/no/nyheter/A+Chronicle+of+Violence%3A+Report+details+June+2010+events+in+Kyrgyzstan.b7C_wlbKXP.ips

²http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_490.pdf

³http://www.hrw.org/sites/default/files/reports/kyrgyzstan0810webwcover_1.pdf

⁴<http://www.crisisgroup.org/~media/Files/asia/central-asia/kyrgyzstan/193%20The%20Pogroms%20in%20Kyrgyzstan.pdf>

On 21 June 2010, the team was present when two people were killed in the village of Nariman in the Kara-Suu region of Osh province during one such clean-up operation. Many others were severely beaten by government forces, as evident from the physical injuries seen on people interviewed both in the local hospital and in their homes in nearby streets from the village center on the day of the operation.

Similar operations took place across the city of Osh in this period. The observers met with victims of violence in nearly every neighbourhood where such operations had taken place.

The team raised specific examples with Interim President Roza Otunbayeva during a meeting in Bishkek shortly after.

Legal aftermath in the period 2010-2014

In the years following the tragedy in the south of Kyrgyzstan in 2010, numerous cases have gone through the judicial system, resulting in long prison terms for several suspected participants of the violence.

International organizations have repeatedly raised deep concern with the manner in which the legal aftermath of the events in Osh and Jalalabad has progressed.

These concerns include, but are not limited to, the evident bias in selection of cases presented to the court, which have focused predominately on prosecution of ethnic Uzbeks; the use of torture and ill-treatment in the pre-trial period, with evidence of testimonies given under duress; denial of adequate legal aid to detainees; threats and violence against suspects, their lawyers and relatives both before, during and after trials.

The atmosphere in the south of the country has been aggressive to the extent that many lawyers have refrained from taking on cases where ethnic Uzbeks are on trial for crimes committed against ethnic Kyrgyz, due to threats against them whilst carrying out their profession.

In some instances, violent attacks by mobs have taken place inside court rooms during trials. Judges and police have not shown willingness to halt attacks on lawyers and defendants.

Evidence of torture and ill-treatment, forced confessions and inadequate legal aid exist in numerous cases, including the tragic "Sanpa case", in which several ethnic Kyrgyz were killed on the road leading north from Jalalabad. 19 persons were sentenced during the following trial, 18 of these to life imprisonment. The trial was held following months of beatings and mistreatment at the hands of security services and police officials in Jalalabad Province. In the period leading up to their sentencing, several of the detainees were tortured immediately following their detention, during pre-trial detention and in interrogations. Testimonies to this effect have been recorded in detail by one of the Norwegian Helsinki Committee's partner organizations, Spravedlivost, including those of Abduvaitov, M., Abdurasulov, M., Atabekov, I., Mamadzhonov, K., Moydinov, S., Otamirzaev, O., Khamdamov, I., Jusupov, M. and Yangibaev, A.

The well-documented case of human rights defender Azimzhan Askarov similarly includes examples of torture and ill-treatment as well as physical threats against his legal aid. The Norwegian Helsinki Committee was present during one of the early hearings of Askarov in his home town Bazar-Korgan following his arrest, and witnessed threats made against his lawyer and Askarov himself by aggressive crowds outside the detention cell and later near the court room.

An atmosphere of impunity has been evident among security services and police officials in the south of Kyrgyzstan when handling cases related to murders of ethnic Kyrgyz. At the same time, little has been done to bring to justice those responsible for the murders of ethnic Uzbeks in the same period.

The Norwegian Helsinki Committee believes that the aftermath of the events in the south of Kyrgyzstan undermine efforts made by the central government to bring Kyrgyzstan's human rights record into compliance with international standards.

Freedom of Expression, Association and Peaceful Assembly

A draft law that appeared largely copied from a similar law in the Russian Federation was proposed by Members of the Parliament of Kyrgyzstan in the reporting period. The so-called "foreign agents' law", which in keeping with practice in Russia would force local non-governmental organizations receiving funding from abroad to register as foreign agents. If passed, the law would reverse the positive initiatives taken by former president Roza Otunbaeva, who sought to end harassment of local NGOs following the April revolution, and who also removed travel bans that had previously been imposed on representatives of foreign human rights organizations in Kyrgyzstan.

Right to privacy, marriage and family life

Another proposed bill regards so-called propaganda of homosexuality, and is similarly inspired by the law recently passed in the Russian Federation.

In September 2012, Kyrgyz authorities banned the screening of the Dutch documentary film "I am Gay and Muslim", part of the official program of the Bir Duino Human Rights Film Festival, following a dubious assessment of its content by the Kyrgyz State Committee of Religious Affairs. A representative of the Norwegian Helsinki Committee was part of the international jury during the film festival. The film did not contain explicit materials that might justify a ban on public screening under pornography laws.

As of today neither of these bills have not been passed into law, and incumbent President Almazbek Atambayev has publically expressed scepticism towards the proposed "foreign agents' law". However, the Norwegian Helsinki Committee is concerned at the continued

attempts to introduce repressive legislation directed at civil society and sexual minorities. Both laws would be in violation of Kyrgyzstan's obligations under international law.

Recommendations to the Government of Kyrgyzstan

- Investigate and bring to justice perpetrators of violence against civilians among government forces during the June 2010 events in the south of the country, and in the period following the violence.
- Review cases related to the June 2010 events in the south of the country where claims of torture and ill-treatment, ethnic bias or threats against lawyers and defendants have been put forward by civil society groups working in the region, including the case of human rights defender Azimzhan Askarov.
- Ensure that new legislation are in keeping with Kyrgyzstan's obligations to international human rights standards.