

Appeal to the EU:

Help Ensure that Kyrgyz Human Rights Defender is Given Fair, Impartial and Safe Trial

Brussels, Bishkek 31 August 2010. With Kyrgyz human rights defender Azimzhan Askarov set to go on trial this week, the International Partnership for Human Rights (IPHR) and the Human Rights Center “Citizens against Corruption” (CAC) appeal to the EU to insist on a fair, impartial and safe hearing and to closely monitor the proceedings to ensure that they comply with international human rights standards.

Askarov was detained on 15 June 2010 in Bazar Korgon in the Jalal-Abad region in southern Kyrgyzstan because of his alleged participation in violent events that had taken place there three days earlier. These events, which authorities claim were organized by members of the Uzbek minority in the region, resulted in one police officer being killed and several others injured. When the investigation was concluded in mid-August, Askarov (who is an ethnic Uzbek) was charged under numerous articles of the Criminal Code of Kyrgyzstan, including participation in mass disturbances, incitement of national hatred, possession of extremist material, unlawful acquisition of ammunition, and complicity in the murder of a police officer.¹

There are serious grounds to believe that the charges against Askarov are politically motivated and constitute retaliation for his human rights activities. Prior to his detention, Askarov, who is the director of the human rights organization “Vozdukh” (“Air”) based in Bazar Korgon, was actively engaged in efforts to document looting, arson and violent attacks taking place in his home village during the inter-ethnic violence that broke out in southern Kyrgyzstan in early June. Among others, he filmed abuses, including the failure of police to intervene to stop violent acts. Previously Askarov had been working for several years to monitor and report on prison conditions and police treatment of detainees.

Human rights NGOs have been calling for the charges against Askarov to be dropped and for his unconditional release. However, this request has been ignored, and the trial is now scheduled to begin in the district court of Bazar Korgon on 2 September 2010. If convicted, Askarov may face life imprisonment.

During his time in detention, Askarov has been prevented from meeting his lawyer in private and has reportedly been subjected to torture. His brother, who was detained at the same time but subsequently released, has recounted that Askarov was beaten as police officers tried to make him reveal the

location of the footage of violence he had obtained, while his lawyer has photographed large bruises on his body. Askarov has been held in the Bazar Korgon police station, where the police officer who was killed in the events he is accused of participating in previously worked and other officers who were injured continue to work, thus rendering him particularly vulnerable.² Askarov's lawyer and family members have also faced threats and harassment. On their way to see him in detention, his lawyer and sister-in-law have been attacked by angry crowds of people, while police officers present have failed to intervene.³

Given the circumstances of the case, there is reason to fear that Askarov may not be given a fair trial and that his, his lawyer's and relatives' safety may be endangered if the trial goes ahead in Bazar Korgon as planned.

The IPHR and the CAC are also concerned that the general climate facing human rights defenders who are working to investigate and assist victims of human rights violations in southern Kyrgyzstan remains characterized by insecurity and lack of protection. A number of cases of intimidation, public denouncement and violent attacks targeting human rights defenders have been reported in the recent period. Human rights defenders of Uzbek ethnicity appear to be at particular risk,⁴ while ethnic Kyrgyz defenders have been accused of being "traitors of the Kyrgyz people" because of their efforts to defend the rights of Uzbeks. At the beginning of July, Tolekan Ismailova, who is the head of the CAC, left Kyrgyzstan because of imminent threats against her person related to her work to document and report on human rights violations in the southern part of the country.

In the light of the concerns outlined above, the IPHR and the CAC appeal to the EU to:

- Call on the interim authorities of Kyrgyzstan to ensure that the trial against Azimzhan Askarov is conducted fully in accordance with international standards and requirements for a fair trial and that the charges against him, and any evidence presented to support them, are reviewed in an impartial and thorough manner;
- Request that the trial against Askarov be moved from Bazar Korgon to Bishkek so as to better ensure his security;
- Closely monitor the court proceedings in Askarov's case through the participation of high-level EU officials to make the judge and prosecutor aware that they are under close international scrutiny and to help ensure that justice is done;
- Demand a prompt and independent investigation into the allegations of torture against Askarov and effective measures to hold those responsible accountable;
- Call on the Kyrgyz interim authorities to take effective measures to ensure the safety of human rights defenders who are working to investigate and document abuses related to the recent violence in southern Kyrgyzstan, as well as their family members;
- Condition financial aid to the government of Kyrgyzstan on a clear commitment by authorities to conduct fair and safe trials, carry out effective investigations into torture allegations, and protect human rights defenders in compliance with international standards.

For more information, please contact:

Brigitte Dufour, IPHR Director, Brussels, +32-475 39 2121

Aida Baijumanova, CAC Executive Director, Bishkek, +996-31-86-45, +996-31-46-23

¹ «Прокуратура Джалал-Абадской области Кыргызстана закончила расследование по делу правозащитника Азимжана Аскарова», 18 August 2010, at <http://24kg.org/osh/80912-prokuratura-dzhalal-abadskoj-oblasti-kyrgyzstana.html>

² For more information about concerns relating to the treatment of Askarov in detention, see Appeal by a group of Kyrgyz human rights defenders, “Правозащитники требуют немедленного освобождения Азимжана Аскарова”, 17 June 2010, available at <http://www.bpc.kg/news/10735-17-06-10>; Frontline, “Continued detention and alleged ill-treatment of human rights defender Mr Azimjan Askarov,” 18 June 2010, at <http://www.frontlinedefenders.org/node/2573>; The Observatory for the Protection of Human Rights Defenders, “Arbitrary Detention of a Human Rights Defender,” 18 June 2010, at <http://www.fidh.org/Arbitrary-detention-of-a-human-rights-defender>; Human Rights Watch, “Kyrgyzstan: Ensure Safety, Due Process for Detained Activist,” 23 June 2010, at <http://www.hrw.org/en/news/2010/06/23/kyrgyzstan-ensure-safety-due-process-detained-activist>; Amnesty International, “Kyrgyzstan: Human Rights Defender Beaten in Custody: Azimzhan Askarov,” 25 June 2010, at <http://www.amnesty.org/en/library/info/EUR58/005/2010/en>

³ See Amnesty International, “Prisoner of conscience at risk in Kyrgyzstan: Azimzhan Askarov”, 5 August 2010, at <http://www.amnesty.org/en/library/asset/EUR58/011/2010/en/b38a5cd0-e8fc-4dbb-98af-09f23c0a98ad/eur580112010en.html>

⁴ See Statement by initiative group of human rights defenders of ethnic Uzbeks in the city of Osh, “В Оше становится опасным быть правозащитником этническим узбекам”, 16 August 2010.