



Fiery Hearts
Club

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Statement by the Human Rights Center "Citizens against Corruption" (Kyrgyzstan), the Fiery Hearts Club (France) and the International Partnership for Human Rights (Belgium)

Arbitrary detentions, police brutality, ethnic bias and other human rights violations perpetrated in the aftermath of the summer's inter-ethnic violence in southern Kyrgyzstan

During the inter-ethnic violence that rocked southern Kyrgyzstan in June this year, arson, looting, killings, rapes and other abhorrent acts took place at a large scale. Hundreds of people died,¹ and thousands were injured. Hundreds of thousands of people were forced to flee, and many of those who later returned are now sheltering in camps or staying with host families since their homes have been destroyed.

It is the obligation of the authorities of Kyrgyzstan to investigate the crimes that were perpetrated during the ethnic clashes of the summer and to bring to justice those responsible. However, all actions taken to this end must be carried out in strict accordance with national and international law. It is therefore of utmost concern that law enforcement authorities in the southern regions of Kyrgyzstan reportedly have committed serious human rights violations as part of efforts to investigate and hold accountable those who organized and participated in the violence. This has not only discredited these efforts, but also contributed to further fueling inter-ethnic mistrust and hostility.

Since June, hundreds of people have been detained and accused of involvement in the mass violence. Detentions have often been carried out arbitrarily, and with the use of threats and force. During so-called sweep operations implemented for the purported purpose of tracking down weapons and alleged perpetrators of violence, police and security forces have conducted unsanctioned searches of homes, detained people without explaining the reasons, and threatened the relatives of those detained.²

Representatives of the Uzbek minority appear to have been disproportionately targeted for detention. While the inter-ethnic violence of the summer primarily affected ethnic Uzbeks, ethnic Uzbeks are also in overwhelming majority among those detained on suspicion of involvement in the violence. According to figures made public by the Prosecutor-General's Office of Kyrgyzstan, as of mid-August, a total of 262 people had been arrested, out of whom 213 were ethnic Uzbeks.³

There are widespread allegations of ill-treatment and torture of people detained in the aftermath of the violence. According to the accounts of suspects, relatives and lawyers compiled by human rights

defenders working on the ground in southern Kyrgyzstan, beatings, punching, kicking and other forms of mistreatment have been used in an attempt to force suspects to confess to crimes or to testify against others. Several suspects have died in custody, and detainees often appear to have been denied access to independent medical examinations and assistance.⁴

There are many reports indicating that state-appointed lawyers have failed to take adequate actions to defend the interests of their clients. At the same time, privately hired lawyers have been prevented from meeting with detainees and have been obstructed in their work in other ways. Lawyers and relatives of detainees have also been intimidated, harassed and physically assaulted by angry crowds of people (often consisting of relatives of victims of crimes that detainees are accused of committing), while police officers present have failed to intervene. In another worrisome trend, there are numerous reports about cases where law enforcement officials have extorted money from the families of detainees, demanding that they pay large sums of money to ensure that their relatives are released or that part of the charges against them are dropped.⁵

There are also serious concerns that individuals accused of involvement in the mass violence may have been criminally charged on flimsy, if not fabricated grounds. In particular, reports about confessions extracted under torture, evidence planted by law enforcement authorities and bribes demanded for dropping charges reinforce such concerns. According to human rights defenders who have been present at legal proceedings that already have taken place, these proceedings have been characterized by gross procedural violations, which have deprived defendants of the right to a fair consideration of the charges against them. Trials have also been conducted in an atmosphere of insecurity and hostility. In particular, members of the audience have shouted nationalist slogans and threats and physically attacked and beaten defendants and their lawyers and family members without an adequate response from the side of judges, prosecutors and police officers.⁶ Following a manifestly unfair trial involving public enmity of this kind, in mid-September, human rights defender Azimzhan Askarov and seven co-defendants were sentenced to lengthy prison terms for their alleged role in the mass violence.⁷

According to official information, a total of more than 2000 criminal cases have been opened in relation to the inter-ethnic violence of the summer.⁸ No official statistics regarding the ethnicity of those criminally charged or convicted have been made available. However, as far as local human rights defenders know, the defendants in all trials that currently are under way or already have been concluded are ethnic Uzbeks.⁹

An additional matter of serious concern is reports indicating that local authorities have refused to receive and deal adequately with complaints from ethnic Uzbeks about violent and abusive acts perpetrated during the ethnic clashes. Also, many people who have been the victims of misconduct by law enforcement authorities (for example, extortion of bribes in exchange for releasing detainees) have expressed reluctance to submit formal complaints out of fear of repercussions.

Below are a number of examples of cases of misconduct by law enforcement authorities that can help illustrate the concerns raised above. These cases have been reported to lawyers of "Citizens against Corruption" and local partners of the Fiery Hearts Club who are working in southern Kyrgyzstan. The names and exact places of residence of the individuals concerned have been withheld for safety reasons.

F.R., a young man held in detention in Osh city on charges of murder and mass disturbances related to the summer's inter-ethnic violence, was reportedly subjected to ill-treatment and torture on 4 August 2010. As he told his lawyer, during interrogations conducted in the facilities of the department for the fight against organized crime and a field visit undertaken for investigative purposes, he was beaten among others in his stomach and on his head and was forced to sign documents without knowing what he signed. F.R.'s lawyer later documented a series of injuries on his client's body, including abrasions and blood spots on his back and in his face, a bruise below one of his eyes and swelling on his head and hands. A complaint was filed with the local prosecutor.

According to his wife, B.A. was detained by police officers in his home in Osh city on 20 July 2010. In connection with the detention, his mother was hit with the butt of a gun. He was brought to the detention facilities of the department of internal affairs of Osh city, where he was subjected to torture. He had cellophane placed on his head (causing suffocation), was pricked with needles and had nails torn out with pliers. He was charged under three articles of the Criminal Code for his alleged participation in the mass violence. A law enforcement official dealing with the case has demanded 8.000 som (close to 1300 EUR) for dropping part of the charges against him.

K.P., a young man of Uzbek ethnicity from Osh city, was arrested at his workplace on 18 July 2010 by individuals who did not introduce themselves. He was accused of looting and burning a house belonging to the vice director of a large-scale farm, who is an ethnic Kyrgyz. Together with three other men accused on the same grounds, K.P. was detained in the basement of the department of internal affairs of Osh city. His family was asked to pay 4.000 USD to ensure his release. Two of the other men detained together with him were cleared of accusations and released after their families paid several thousands of USD in bribes. However, K.P.'s family was not able to collect the amount required, and he and another man, whose family also could not afford to pay the required bribe, were criminally charged. During his detention, K.P. has not been allowed to meet with his lawyer. At a meeting allowed with his mother a few days after he was arrested, he appeared to have been badly beaten. In a telephone conversation with his mother in mid-September, he recounted that he had been subjected to cruel treatment, among others having a hot iron pressed toward his back. No date for a trial in the case against K.P. has yet been set.

As reported by M.B.'s wife, security officials arrived to their home in Osh city on 17 July 2010 and carried out a search without a warrant. In the course of the search, the security officials confiscated a spring and a metal pipe. They also planted a package of patrons. When M.B.'s wife expressed objection to this, they beat her. On 28 July 2010, M.B. was arrested and charged with the preparation of weapons and participation in mass disturbances.

According to the mother of C.T., their home in the Osh region was searched by a group of soldiers on 23 June 2010. The soldiers did not find anything during the search, but engaged in wanton destruction of household belongings. Six days later, C.T. was detained and taken into custody. He has been charged with murdering a police officer at another place than where his family lives. As emphasized by his mother, he could not have been at this place at the time of the murder since he attended the funeral of his younger brother, who had been shot and killed by soldiers during the peak of the inter-ethnic violence. A number of people are able to witness about his presence at the funeral. C.T. has been subjected to severe torture while in detention, and investigators have demanded that his family pays 2.000 USD in exchange for his release.

Without any apparent reason six men attacked and beat up F.P., an ethnic Uzbek, in the street in Osh city on 20 June 2010. In the course of the beating, the men, who were ethnic Kyrgyz, several times told F.P. that “you, Uzbeks should die.” Two of the men wore police uniform. As a result of the beating, F.P. lost consciousness and regained it only next morning, when he was still lying in the street. He subsequently filed a complaint about the attack, asking that the perpetrators be identified and punished. However, shortly after this, he was accused of murder and informed that a criminal case had been opened against him. Fearing for his life and safety, F.P. went into hiding and is now wanted by the authorities. Prior to the attack on his person, F.P. had submitted a complaint about racketeers burning his house and car and stealing his property on 11 June 2010. However, local authorities refused to deal with this complaint. No longer trusting the authorities of Kyrgyzstan, F.P. has appealed to the international community for help.

According to the mother of M.H., shortly after the peak of the inter-ethnic violence, M.H. and a friend of his were stopped by law enforcement officials for an ID check as they were traveling by car close to their home town in the Osh region. Having asked the two men to step out of the car, the law enforcement officials searched the car and claimed to have found a package of patrons. As M.H. rushed back to the car to see what was going on, he was hit with a gun so hard that he fell and lost consciousness. M.H. and his friend were detained and taken to a local detention facility, where they were beaten and subjected to other forms of torture. Under pressure, they were forced to sign documents stating that they were detained while on their way to buy weapons, which they intended to use together with the “confiscated” patrons, for the purpose of “killing Kyrgyz”. The two men have been charged under Criminal Code articles on planning to commit a crime, illegal acquisition and storage of weapons or ammunition, and murder.

The apparent ethnic unbalance that have characterized the actions to detain and criminally charge people accused of involvement in the inter-ethnic violence of the summer, as well as the many reports about law enforcement misconduct targeting in particular ethnic Uzbeks have disappointed and dismayed members of the Uzbek community in southern Kyrgyzstan. Many of them now appear to have lost confidence in the authorities of Kyrgyzstan and are instead looking to the international community to help bring about justice. The international inquiry into the tragic events of June, which is coordinated by the special representative for Central Asia of the OSCE Parliamentary Assembly, may undoubtedly play a crucial role in this respect. There are also hopes that the OSCE police advisory

group planned to be deployed to southern Kyrgyzstan may contribute to promoting compliance with international and national law by local law enforcement authorities. However, while this group was planned to arrive in early September, its deployment has been delayed because of opposition to it expressed by leading Kyrgyz politicians, in particular the mayor of Osh.

Recommendations:

To the authorities of Kyrgyzstan:

- Ensure that all actions taken to investigate and bring to justice those responsible for crimes committed during the inter-ethnic violence in the summer comply with national and international legal standards and do not involve ethnic bias, prejudice or discrimination;
- Immediately put an end to arbitrary arrests, ill-treatment and torture, extortion and other violations of the rights of individuals accused of organizing or participating in the mass violence, or their lawyers or relatives;
- Ensure that all allegations of misconduct by law enforcement authorities are properly investigated by an independent authority and that those who are found to have acted in violation of the law are prosecuted and punished;
- Implement in practice safe-guards against torture and ill-treatment in relation to those detained on accusations of involvement in the inter-ethnic violence, in particular by granting detainees access to their family members and lawyers of their choosing; ensuring that detainees can undergo independent medical examinations; and allowing for independent monitoring of all places of detention;
- Undertake a legal review of the cases of all individuals who have been detained in the aftermath of the mass violence to determine whether their detention is lawful or whether they should be released;
- Ensure that investigations carried out into the cases of individuals charged with crimes related to the mass violence are comprehensive, thorough and impartial and that the trials held in such cases fully meet international fair trial guarantees and are conducted in a safe atmosphere conducive to justice. Take particular care to ensure that confessions or testimonies obtained under torture or other forms of coercion are not accepted as evidence;
- Undertake a new review of all cases of individuals convicted of involvement in the mass violence where the investigation and trial held have not met requirements of due process and a fair and safe trial. Release these individuals pending such a review;
- Grant civil society monitors and international observers access to all trials held in relation to the mass violence to promote fairness of the judicial process;
- Ensure that all complaints about violence or abuses perpetrated in connection with the mass violence are dealt with in an adequate, effective and impartial way, irrespective of the ethnicity of the complainant or the title or rank of those the complaint concerns. Take measures to protect complainants and witnesses from any kind of reprisals;
- Use all available information (including video material and pictures available on internet sites) to identify and bring to justice perpetrators of crimes during the inter-ethnic violence;

- Provide full cooperation to the International Independent Commission for Inquiry coordinated by the special representative for Central Asia of the OSCE Parliamentary Assembly and commit to respecting the findings and conclusions of this inquiry;
- Also cooperate with the agreed OSCE police advisory group to ensure its speedy deployment, as well as an effective implementation of its mandate.

To other OSCE participating States:

- Call on the authorities of Kyrgyzstan to ensure that all actions taken to investigate and ensure accountability for crimes perpetrated in connection with the inter-ethnic violence of the summer are consistent with the country's international human rights obligations and monitor the situation closely;
- Provide support for the international inquiry into the events in southern Kyrgyzstan, as well as the work of the agreed OSCE police advisory group, with a view to ensuring true justice for all the victims of the inter-ethnic violence in southern Kyrgyzstan and to rebuilding trust between the different ethnic communities there;
- Ensure that the International Independent Commission for Inquiry is given a comprehensive mandate to investigate human rights violations and abuses perpetrated during the inter-ethnic violence of the summer, as well as during the investigations and court proceedings conducted by local authorities; it includes experienced independent experts with proven competence in human rights and other relevant fields; it is granted all the powers and resources it needs to carry out its work effectively; and its is tasked to consult and cooperate closely with civil society.¹⁰

¹ According to figures provided by the government of Kyrgyzstan (information obtained by Citizens against Corruption from the Ministry of Health), a total of 393 people died in Osh city and in the Osh and Jalal-Abad regions during the June violence.

However, unofficial estimations suggest that the actual number of deaths may be considerably higher, or up to 2.000 or more.

² For a detailed description of violations perpetrated during sweep operations, see the chapter on "Killings, Torture and Arbitrary Arrests in the aftermath of the June Violence" in Human Rights Watch, *Where is the Justice?*, 16 August 2010, at <http://www.hrw.org/en/reports/2010/08/16/where-justice-0>

³ "General Prosecutor's Office of Kyrgyzstan: UN High Commissioner Report contains incorrect information about Osh events", 13 August 2010, at <http://eng.24.kg/community/2010/08/13/13108.html>

⁴ The concerns highlighted are based on information received by Citizens against Corruption and local partners of the Fieri Hearts Club. Other NGOs have also reported similar concerns. See, in particular, Amnesty International, "Kyrgyzstan: Recommendations for an effective investigation into human rights violations and abuses committed during the June violence and its aftermath," 27 July 2010, <http://www.amnesty.org/fr/library/asset/EUR58/009/2010/en/e1742587-9594-4694-9b2e-cdf3e29113f0/eur580092010en.html>; and Human Rights Watch, "Kyrgyzstan: Torture, Detentions Escalate Tensions," 14 July 2010, at <http://www.hrw.org/en/news/2010/07/13/kyrgyzstan-torture-detentions-escalate-tensions?print>

⁵ See the previous note.

⁶ For more information see, Citizens against Corruption, "Beatings of people accused in the Osh events", 30 September 2010. See also «Кыргызстан: В Оше во время судебных процессов избивают подсудимых и их адвокатов», 30.09.2010, <http://www.ferghana.ru/news.php?id=15648&mode=news>

⁷ International Partnership for Human Rights and Citizens against Corruption, "Call for a New, Fair Review of the Case of Human Rights Defender Sentenced to Life in Kyrgyzstan", 16 September 2010, at <http://www.iphronline.org/news.html?32>

⁸ See "Правозащитники: Расследование уголовных дел по беспорядкам на юге Киргизии идет с нарушениями," 27 September 2010, at <http://www.dw-world.de/dw/article/0,,6050048,00.html>

⁹ For a discussion of this issue, see also "In Kyrgyzstan, Scales Of Justice Appear Tipped Following Interethnic Violence", 15 September 2010, at <http://www.rferl.org/articleprintview/2158139.html>

¹⁰ For a list of detailed recommendations regarding the international commission for inquiry, see Amnesty International, "Kyrgyzstan: Recommendations for an effective investigation into human rights violations and abuses committed during the June violence and its aftermath," 27 July 2010, <http://www.amnesty.org/fr/library/asset/EUR58/009/2010/en/e1742587-9594-4694-9b2e-cdf3e29113f0/eur580092010en.html>