



KYRGYZSTAN

“Where Is the Justice?”

Interethnic Violence in Southern Kyrgyzstan and its Aftermath

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Для бесплатного распространения

An ethnic Uzbek woman from Kyrgyzstan, returns home after fleeing to Uzbekistan during the unrest. She reacts after seeing the damage to her home in the Bazar-Kurgan district of Jalal-Abad for the first time. June 24, 2010.





“WHERE IS THE JUSTICE?”

Photographs by Moises Saman for Human Rights Watch

“Where Is the Justice?”

WRITING ON POSTERS HELD UP BY UZBEK WOMEN PROTESTING ABUSE BY SECURITY FORCES OUTSIDE THE HOUSE OF 20-YEAR-OLD KHAIRULLO AMANBAEV, WHO DIED FROM INJURIES SUSTAINED IN POLICE CUSTODY.

From June 10 to 14, 2010, ethnic violence engulfed southern Kyrgyzstan, claiming hundreds of lives and resulting in massive destruction of property. To this day, the situation in the region remains volatile, with tensions high between ethnic Kyrgyz and Uzbeks. The two communities are separated by mutual mistrust and anger, while local law enforcement authorities continue to carry out arbitrary arrests, mistreating witnesses and suspects, mainly ethnic Uzbeks.

Human Rights Watch has conducted an extensive, on-the-ground investigation into the violence and its aftermath, from June 10 to July 25, 2010. This report is based on over 200 interviews with Kyrgyz and Uzbek victims and witnesses, lawyers, human rights defenders, and community activists, as well as local government officials, law enforcement and military personnel, and military and civilian prosecutors.

The report recreates the chronology of the June violence, and analyzes the role of the Kyrgyz security forces in the events, including the enormous challenges they faced coping with the violence, allegations of their failure to prevent and stop the bloodshed and allegations of their direct involvement in it. It further examines patterns of arbitrary arrests, ill-treatment, torture in custody, and other violations of due process rights during the government’s investigation into the June events, and documents continued interethnic violence and the authorities’ failure to respond adequately to it.





Men walk past a burning building in the city of Osh in southern Kyrgyzstan June 11, 2010.
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Burned-down houses on Manuev Street, an Uzbek neighborhood in the city of Osh, with “death to Uzbeks” written on the wall.
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A small shop with the writing “Kyrgyz” remains untouched among other shops that were burned to the ground in the center of Osh during the violence on June 10-14.
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MAYHEM IN SOUTHERN KYRGYZSTAN

JUNE 10-14

Ethnic Kyrgyz and Uzbeks have generally lived peacefully together in southern Kyrgyzstan, in many cases inter-marrying and living in ethnically mixed areas. Yet disputes over land distribution and grievances about unequal access to economic and political power have simmered below the surface—traditionally ethnic Uzbeks have been underrepresented in the public sector, but have played a significant role in the private sector. In 1990, disputes over land distribution erupted in violence that killed at least 300 people.

When demonstrators ousted President Kurmanbek Bakiyev in a violent uprising in April 2010, the subsequent political turmoil and jockeying for power brought these grievances to the fore. In need of political support, the interim government appealed to the traditionally apolitical Uzbek community, which became emboldened by playing the role of power broker and put forward demands for greater political power. The prospect of increased Uzbek participation in politics angered many Kyrgyz, and in late April and May the two groups locked into a spiral of increasing tensions.

The massive wave of violence began when a large crowd of ethnic Uzbeks gathered in the center of the city of Osh on the evening of June 10 in response to a fight between a few Kyrgyz and Uzbek men in a nearby casino. Kyrgyz and Uzbek crowds clashed throughout the night, with Uzbeks reportedly responsible for many of the attacks, particularly in the beginning, including beatings and killings of ethnic Kyrgyz.

An ad hoc barricade at the entrance to the Cheremushki district in Osh.
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Outraged by the violence and fired up by quickly-spreading rumors of Uzbek atrocities, crowds of ethnic Kyrgyz from nearby and remote villages joined the local Kyrgyz gangs and descended on Uzbek neighborhoods in Osh, Jalal-Abad, Bazar-Kurgan, and other southern towns and cities. From early morning on June 11 through June 14, the attackers looted and torched Uzbek shops and homes, killing people who remained in the neighborhoods. In some neighborhoods ethnic Uzbeks fought back from behind makeshift barricades.

Many ethnic Kyrgyz, Uzbeks, and Russians, it should be noted, saved the lives of their friends and neighbors of other ethnicities while the attacks were under way.

According to satellite images of the area and statistics collected by local authorities in various neighborhoods, several thousand buildings were completely destroyed in Osh, Jalal-Abad, and Bazar-Kurgan during the June violence, the vast majority of which belonged to ethnic Uzbeks.

The exact number of casualties remains unclear. Based on hospital records, the authorities confirmed the deaths of 356 people, although one official said that almost 900 deaths have been registered. A definitive number of deaths has been difficult to verify, as many families were unable to bring dead relatives to the morgue or arrange for a formal burial during the days of the violence. The authorities have not released an ethnic breakdown of deaths.

DESTRUCTION IN OSH

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A man walks past the burned remains of a house burned by mobs during ethnic clashes in the southern Kyrgyz city of Osh. June 21, 2010.



A boy carries blankets past a school in the predominantly Uzbek neighborhood of Shark. The school was burned during clashes that began on June 10. June 25, 2010.



DESTRUCTION IN OSH

Satellite imagery of Upper Uvam, a part of Shark village in Osh.



BEFORE: A section of residential Shark Village, located at the intersection of Routes M41 and A370 on the east side of Osh in Kyrgyzstan, on 21 July 2002.
© GeoEye, Google. Image analysis: UNITAR/UNOSAT

AFTER: A total of 252 buildings were completely destroyed and an additional 6 were severely damaged in this section of residential Shark Village, east of Osh in Kyrgyzstan, as seen in this satellite photo taken on 18 June 2010.
© Digitalglobe, Eurimage. Image analysis: UNITAR/UNOSAT





22-year-old Eliza Makeeva holds a photograph of her late husband, 23-year-old Ulan Dzhoroev, an ethnic Kyrgyz man killed by gunmen during clashes that started June 10 in the city of Osh. June 25, 2010.







18-year-old Alisher Kibakov was wounded by a bullet that tore through a section of his back as he stepped out of his home in the predominantly Uzbek neighborhood of Cheremushki in Osh. June 23, 2010.

THE ROLE AND RESPONSIBILITIES OF THE AUTHORITIES

The attacks on Osh's Uzbek neighborhoods of Cheremushki, Shait-Tepe, Shark, and others, described to Human Rights Watch independently by dozens of witnesses, show a consistent pattern. In many accounts, individuals in camouflage uniforms on armored military vehicles entered the neighborhoods first, removing the makeshift barricades that Uzbek residents had erected. They were followed by armed men who shot and chased away any remaining residents, and cleared the way for the looters.

The authorities claim that Kyrgyz mobs stole the military uniforms, weapons, and vehicles that were used in the attacks. This, if true, raises a separate set of questions regarding the military's loss of control over weapons and equipment that ended up in the hands of mobs attacking ethnic Uzbeks and their property.

Yet this explanation cannot account for all of the military vehicles used in attacks. The timing of the attacks, which continued for three days, though the authorities claimed to have regained control over the vehicles within hours; the use of different types of armored vehicles, which do not fit the description of the commandeered vehicles; and testimony obtained by Human Rights Watch from a member of the security forces suggest that at least some government forces facilitated attacks on Uzbek neighborhoods by knowingly or unwittingly giving cover to violent mobs. An additional question is whether they actively participated in these attacks, and if so to what extent.

While the authorities had the right to enter Uzbek neighborhoods, including by force, to disarm Uzbek perpetrators of violence or to rescue Kyrgyz residents who may have been held hostage, they also had an obligation to ensure the safety of the residents in those neighborhoods in light of the presence of large Kyrgyz mobs that clearly posed a serious, identifiable threat to the Uzbeks.

Kyrgyz police and government forces faced monumental challenges trying to restore law and order during the June 10-14 mayhem. In some areas, such as in the town of Kara-Kulja and in the town of Aravan, Human Rights Watch documented how police and local authorities prevented ethnic Kyrgyz from descending on Osh.

With the exception of these few areas, however, Kyrgyz security forces failed to contain or stop the attacks, which eventually petered out several days after they had erupted. The authorities reasonably claimed that government forces were largely unprepared and were quickly overwhelmed by the scale of the violence and outnumbered by attackers. Furthermore, the security forces were poorly trained, outfitted with old equipment, and demoralized by harsh criticism for the use of force in past conflicts.

However, the security forces seemed to respond differently to acts of violence depending on the ethnicity of the perpetrators, raising concerns that capacity was not the only reason for the failure to protect ethnic Uzbeks. The security forces seemed to focus resources on addressing the danger presented by Uzbeks, but not by Kyrgyz, even after it became clear that Kyrgyz mobs posed an imminent threat; and the forces took very limited, if any, operational measures to protect the Uzbek population.

Although officials announced that forces would be posted at entry points to the city of Osh, Kyrgyz villagers told Human Rights Watch that they saw few, if any, government forces on their way into the city.

Several law-enforcement personnel told Human Rights Watch that their hesitation to intervene was due in part to the fact that they did not have orders to use any form of lethal force to stop people engaging in violence. While international law allows for the use of force, including lethal force, by law enforcement officials in certain circumstances, it is unclear what force, if any, was used to prevent the attacks on Uzbek neighborhoods.

There is no doubt that the Kyrgyz authorities faced extraordinary challenges during the outbreak of violence. But their failure to stop killings and large-scale destruction of property must be examined to determine whether all possible measures were taken to protect all citizens. The degree to which the authorities' response was selective or partial is an issue that requires further investigation in the context of both a criminal investigation of individual responsibility for human rights violations and national and international inquiries into the violence.

VIOLATIONS IN THE AFTERMATH OF THE VIOLENCE

As early as June 11, 2010, Kyrgyz authorities began a criminal investigation of the violence, and have so far opened more than 3,500 criminal cases involving charges of mass disturbance, murder, inflicting bodily harm, arson, destruction of property, robbery, and other crimes committed.

The Kyrgyz interim government has taken numerous measures aimed at national reconciliation. It has established a 30-member national commission to examine the reasons for and consequences of the June violence, and a report is due by September 10, 2010. The commission, however, does not appear to be tasked with examining the role and responsibility of government forces in the violence.

The Kyrgyz authorities have the power and duty to investigate the acts of violence committed from June 10 to 14 and to bring the perpetrators to justice. But Human Rights Watch found that the criminal investigation has been carried out with serious violations of Kyrgyz and international law.

An elderly couple live in a temporary space inside a compound belonging to an Uzbek family that is housing dozens of internally displaced Uzbek families in Osh, southern Kyrgyzstan. June 21, 2010.

Shortly after the violence ended, the Kyrgyz security forces removed the barricades erected around Uzbek communities and immediately moved in to conduct large-scale “sweep” operations, allegedly to confiscate illegal weapons and apprehend the perpetrators of violence. Yet during their operations, the law enforcement officers acted in an illegal and abusive manner, beating and insulting residents, looting their homes, and, in at least one case, tearing and burning their identification documents. During one of the operations, in the village of Nariman, security forces injured 39 residents, two of whom died in the hospital from the injuries they suffered.

In addition to large-scale operations, various law enforcement agencies have been conducting daily, targeted raids in predominantly Uzbek neighborhoods of Osh. Dozens of witnesses provided consistent accounts of security forces conducting arbitrary, unsanctioned searches of people’s homes without identifying themselves or explaining the reasons for the raid; threatening and insulting the families; refusing to tell the families where detainees were being taken; and, in some cases, beating detainees and planting evidence, such as spent cartridges, during the operations.





SECURITY OPERATIONS: NARIMAN

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An ethnic Uzbek woman displays the burned remains of her Kyrgyz passport and her and her son's identity papers after Kyrgyz security forces destroyed them during a security operation in the village of Nariman. June 25, 2010.





SECURITY OPERATIONS: NARIMAN



The widow of 58-year-old Sharabiddin Dosmatov mourns her dead husband before preparing his body for burial at their home in the predominantly ethnic Uzbek village of Nariman, south Kyrgyzstan. Dosmatov died hours after being severely beaten by local Kyrgyz security forces during an early morning security operation in the village. June 21, 2010.



The funeral procession for 51-year-old Bakhadir Dzhuraev, an ethnic Uzbek man from the village of Nariman who was shot by security forces during the operation, and later died in the hospital. June 21, 2010.



A young woman is carried to the local hospital in the village of Nariman, suffering from shock after she witnessed the beating of her father by Kyrgyz security forces in Nariman. June 21, 2010.



In cases documented by Human Rights Watch, detainees were taken to the Osh City Police Department, Osh Province Police Department, local police precincts, the National Security Service (SNB), the Regional Department for Fighting Organized Crime (RUBOP), or one of six military command posts (in Russian, *komendatura*) in the city. It was not possible for Human Rights Watch to determine how many detainees are currently being held in such facilities—officials claim that there is no central database and that each facility keeps its own record, if there is any at all.

Five lawyers told Human Rights Watch that the authorities have been systematically denying defendants due process rights, such as the right to representation by the lawyer of their choice, and the right to consult with a lawyer in private, so their clients cannot complain confidentially about ill-treatment, extortion, and other violations. The lawyers also said that the authorities have routinely refused to order medical examinations of detainees in cases of suspected ill-treatment.

Human Rights Watch received dozens of reports of police officials demanding substantial bribes from family members (ranging from US\$100 to \$10,000) for the release of detainees.

While the authorities claim to be investigating crimes committed during the June violence by both ethnic groups, Human Rights Watch research indicates that the security operations disproportionately target ethnic Uzbeks. Officials have not released figures showing the ethnic breakdown of the detainees, and they claim they have kept both Uzbek and Kyrgyz suspects in detention. However, information provided to Human Rights Watch by law enforcement officials, released detainees, and lawyers alike indicates that the overwhelming majority of detainees have been ethnic Uzbeks.

Research by Human Rights Watch indicates that law enforcement officers routinely subjected people detained in connection with June violence to ill-treatment and torture in custody.



(above) 20-year-old Khairullo Amanbaev died after he suffered injuries while in the custody of the Osh city police.

(left) Women in the Cheremushki district in the city of Osh complain to the local military commander about arbitrary arrests and the use of torture in detention. July 9, 2010.

(opposite) A photograph shows the injuries sustained from beatings by Anvar (not his real name) while in detention in the Osh city police station.

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Families return to Kyrgyzstan from Uzbekistan at the Stalnrek border crossing near Jalal-Abad, southern Kyrgyzstan. June 24, 2010.

Human Rights Watch received information about torture and ill-treatment of more than 60 detainees based on testimony from recently-released victims, photos of their injuries from beatings, testimony from lawyers, family members, and other detainees who saw the victims while they were still in detention.

However, it is possible that this may represent only a fraction of the total number of cases. At least two detainees held in the temporary detention facility of the city police for several days reported seeing dozens of other detainees being brutally beaten in the interrogation room, the corridor, and the inner courtyard. Many victims and their family members were too intimidated to speak about their experiences, fearing further persecution, and as of this writing, no independent observers had access to the temporary detention facilities.

The main methods of ill-treatment appear to be prolonged, severe beatings with rubber truncheons or rifle butts, punching, and kicking. In at least four cases, the victims reported being tortured by suffocation with gas masks or plastic bags put on their heads; one detainee reported being burned with cigarettes, and another reported being strangled with a strap. In all cases, these methods were used in an attempt to coerce the detainees into confessing to crimes committed during the June violence or into implicating others.

The report contains detailed descriptions of five illustrative cases (one involving two victims) of torture and ill-treatment in custody.

Another characteristic feature of the authorities' handling of the investigation has been harassment of and attacks on lawyers representing clients arrested in relation to the June violence.

Half a dozen independent lawyers—ethnic Kyrgyz, Uzbeks, and Russians—told Human Rights Watch that local law enforcement authorities had actively prevented them from helping their clients or even seeing them. On several occasions, officials had threatened and insulted them for defending Uzbeks, and on at least three occasions, they had either mobilized or threatened to mobilize the relatives of Kyrgyz victims of the June violence to attack them.







АБДУЛХАКИМОВ
АХМАДИЛЛО
1965 - 2010



A man mourns near a relative's grave as Kyrgyz policemen exhume bodies for an investigation, at a cemetery in Osh, southern Kyrgyzstan. June 26, 2010.

Human Rights Watch also found that after the large-scale violence subsided, ethnically-motivated attacks continued in Osh province, while the authorities were either unable or unwilling to prevent and stop them. This pattern became particularly obvious in a series of attacks against ethnic Uzbeks whose relatives had been detained in the course of the investigation into the June violence.

A crowd of ethnic Kyrgyz attacked and brutally beat over a dozen people, primarily women, in front of the Osh City Police Department and the adjacent pretrial detention facility where they had come to visit their detained relatives or bring food parcels for them. Victims and witnesses unanimously told Human Rights Watch that while the crowd attacked, dozens of armed policemen and guards stood around doing nothing to stop the attackers. One law enforcement official indicated to Human Rights Watch that he believed somebody from within the police department or detention facility had been coordinating the attacks.

RESPONSE OF THE AUTHORITIES

In the course of its research in Kyrgyzstan, Human Rights Watch raised the issue of arbitrary arrests and torture in detention with the minister of interior, the deputy general prosecutor of Kyrgyzstan in charge of the investigation into the June violence, the senior advisor to President Otunbaeva, the chief military prosecutor, and the military prosecutor for Osh province, the head of Osh city police and another high-level city police official, the prosecutor and deputy prosecutor of Osh, the head of Kara-Suu district police department (ROVD), and the prosecutor of the Kara-Suu region.

Senior government officials in Bishkek seemed to be aware of the situation and have taken both public and, based on the information they shared with Human Rights Watch, private measures to address it. Yet at the same time, law enforcement officials in Osh variously dismissed allegations of abuse and acknowledged that abuse took place. In several cases victims of abuse told Human Rights Watch that officials had threatened them not to speak of what had happened.

Local law enforcement officials explained and justified ill-treatment in custody by saying, for example, that they themselves were not present during the interrogations and could not control what transpired, or by complaining that without such methods, suspects would never confess to their crimes. Prosecutors, in turn, claimed they could not launch investigations into allegations of torture because they had not received complaints from the victims. This latter claim was inaccurate—Human Rights Watch researchers had personally delivered at least two such complaints to some of the same local prosecutors. The refusal to investigate ill-treatment is also a violation of the authorities' obligations under international law, which requires them to act whenever there are

reasonable grounds to believe that an act of torture has been committed, regardless of whether a formal complaint has been filed.

Human Rights Watch was also particularly alarmed by the authorities' response to the sweep operation in Nariman, where evidence of abuse seemed quite obvious. While the Kyrgyz authorities initially opened an inquiry into the operation to determine the responsibility of the security forces for violations, on July 15, 2010, the chief military prosecutor informed Human Rights Watch that no criminal investigation would be opened into the Nariman events because he found the actions of the law enforcement agencies during the operation—including shooting and severe beatings that caused two deaths—to be “lawful and adequate.”

At the time of writing, Human Rights Watch continued to receive reports of arbitrary arrests and ill-treatment in detention.

INTERNATIONAL RESPONSE AND RECOMMENDATIONS

A unified international community quickly condemned the violence and called for law and order to be restored. Key governments and international organizations were much more hesitant, however, to take the necessary measures to protect the civilian population. Despite calls from the Kyrgyz authorities during the violence, no international body proved ready to deploy stabilization forces.

Six weeks after the violence erupted, the member states of the Organization for Security and Co-operation in Europe (OSCE) finally reached an agreement to deploy a modest unarmed international police force to the region in a monitoring and advisory role. The Kyrgyz government has also requested the OSCE Parliamentary Assembly's special envoy for Central Asia to coordinate the preparation process for an independent international commission of inquiry into the June violence.

Human Rights Watch calls on the Kyrgyz authorities to cooperate fully with the international police force and the international investigation; to investigate and hold to account individuals who incited, organized, committed, or otherwise facilitated the violence, irrespective of ethnicity or affiliation with the authorities; to establish the scope of state liability for the violence and its impacts, including acts of negligence on the part of the officials, and to immediately end the widespread ongoing practice of arbitrary arrest, extortion and use of torture and ill-treatment.

Human Rights Watch also calls on the international community to ensure the effective and speedy deployment of the international police force and to support efforts for an international investigation.



Displaced women and children, having returned to Kyrgyzstan from Uzbekistan, pay to travel in a truck container back to their neighborhoods near Jalal-Abad. June 24, 2010.

An ethnic Uzbek woman surveys the damage to the burned out kitchen in her home in the outskirts of Osh. June 23, 2010.





HUMAN RIGHTS WATCH
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

www.hrw.org

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(front cover) Zhura Payzulaeva cries as she recounts how seven members of her family were killed in the first two days of ethnic clashes in Osh. June 23, 2010.

(below) A family mourns an ethnic Kyrgyz man, 23-year-old Ulan Dzhoroiev, killed by gunmen during clashes that started June 10 in the city of Osh. June 25, 2010.

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For four days in June 2010, violence engulfed southern Kyrgyzstan, as ethnic Kyrgyz and Uzbeks clashed, leaving hundreds of people dead, thousands homeless, and entire Uzbek neighborhoods burned to the ground. So far, the government's investigation into the violence has been marred by abuses. Arbitrary arrests and extortion have been widespread, and detainees, the majority of whom appear to be ethnic Uzbeks, have been routinely ill-treated in detention and denied due process guarantees.

Today, the situation in the region is volatile and unpredictable, as the relationship between the two ethnic groups remains tense, and abuses by the authorities continue to fuel the conflict. There is an urgent need for prompt deployment of the agreed-upon international police presence and an independent international investigation into recent events to ensure accountability and reduce the potential for renewed violence.

"Where Is the Justice?" is based on more than 200 interviews with Kyrgyz and Uzbek victims and witnesses, lawyers, human rights defenders, and government officials and law enforcement personnel, as well as on the analysis of photographic, video, documentary, and forensic evidence, and satellite imagery. The report recreates the chronology of the June violence, analyzes the role of the Kyrgyz security forces in the events, and documents the irregularities in the government's subsequent investigation. The report argues that the actions of at least some government forces, knowing or unwitting, facilitated attacks on Uzbeks and their property, and that the response of local law enforcement to the violence did not provide appropriate protection to the Uzbek population.