

Kyrgyzstan

In 2011 Kyrgyzstan continued to grapple with the consequences of the June 2010 violence that erupted between ethnic Kyrgyz and Uzbeks in the country's south, killing more than 400 people. Four commissions of inquiry were completed and thousands of criminal investigations continued in 2011, with the justice process skewed to scapegoat ethnic Uzbeks for the violence.

Torture and arbitrary detentions in the context of investigations into the June 2010 violence are rampant and go largely unpunished. Ethnic Uzbeks in the south are particularly vulnerable to police torture. Violations of international fair trial standards plagued the administration of justice in the south.

While the climate for freedom of media generally improved in 2011, the authorities made several attempts to limit freedom of expression.

Kyrgyzstan's presidential elections took place on October 30, 2011.

Skewed Justice

In May 2011 the Kyrgyzstan Inquiry Commission (KIC)—commissioned by President Roza Otunbayeva in 2010 and headed by Kimmo Kiljunen, a member of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)—published its findings that the government failed to prevent and stop the June 2010 violence. The KIC also found that some military personnel participated in attacks on Uzbek neighborhoods, and that some crimes committed during the June 2010 violence might amount to crimes against humanity if proven in court.

However, official commissions published three reports in 2011 that did not acknowledge the role that military and security personnel played, and generally failed to recognize the systematic nature of attacks on Uzbek neighborhoods.

The authorities opened more than 5,000 criminal cases into the June 2010 violence. Although most of those killed were ethnic Uzbek, 83 percent of those facing prosecution for homicide were also ethnic Uzbek.

In 2011 trials in connection with the June 2010 violence continued to be held with violations of international fair trial standards. Defendants, mostly ethnic Uzbeks, are found guilty and sentenced to prison terms ranging from several years to life primarily based on confessions that many allege were coerced under torture.

The Kyrgyz Supreme Court routinely upholds these court verdicts, leaving the accused with no other national recourse to justice. In one of the few exceptions, in April 2011 the Supreme Court returned a ruling against an ethnic Uzbek sentenced to 15 years imprisonment for re-examination after finding inconsistencies in the evidence against him. A judge at the Osh city court paid little attention to the recommendations from Bishkek and after yet another biased trial added a year to the initial verdict, sentencing the Uzbek man to 16 years in prison.

The hostile and violent environment in which trials occurred undermined defendants' fair trial rights. Lawyers in southern Kyrgyzstan who defend ethnic Uzbek clients continue to be harassed and physically attacked. Although court staff and police officers often witness such attacks, no one has been held accountable for violence against lawyers.

Torture and Arbitrary Detentions

While local human rights NGOs report that incidents of arbitrary detentions and torture in police custody decreased in 2011 in the south, these abuses remain rampant and unpunished, particularly in the context of investigations into the June 2010 violence. Most judges in such cases dismiss, ignore, or fail to order investigations into torture allegations. In at least nine cases police also arbitrarily detained and tortured ethnic Uzbek men and threatened to charge them in relation to the June 2010 violence if they did not pay large sums.

Human Rights Watch research found at least two ethnic Uzbeks died in 2011 due to injuries sustained when detained in police extortion schemes. Given the routine use of torture by the country's law enforcement officials, efforts by the prosecutor's office to investigate allegations of torture were inadequate. The prosecutor general's office stated it had launched 34 criminal investigations into torture allegations between January and July 2011.

However, only three law enforcement officials have been convicted in just two cases. At this writing six more cases had been sent to a court.

Freedom of Expression

While the climate for media freedoms has generally improved since President Kurmanbek Bakiev's fall in April 2010, there were several attacks on journalists in 2011, and parliament adopted two resolutions curbing freedom of expression regarding the 2010 events.

In 2011 several reporters were physically or verbally attacked while performing journalism work. In May supporters of the Asaba nationalist political party verbally threatened non-ethnic Kyrgyz staff of the Bishkek-based online news agency www.24.kg. The agency plans to appeal in court the prosecutor's decision not to investigate these threats.

On June 20 in Osh a group of Ata-Jurt political party supporters attacked and beat a cameraman for NTS, a Bishkek-based television channel. Local media reported that law enforcement officials did not intervene. Instead of investigating the attack, they later accused the journalist of unprofessional behavior and provoking the fight.

In a May 2011 resolution the Kyrgyz parliament barred KIC Chair Kiljunen from entering the country, alleging he had provided partial information about the June 2010 violence. In a June 16 resolution, parliament instructed government agencies to "take measures to block the site Ferghana.ru," an independent Central Asian news website. Although the site is still accessible in Kyrgyzstan, the move clearly reflected parliament's intent to silence those who do not adhere to the official version of the June events.

In July 2011 the Kyrgyz government decriminalized libel. However, "insult" and "insult of a public official" remain criminal offenses.

Human Rights Defenders

Azimjon Askarov, a human rights defender who has worked on documenting police treatment of detainees, remains in a prison facility in Bishkek, the capital, awaiting the Supreme Court hearing of his appeal. After a trial marred with violations and allegations of torture, he was sentenced to life for "organizing mass disorders," "inciting ethnic hatred," and taking part in killing a police officer on June 13, 2010.

Human rights activists who have exposed violations following the June 2010 violence face hostility, particularly among nationalist groups.

In June 2011 the Bishkek-based Kyrgyz-language newspaper *Alibi* published an article that accused two prominent human rights defenders, Toleikan Ismailova and Aziza Abdirasulova, of being “traitors” and betraying Kyrgyzstan’s interests in exchange for grants from foreign donors. On September 20 in Bishkek, Abdirasulova’s son was arbitrarily detained and beaten by plainclothes operatives and prevented from consulting his lawyer for several hours, actions that Abdirasulova believes were due to her human rights work.

Elections

In July 2011 the CEC accredited mass media for involvement in, and coverage of, the presidential election campaign. However, it denied accreditation to online news agencies, significantly limiting their campaign coverage.

On October 30 the country elected its new president. Prime Minister Almazbek Atambaev received 62.52 percent of the votes in the first round of the elections. The OSCE’s Office for Democratic Institutes and Human Rights monitoring mission noted that the elections were “peaceful, but shortcomings underscore need to improve integrity of process” referring to reports of flawed lists of voters and tabulation processes. The post-election period was calm despite warnings from two nationalist presidential candidates that they would contest the election results if they lost.

Key International Actors

At the June 2011 session of the United Nations Human Rights Council the UN high commissioner for human rights presented a report on Kyrgyzstan that acknowledged cooperation between the Kyrgyz government and her office and exposed the authorities’ failure to protect victims of the June 2010 violence. Also in June 2011 the Council passed a resolution calling Kyrgyzstan to improve its record in the areas of administration of justice, torture, arbitrary detention, and press freedom, and renewing its mandate in Kyrgyzstan.

On September 21, 2011, Kyrgyzstan signed the UN Convention on the Rights of Persons with Disabilities that the UN General Assembly adopted in December 2006.

During a May 2011 visit to Kyrgyzstan the OSCE representative on freedom of the media met in Kyrgyzstan with government officials and the media community. She praised the

government's efforts to implement media reforms and noted the situation regarding freedom of the media in the country had improved since 2010. She emphasized the authorities' responsibility to ensure journalists' safety so they can work without fear of retaliation.

In January 2011 a small group of OSCE police consultants was deployed to southern Kyrgyzstan after lengthy negotiations between the OSCE and the government, which in July 2010 had requested an OSCE police presence but subsequently opposed a mandate authorizing the police group to do anything more than consult with local law enforcement. The restrictive mandate significantly curbed the OSCE police advisory group's ability to help protect rights in the region.

On June 9 and 10, 2011, the United States-Kyrgyzstan Annual Bilateral Consultations took place in Washington, with an agenda that included discussion of US support for Kyrgyzstan's parliamentary democracy, judicial and legal reform, human rights, regional stability, and security.

The European Union issued several public statements throughout the year responding to human rights developments in the country. An August statement by the EU Delegation in Bishkek, for example, welcomed the decriminalization of libel, expressing hope that the reform would contribute to "greater respect" for freedom of media in the country. In May Catherine Ashton, EU high representative for foreign affairs and security policy/vice-president of the European Commission, called on the Kyrgyz authorities to implement the recommendations forwarded by the KIC, noting that some of them "meet priorities of the EU assistance programmes, especially on reform of the judiciary."

In August 2011 the World Bank approved a US\$30 million loan for Kyrgyzstan to finance social programs for the poor and improve "accountability and transparency in government processes" in Osh and Jalal-Abad provinces.