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## KYRGYZSTAN

**A WEAK STATE, POLITICAL  
INSTABILITY: THE CIVIL SOCIETY  
CAUGHT UP IN THE TURMOIL**

of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security

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An Uzbek family combs through the ashes of their former home in search of bones, teeth and identifiable remains of their relatives, Osh, June 27, 2010

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# INTRODUCTION

An emergency international fact-finding mission was sent by FIDH to Kyrgyzstan from June 20 to 28, 2010. It consisted of Messrs. Aliaksandr Bialiatski, Belarus, (Vice President of FIDH and President of the “*Viasna*” Human Rights Centre), Kirill Koroteev, Russia, (lawyer, advisor to the “*Memorial*” Human Rights Centre and to the European Human Rights Advocacy Centre), and Johann Bihl, France, (researcher, specialising in Central Asia). The mission was organised on the occasion of the constitutional referendum held on June 27, and was able to collect first hand accounts of the first poll to take place since President Kurmanbek Bakiyev was ousted from power in April, and since the violent clashes that took place in June 2010. In order to examine the impact of these events on the human rights situation and on that of human rights defenders, the mission visited Bishkek, the capital, and Osh, in the south. It found that at the end of June 2010 the pressure exerted on human rights defenders and independent journalists had become systematic<sup>1</sup>. The authors of such pressure come from a variety of circles, private or governmental, and remain unpunished: the government is weak, and respect for human rights is not one of its priorities.

In Bishkek the mission held very many interviews, with representatives of NGOs, of political parties, of the Interim government, of local authorities, of international agencies and the media, and also with independent experts and victims of violations and their families<sup>2</sup>. In the Osh region the mission met with the local population and the local authorities. However an accident that occurred during the mission was evidence of the will to get the independent observers and the human rights defenders out of the region. On 27 June, 2010, Mr Bialiatski, Ms. Abdirasulova, Director of the Centre for Human Rights Protection “*Kylym Shamy*”, and Ms. Ismailova, President of the “*Citizens against Corruption*” association, and the Russian journalist Oksana Chelysheva who was accompanying them, were the victims of an obviously premeditated accident near the village of Papan, Osh region: “*The screws on the back wheel of our car had been sawn through during the short period of time that we were away from the car. No one was hurt but the accident could have been very serious. Our presence was clearly unwelcome*”, said Aliaksandr Bialiatski. Tolekan Ismailova also indicated that a group of persons unknown to them approached their car and told them that human rights defenders were not welcome in Osh because they “*defended the rights of the Uzbeks*”. The fact that the human rights defender A. Askarov was detained and sentenced to life imprisonment on September 15, 2010, and the numerous threats against human rights defenders (Tolekan Ismailova was forced to go into exile) makes it very difficult for them to do their work and to obtain justice for the victims of the clashes.

The FIDH fact-finding mission had the following mandate:

- to list and analyse the human rights violations committed during the April and June events, and how the authors have been brought to justice;
- to assess the working conditions of the representatives of the civil society in the prevailing insecurity and political instability;
- to measure the capacity and will of the government of Kyrgyzstan to guarantee respect for human rights and to bring to justice the authors of violations, and to make recommendations to that effect.

Owing to the succession of violent events in Kyrgyzstan from April 2010 onwards the aims of the mission were complex. The atrocities committed in the Osh region in June relegated to a position of secondary importance the 87 deaths during the April clashes. The aim of the FIDH mission was precisely to throw light on the whole sequence of events and on the efforts of the judicial system to defend both the June and the April victims. This double

1. Preliminary conclusions of the FIDH fact-finding mission, July 9, 2010. <http://www.fidh.org/IMG/pdf/kg0907f.pdf>

2. See list of persons interviewed in Annex 1.



aim was all the more justified in that during the World Congress of the FIDH held in Erevan (Armenia) from April 6 to 10, 2010, three Kyrgyz organisations joined FIDH: “*Citizens Against Corruption*”, “*Kylym Shamy*” and “*Adilet*”. The new organisations, but also other organisations in the region, stressed the need for an FIDH mission and asked for one to be mandated.

For despite the democratic promises of the new Interim government and the first symbolic measures adopted, political instability has prevailed, with a rise in violence leading to massive human rights violations.

FIDH wishes to extend special thanks to the staff of “*Citizens Against Corruption*” in Bishkek and Osh for their help in organising the mission, and to the members of “*Kylym Shamy*” and “*Adilet*” for their assistance to the mission.

# I. THE HISTORICAL AND POLITICAL ORIGINS OF A FORESEEABLE DISASTER

The human rights violations committed in Kyrgyzstan in the spring of 2010 are the fruit of the gradual degradation of the country’s political and social situation. Whereas the Tulip revolution in 2005, following the “*Colour revolutions*” in the Ukraine and in Georgia had kindled hopes of democracy in Kyrgyzstan, the Bakiyev presidency was marked by constant human rights violations, which fuelled tensions within the society.

## I.1 The deterioration of the human rights situation under President Kurmanbek Bakiyev

President Bakiyev’s regime, set up following a wave of popular protest that overthrew the regime of President Askar Akayev in March 2005, failed to fulfil the hopes aroused by the “*Tulip revolution*”. After a phase of political instability, with a succession of demonstrations and an ongoing struggle between the president and parliament, the power of the executive was substantially reinforced, especially from 2007 onwards.

In October 2007 the adoption of a new Constitution sanctioning the predominance of the executive, was marred by massive fraud. The new electoral law aimed at countering regionalism by establishing for the first time a list system with a single national constituency, but in fact it instituted what was tantamount to a single party system, through a succession of thresholds that eliminated most opposition parties. Thus in the parliamentary elections in December 2007 the Ak Jol<sup>3</sup> presidential party obtained an absolute majority, with 78 seats out of 90, leaving only a residual share to its ally, the Party of the Kyrgyzstan Communists (PKK), and the Social-Democrat Party (SDPK).

As for the freedom of assembly, it was seriously curtailed by a number of legislative provisions<sup>4</sup> and increasingly harsh repression, with quasi-systematic arrests of demonstrators and human rights defenders. For instance, the peaceful demonstrations organised by the “*I do not believe*” movement, which contested the results of the 2007 parliamentary elections, or those organised by Maxim Kuleshov, an executive of the “*World – the Light of Culture*” association and coordinator of the Human Rights Resource Centre in the city of Tomok, were put down on numerous occasions, with the arrest of the organisers who were sentenced to pay fines<sup>5</sup>.

After having strengthened its control over the government media, the executive also increased the pressure on the independent media. The independent newspapers De Facto and Alibi were forced to close down in July and August 2008, following legal proceedings against their management. The BBC and the RFE/RL local service, Radio Azattyk, had to stop broadcasting in December 2008. And independent journalists came under serious threat. On March 3, 2009, Syrgak Abdylbaev, a journalist with the independent weekly Reporter Bishkek, was savagely stabbed more than twenty times by four unidentified persons<sup>6</sup>.

3. Kurmanbek Bakiyev founded the Ak Jol (White Path) party on October 15, 2007.

4. In Bishkek, for instance, the municipal authorities restricted the right of assembly to three sites. In July 2008 the Constitutional court declared the decision to be in accordance with the Constitution, thereby encouraging other municipalities to introduce similar restrictions.

5. Annual reports for 2006, 2007, 2008, 2009 of the Observatory for the Protection of Human Rights Defenders. <http://fidh.org/-Annual-Reports->

6. Reporters without borders. A journalist survives after being stabbed over twenty times (in French). <http://fr.rsf.org/kirghizistan-un-journaliste-survit-apres-une-04-03-2009,30479>

Furthermore various obstacles, such as the 2007 draft bill on the financing of NGOs, the protection of State secrets or the fight against terrorism, have restricted the fundamental freedoms of assembly and association.

In July 2009 Kurmanbek Bakiyev was re-elected President following a totally unbalanced electoral campaign and a poll marred by massive fraud. The clan-based, criminal and authoritarian orientation of the executive intensified, with more and more government agencies made directly responsible to the President (the Secretariat, the Security Council...), the appointment of family members to key positions (in October 2009 the President's son, Maxim Bakiyev, was made head of the Central agency for development, investments and innovation), and the misappropriation of part of the exceptional Russian subsidies.

Discontent spread throughout the country, in particular after the price increases for public services and the multiplication of corruption scandals. The opposition attempted to become more vocal, and announced a series of demonstrations and *Kurultai* (popular assemblies) on the occasion of the fifth anniversary of the Tulip revolution in March and April 2010. However these initiatives failed to lead to a re-opening of the dialogue with the authorities.

## I.2 A popular insurgency put down by force

The Opposition United Front, led by a group of 14 persons including Temir Sariev, Almaz Atambaev, Omurbek Tekebayev, Azimbek Beknazarov and Roza Otunbaeva, set about fighting the K. Bakiyev regime. It convened in Bishkek, the capital, a vast popular gathering on April 7, 2010. The day before, however, the main leaders of the opposition (with the exception of Roza Otunbaeva) were arrested and imprisoned. According to analysts, these arrests were the “*last straw*” that triggered the popular uprising, acting as a sort of catalyst for the events to come. While the first riots broke out in the Talas province on April 6, rumours of the overthrowing of the government began to reach the capital.

According to what the FIDH mission was told, on April 7 the opposition gathered in front of “*Forum*” building, where the social-democrat party (SDPK) in particular had its headquarters. Apparently, when it dispersed the crowd the police (milicia) already fired resin bullets and deafening and tear gas grenades. While the police only had their own special equipment, the security forces (National State Security Service – GSNB) ostensibly came with military equipment, which led the demonstrators to lay hands on the weapons. Some demonstrators, holding weapons, were arrested for “*Armed attack on a government body*”. The other demonstrators, carrying arms, split up into two groups: one group went to set free the leaders of the opposition detained at GSNB headquarters, while the other laid siege to the “*White House*”<sup>7</sup>. The head of the Bishkek UVD (Directorate of Internal Affairs), who at the time was head of the ROVD (the district police station) in the Sverdlovsk district, Zaurbek Rysaliev, gave the following account: “*On April 7, the first clashes occurred in front of the Forum, Almatinskaya street, in the Oktyabrski district. One has to admit that the inadequate behaviour of the police [during the dispersal of the demonstrators] helped to put the civilian population in danger. But it was the intervention of the GSNB Special Forces, with tear gas and deafening grenades, that really provoked the demonstrators, who retaliated by throwing stones. They grabbed the ‘Alfa’ and ‘Astan’ commando weapons*”<sup>8</sup>.

Real bullets were apparently fired in several places: on the main central square in Bishkek, Ala Too, in particular in front of the Ministry of Defence building that houses the GSNB. Bullets were then fired at the head, to kill. According to eyewitnesses interviewed by the mission, it was the people who were filming, or telephoning, or trying to control the crowd who were targeted<sup>9</sup>. The crowd was mostly out of control, and after the first deaths there was nothing that could stop it. It is difficult to retrace the exact sequence of events, for

7. Seat of the Presidency of the Republic and of the Government in the centre of the city, on Avenue Chuy.

8. Interview of Zaurbek Rysaliev, 24.06.2010.

9. Conversations with Nariya Adaybusunova, 21.06.2010, Marala Vostunbayeva, 21.06.2010, Alisbek Altynbekov, 22.06.2010.

already history is being re-written: there are some who claim to have seen the green eyes of the snipers, others the devastated face of Kurmanbek Bakiyev himself at a window<sup>10</sup>.

It has been emphasized that the opposition leaders were absent during these events. Several interlocutors mentioned the fact that by the afternoon more than half of them had been set free, and yet none of them appeared in Ala Too to calm down the crowd and engage in negotiations. According to Ishak Massaliev, “*the leaders of the opposition left the young people with arms alone on the square, without any intermediaries*”<sup>11</sup>. Despite the variety of different versions, the numerous sources all say that the political leaders were absent, and that the crowd designated their own. The various people the mission interviewed therefore identified various leaders (proclaiming themselves to have been leaders, in particular).

The FIDH mission recorded the testimony of many members of the families of demonstrators killed on April 7<sup>12</sup>. The accounts show that it was really a popular assembly, without the demonstrators having any preconceived strategy.

### Nuria Adaybusunova, mother of Joldoshbek Kudaybergenov, 36, deceased:

“*People have different perceptions of the April events. For the Kyrgyz, it was a spontaneous uprising, not for the sake of the opposition. Many Russians, on the other hand, say that the people who got together were nothing but drunks who happened to find themselves, by chance or curiosity, on Ala Too square. That is not so, they were ordinary people who had no option, but to rebel. For ages we had endured the same sufferings: basic commodities were getting more and more expensive, taxes, electricity, gas... My son was one of those who said “this cannot go on”. Especially as he had lived in America... It is my fault, I never should have persuaded him to come back to live in Kyrgyzstan. ... Where were the leaders of the opposition, why did none of them come to the square after being set free? ... My son, Joldoshbek Kudaybergenov, was a professor of political science at the national university, and naturally he had always been very interested in politics, and he was very critical of Bakiyev, and he had hopes of great changes in the country. He had lived for two years in America, and he was able to compare. When he heard that there was to be a meeting in Ala Too, he immediately wanted to go there, with his students. He certainly never expected they would fire on the crowd. When he got there, there was no leader, no member of the opposition. He played the part of leader, and called on people to come and join them. I was there at 5 p.m., and I heard what had happened. From 7 p.m. until the morning we went from hospital to hospital to find out what had become of him. At one point we recognised his watch. When we asked where it had come from, we were told that the person it had belonged to had been killed. He was shot down at the beginning, between 2 p.m. and 4 p.m., before the gates of the “White House” had been opened. He leaves a small girl.*”



Notice in front of the White House, the headquarters of the President of the Republic and the government, Bishkek, June 2010: “Building under surveillance, weapons will be used in case of unauthorised entry”; word crossed out: “Bakiyev”.

10. For example, conversation with Alisbek Altynbekov, 22.06.2010.

11. Conversation with Ishak Massaliev, Communist Party leader, 25.03.2010.

12. Conversations with the FIDH mission, June 21, 2010.



### **Bekbatyr Musaev, father of Cholponbek Musaev, 49, deceased:**

*“My son leaves two children, and a wife who is sick. In 2005, when Akaev was overthrown, he hoped things would change. Nothing happened. Cholponbek was in the third car that rammed the gates [of the White House] and at last opened a breach. In all 27 people were killed at that spot. I personally inspected the car; there were 37 bullet marks. My son received three, in the head (forehead and neck) and one in the leg. It was a sniper, who was firing from the roof of the “White House”. The time was between 5 and 6 p.m., when the gates were rammed open.”*

### **Zamir Kazief, father of Marat Kaziev, 29, deceased:**

*“My son leaves 2 daughters, and a wife who is pregnant. He was an electrician. He was certainly not an alcoholic, and read the namaz. He was in the opposition, an active critic of the regime. A bullet hit him in the temple and came out by the neck, as he was filming what was going on. It seems that the snipers were told to fire first on those who had a mobile phone, who were active, who were filming, who were the strongest and who could emerge as leaders. It happened around 6-7 p.m.”*

### **Maral Bostonbaeva, sister of Maksat Bostonbaev, deceased:**

*“My brother was in front of the Ministry of Defence, and he sent me an SMS exactly at 6 p.m. saying “don’t come, they are firing”. He was a strong, healthy boy, measuring almost 2 metres, and moreover, he was filming.”*

Following these tragic events, the Ministry of Health announced 87 killed<sup>13</sup>, as did the NGO representing the families of the persons killed during the insurgency, “*Meken Sheitteri*”<sup>14</sup>. According to the Ministry figures, there were 1,622 injured among the demonstrators and the police and security forces, of whom 522 were admitted to hospital. Among them 395 had bullet wounds, according to the Prosecutor’s office<sup>15</sup>.

## **1.3 Lasting destabilisation of law and order in Bishkek**

The leaders of the opposition set up an Interim government by Decree n°1 of April 7, 2010<sup>16</sup>. The Decree also dissolved parliament and transferred its legislative functions to the Interim government. The new government therefore held all executive and legislative powers. It would appear however that it had difficulty in exercising its power over the whole of the territory of the Republic. The police and security agencies were incapable of restoring law and order in Bishkek.

*“The GUV D remained without a commander, his deputies were injured, and the Minister of the Interior himself was beaten up in Talas... In fact, there was no one in command of the police. With three other heads of ROVD [district police stations] we got together to coordinate our action and to put in safe places the arms, investigation files and the ‘special equipment’ [non-lethal weapons for crowd dispersal: tear gas, deafening grenades, resin bullets...], declared the present Bishkek Chief of Police”<sup>17</sup>.*

Looters took over in the capital, causing popular militia (*narodnye druziny*) to be set up to protect the population. The head of the Bishkek GUV D and Aleksandr Voinov, former Member of Parliament belonging to the Ak Jol party, claim that it was they who had the idea of setting up the popular militia<sup>18</sup>. However that may be, the militia were composed

of unarmed citizens supposed to protect specific places by their mere presence<sup>19</sup>. The decision not to give them arms was justified by the will to avoid provocation on the part of the looters, and to protect the members of the militia from prosecution for illegal use of armed force.

The absence of the police in Bishkek on April 7, 2010 and the following days is due to the fact that the GUV D and ROVD commanders apparently told the police to wear plain clothes and to patrol unarmed<sup>20</sup>. And so, according to Zaurbek Rysaliev, the police did not desert their duty on April 7, as is commonly said, but took the initiative of removing their uniform that at the time was considered infamous and made them living targets<sup>21</sup>. A. Voinov says that the members of the popular militia were not armed, but the Mission observed that

on the streets of Bishkek and Osh there were many people carrying weapons. It would appear also that citizens allowed to carry arms (private guards, hunters), and taxi drivers, had cooperated with the police. Numerous arms circulated among the population, as the authorities were incapable of controlling their distribution and use. Shopkeepers set up their own teams of armed guards. The members of the FIDH mission consider that the circulation of arms among the population creates a considerable risk that the government does not sufficiently take into account.



Supermarket watched by the “Patriot” neighbourhood militia, Bishkek, June 2010.

13. Ministry of Health, 26.05.2010, “Information on the victims of the events of April 6-7 in Bishkek and of May 14-19 in the Jalal-Abad region”, <http://www.med.kg/Articles/ViewSection.aspx?ArticleID=329>

14. See list in annex 3(CAC). Number of victims officially recognised.

15. Conversation with the deputy chief prosecutor Victor G. Ivanov, Bishkek, 25.06.2010.

16. Decree n°1 on the constitution of an Interim government, 07.04.2010.

17. Interview of Zaurbek Rysaliev, 24.06.2010.

18. Interview of Aleksandr Voinov, 22.06.2010, and interview of Zaurbek Rysaliev, 24.06.2010.

19. Interview of Aleksandr Voinov, 22.06.2010.

20. Interview of Zaurbek Rysaliev, 24.06.2010.

21. Idem

# II. THE DANGEROUS PRECEDENT OF POLITICALLY-ORIENTED JUSTICE

In order to take the measure of the human rights violations and their political and judicial implications, it is necessary to analyse the events of April 7 2010 that led to the ousting of the Bakiyev government. Analysts and participants hold diverging views on the causes of the violence and the responsibilities involved. Some emphasise the popular and spontaneous nature of the uprising, while others point to underhand foreign intervention. In any case there has to be an independent enquiry to determine the facts and to bring to justice whoever may prove guilty.

## II.1 The symbolic measures adopted by the Interim government

In view of the popular demonstrations, President Bakiyev fled to the south of the country, in the Djalal-Abad region. Faced with the vacancy of power, the leaders of the opposition hastened to organise an Interim government, led by Roza Otunbaeva. Despite the circumstances of its coming to power and the anxiety caused by its intention to concentrate in its hand all the powers of the State<sup>22</sup>, the Interim government, invoking the mandate given to it by the popular uprising, was intent on marking the democratic change compared to the preceding regime. In the climate of radical change that prevailed after April 2010, the main freedoms were comprehensively restored. The legal bases for such changes however were uncertain, in the absence of any legislative body independent of the Interim government (Parliament having been dissolved by Decree n°1). And so when, in June 2010, members of the human rights organisation “*Citizens Against Corruption*” were asked “*On what legislation is based the freedom of association?*” they answered “*What legislation? In this country we do not even have a Constitution yet, there is no legislation!*” Symbolic measures, in sharp contrast with the Bakiyev regime, were rapidly adopted. Political trials were abandoned: General Ismail Isakov, a former Minister of Defence who had joined the opposition in October 2008, charged with “*corruption*” and sentenced to eight years’ imprisonment on January 11 2010, was set free on April 7 and appointed Minister of Defence in the Interim government<sup>23</sup>. The charges against him were dropped on April 15, 2010 by decision of the Military High Court. The “*Nookat prisoners*”, a group of 32 activists in the Osh region sentenced in 2008 for “*Islamist extremism*”<sup>24</sup>, were released on May 17, under the amnesty decree issued on April 26. Their sentencing had become the symbol of the excesses of the Bakiyev regime’s fight against extremism, arousing fears that Kyrgyzstan might align itself on the repressive policies against religious activities of its neighbours, and their liberation had the same symbolic importance, arousing hopes for the democratic future of the country.

22. Decree n°1 on the constitution of an Interim government, 07.04.2010.

23. He resigned on July 20, 2010, in order to be able to stand for Parliament in October 2010.

24. See FIDH Report Kazakhstan / Kyrgyzstan. Exploitation of migrant workers, protection denied to asylum seekers and refugees. FIDH, October 2009. pp. 14-15, <http://www.fidh.org/IMG/pdf/Kazakhstan530a.pdf>

The wave of censorship that had hit the media in March 2010 to forestall the mobilisation of the opposition for the fifth anniversary of the “*Tulip revolution*” was lifted the day after power changed hands. On April 12, 2010 the Kyrgyz service of Radio Free Europe/Radio Liberty, Azattyk, was again authorised to broadcast on Kyrgyz territory. On the Internet the blocking of the main independent information websites, [www.ferghana.ru](http://www.ferghana.ru), [www.centrasia.ru](http://www.centrasia.ru), and the platform of the opposition newspaper “*Bely Parus*”, was lifted.

By a symbolic decree issued on June 10, 2010 by the minister of the Interior, Bolot Sher, the Interim government abolished Department 9 of the Ministry of the Interior (MVD), set up to prevent extremism and to fight “*Informational and ideological terrorism*”. Under such a vague mandate, however, it had concentrated on spying on political opponents and drawing up “*black lists*”. Its agents were adept at tailing and wire-tapping. The MVD press service promised “*henceforth the ministry’s departments will cease to monitor the ideas of the opposition in connection with the analysis of the socio-political situation*”<sup>25</sup>.

Dinara Oshurakhunova, president of the NGO “*Coalition for Democracy and Civil Society*”, welcomed the symbolic importance of the reform, but added that she was not much impressed by its practical consequences: “*Nobody knows what has happened to the tons of files, all the recordings... that Department 9 had collected. I myself certainly have a file in the archives, but I do not know what it contains and I still have no access to it. Moreover, the recent wire-tapping scandals*<sup>26</sup> clearly show that such practices are not done away with, and that the Interim government has no real control over the intelligence agencies. We shall need more than symbolic measures, the ministry of the Interior and the intelligence agencies will have to be completely reformed. But that can only be envisaged once the country is stabilised...”<sup>27</sup>

And so the human rights defenders and the representatives of the civil society welcome the new government’s commitment to democracy, while remaining vigilant concerning the concrete impact of such changes. For the violence that led to the change of regime represents a founding political and judicial challenge for the Interim government. The symbolic measures it has adopted have not been accompanied by a true in-depth effort to determine the criminal responsibilities and to allow justice to progress.

## II.2 A politically-oriented official enquiry

In the aftermath of the April events, the Interim government set up three parallel commissions of enquiry, with different attributions. The *Procuratura* (Prosecutor’s office) was responsible for the official judicial enquiry. A State Commission was charged with making a political assessment of the April events. Lastly, the Kyrgyzstan Ombudsman, Tursunbek Akun, was told to evaluate the social causes and consequences of the events. The fact of having several structures for investigation and analysis certainly reflects a genuine desire to establish the truth, but it would also appear to add to the confusion between the various missions.

By an order of the Interim government dated May 20, 2010, a State Commission for the comprehensive examination of the causes and circumstances of the tragic events of April and May 2010 was set up, mandated to draw up a political assessment of the events. The Commission was composed of several members of the Interim government, recently appointed officials, political analysts, journalists and representatives of the civil society close to the Interim government. Originally the Commission was supposed to hand in its report by June 20, but the deadline was postponed several times (to September 20, according to information available at the time of drafting this report). The Commission is chaired by

25. [www.ferghana.ru](http://www.ferghana.ru), 10.06.2010, “Kyrgyzstan: the ministry of the Interior abolishes the political intelligence department”, <http://www.ferghana.ru/news.php?id=14908&mode=snews>

26. At the end of May, recordings of embarrassing telephone conversations between members of the Interim government, Almazbek Atambaev, Azimbek Beknazarov and Temir Sariyev, were made public. Those concerned had to defend themselves against charges of corruption. This shows that former members of the opposition are still being listened to, and that intelligence agencies do not hesitate to use their information for political purposes.

27. Interview of Dinara Oshurakhunova, Bishkek, 21.06.2010.

a former member of the Interim government, Abdygany Erkebaev, a former deputy. He is also head of the National Commission for the impartial examination of the causes and consequences of the tragic events of June 2010 in the south of the country. The mandate of the “April Commission” is not to establish the facts and determine who was responsible for the use of force, for such matters fall within the purview of the Prosecutor’s office. The Commission only deals with the political assessment of the events. Of the representatives of Kurmanbek Bakiyev’s former government, only the Vice Prime minister, the minister for Agriculture and the Governor of the Talas region have been auditioned by the Commission<sup>28</sup>.

The Kyrgyzstan Ombudsman, Tursunbek Akun, is also analysing the April 2010 events. His analysis is however completely unofficial, so as not to interfere with the activity of the official bodies<sup>29</sup>. When he met with the FIDH mission, Tursunbek Akun admitted that the official enquiry was not totally reliable, because after the firing in front of the White House in Bishkek the wounded were treated, but there was no forensic examination. Many bullets were not kept for a ballistic examination. The corpses were buried without expert examination<sup>30</sup>. The deputy Prosecutor, Viktor Ivanov, nevertheless claims that “766 expert examinations were performed, including 471 forensic examinations (on the injured and the dead), and 90 ballistic analyses (...). 43 bullets were extracted, but many bullets were lost during firing”<sup>31</sup>.

On the government’s initiative, the families of persons killed during the April events have received compensation to the tune of 1 million soms (about 18,000 euros). Their children who are minors will get 450 soms (8 euros) per month until their majority. Some have received a one-room apartment. In Bishkek an organisation called “*Meken Sheitteri*” (Heroes of the Homeland) representing around 150 families of persons killed is calling for a monthly payment of a minimum living allowance (3,260 soms, i.e. 58 euros), and the extension of the subsidy to the parents of those killed. The organisation has registered with the ministry of Justice. It organised, with the association defending the wounded, a demonstration in front of Parliament (*Jugorku Kenech*) demanding that the national authorities receive its members. The meeting has taken place<sup>32</sup>. However it seems that of the 365 persons wounded on the square opposite the White house, only half have received any compensation<sup>33</sup>.

Following the events in April 2010 in Bishkek, legal proceedings have been initiated against snipers, whose names have not been divulged, and also against followers of K. Bakiyev, notably the head of the Secretariat of the President of Kyrgyzstan<sup>34</sup>, Oksana Malevannaia. They were all accused of abusing of their official position, causing people to be killed in front of the White house in Bishkek. The indictments however do not say what specific acts they are individually accused of. Ms. Malevannaia, like all the senior officials, was accused of having given the order to start firing on the demonstrators<sup>35</sup>. The deputy Prosecutor refused to comment on the legal proceedings and the specific charges against each of those involved. But he declared that the Kyrgyzstan authorities responsible for law and order were capable of carrying through the enquiry and of justifying to the courts the charges against those who decided to use force in April 2010<sup>36</sup>.

28. Interview of Abdygany Erkebaev, 21.06.2010.

29. Interview of Tursunbek Akun, 24.06.2010.

30. Idem

31. Interview of Viktor Ivanov, 25.06.2010.

32. Interview of Aslan Sagandykov, 21.06.2010.

33. Idem

34. After the April 2010 events, Ms. Malevannaia tried to minimise her role in K. Bakiyev’s administration, saying that she merely prepared press reviews for the President (interview of Oksana Malevannaia, 23.06.2010). Her duties were nevertheless very extensive (interview of Maria Rasner, 26.06.2010).

35. Interview of Anton Ivanov, 23.06.2010.

36. Interview of Viktor Ivanov, 25.06.2010. At the same time, the head of the external relations department of the Prosecutor’s office, Sumar Nasiza, was calling for international assistance for investigating the events in Bishkek and in the south of the country (interview on 25.06.2010).

It is obvious that owing to the violence that erupted in June in the south of Kyrgyzstan and the forthcoming parliamentary elections, the enquiry into the April 2010 events in Bishkek is becoming less prominent on the country’s political agenda. The decreasing public interest in the enquiry can to some extent help the investigators to escape undue pressure, but it also means that people are less interested in the trial and its outcome. From the information gathered by the mission, one can draw the conclusion that the sole aim of the official investigation by the Prosecutor’s office is to bring to justice the top representatives of K. Bakiyev’s regime (in a system where less than 1% of criminal cases end with an acquittal). The aim of the enquiry by the State Commission for a comprehensive examination of the causes and circumstances of the tragic events in April and May 2010, under A. Erkebaev, and of the enquiry carried out by the Ombudsman, is to examine the causes and to assess the political consequences of the April events. They also criticise the action of the preceding government, but do not attempt to determine precisely the facts.

### II.3 Pressure on the dignitaries of the former regime

The deputies of the December 2007 Parliament, particularly the members of the Ak Jol presidential party, were among the first to be subjected to intimidation manoeuvres and “extra-judiciary punishment”. Some of them owned property coveted by certain individuals. From the very first days of the revolution, numerous deputies were threatened by criminals who were tempted to take advantage of the political context to lay hands on their property. In most cases the police failed to intervene, and the complaints filed were not acted upon, either because the police were hiding for fear of being attacked, or because they considered that the deputies were guilty of having supported the former regime.

Before the publication of Decree n°1 providing for the formation of the Interim government and the dissolution of Parliament (*Jogorku Kenech*), pressure was brought upon the deputies belonging to the Ak Jol party to give up their parliamentary mandate. In that context, the gathering on May 14 of around forty Ak Jol deputies proposing to give parliamentary legitimacy to the Interim government was seen as “a parliamentary coup d’état”, and the Ak Jol deputies were all summoned by the GSNB (National State Security Service). The Ak Jol deputies, who held a majority in Parliament with 71 out of 90 seats, wanted to propose a vote of confidence to the Interim government, and then a self-dissolution motion. This could have guaranteed the legitimacy of the new regime (and perhaps the tranquillity of the representatives of the former), but the members of the Interim government refused to accept the arrangement<sup>37</sup>. The situation deteriorated still further after May 14, following the coup staged by K. Bakiyev supporters at Djalal-Abad. Ishkak Masaliev and Usen Sydykov, respectively leaders of the Communist party of Kyrgyzstan and of “*Ediny Kyrgyzstan*” (*United Kyrgyzstan*), were arrested and charged with “*Organising a mass disturbance*” following the publication of wire-tapped telephone conversations between the two men.

Several members of the Ak Jol party, and persons close to the former government, told the FIDH mission about the pressures they were subjected to following the events on April 7, 2010.

#### Case of Begaly Nargozuev<sup>38</sup>

Begaly Nargozuev was a businessman, head of the Esen Air airline, before being elected to parliament in December 2007 as a member of the Ak Jol party. The presidential party put him on their list, hoping to benefit from his influence in the Alay district. But a year and a half ago a group of officials tried to buy 70% of the company shares. When he refused, they took steps to have the Esen Air licence withdrawn, which forced the company to go out of business. M. Nargozuev also owned the Internet news portal *Kyrgyztoday.kg*.

After the government was overthrown, “*On April 8, 2010, around 3 a.m., a group of men wearing masks and carrying automatic weapons tried to force open the gates of my house,*

37. Interview of Begaly Nargozuev and Cholpon Abdullaeva, 23.06.2010.

38. Interview of Begaly Nargozuev and Cholpon Abdullaeva, 23.06.2010.



24 Arstanbap Street, in the 'Kok Jar' district. It was only thanks to the noise made by family and neighbours and the immediate arrival on the spot of a few friends that we managed to get rid of the attackers. On leaving they fired a few shots, and the bullet marks are still visible on the walls of the house and the windows of my car. In their haste they left behind some heavy metal objects. As the police were not at work on that day we were not able to call for help, not to speak of lodging a complaint. I had to call an acquaintance, the deputy head of the ministry of the Interior, M. Turganbaev, who sent his men to defend us. I notified the ROVD (local police station) of the "Octobre" district of Bishkek on April 11, as soon as they resumed work, but they refused to register my complaint, on the grounds that the police were not working on April 8. The same night, around 4 p.m., just as we had got rid of the armed men, the security company 'Atcom' called me to tell me of an incident at the headquarters of the online television channel 'Kyrgyztoday.kg' (which entirely belongs to me), 128 Chuy Street, Bishkek. When we got there, we found that all the video equipment, the television equipment and the computers had been stolen. On April 7 and 8 the incident was notified to the 'Atcom' security company and to the Commission responsible for evaluating damage due to theft (maroderstva). On April 15, 2010, the caretaker of my country house in the village of Arasham (Alamedi district, Chuy region), Shakir Jeenbekov, told me that some persons living in the region had come and asked to see me. As I did not appear, they told my son, Amantur, to convey to me their demands: that I should tar the streets of the village of Arasham, that I should build a stadium, and that I should organise a tea party for them. During the discussion my son was hit on the face. He refused however to lodge a complaint, and the incident was not recorded by the police.

On April 27, 2010, the caretaker, Shakir Jeenbekov, told me that a person living in the neighbourhood had come to demand that I should purchase, for each inhabitant of Arasham, some flour and 5 litres of oil (basic commodities). If I failed to do so, she threatened to "stir up the guys of the neighbourhood" and to "turn my house upside down". In view of the lack of response to our previous complaints, we did not even notify the police of this incident. But we know who the woman is, and where she lives. Pressure of this kind on the part of the inhabitants is still taking place. We know who many of them are, and we are keeping the information for the day an impartial enquiry is carried out. On May 20, around 1.30 p.m., 5 Molotov cocktails were thrown at my house in Arasham, one of which went through a window, but the caretaker was able to put it out. The incident was notified to the Alamedi ROVD on May 20. Since May 15 2010, I receive calls everyday demanding that I leave the Ak Jol party and that I resign my seat as deputy, failing which I could be prosecuted".

### Case of Chopon Abdullaeva<sup>39</sup>

Cholpon Abdullaeva was a deputy, belonging to the Ak Jol party. She had to give up her seat when the Bakiyev government was overthrown.

"All the Ak Jol deputies are on a 'black list'. I found this out at my expense when I wanted to go to Urumqi from Bishkek airport. (...) A frontier-guard officer told me quite openly that I was on a 'black list', and therefore I was not allowed to leave the country. He showed me on his computer a file containing a lot of particulars concerning me. Following the incident I called a number of people belonging to the Interim government, but I was always passed on to someone else. Roza Otunbaeva's office told me to call Beknazarov's office...

I constantly receive phone calls from secret numbers. Some of the callers don't identify themselves at all, others say that they are police officers (gorodskoy UVD) or that they belong to the Prosecutor's office; one of them said he was a GSNB agent... I am threatened, insulted, accused of stirring up the population against the Interim government... Very often the caller wants me to sign a statement saying I am withdrawing from the Ak Jol party and resigning my seat as deputy... When I was summoned to the GSNB and questioned for over six hours on end, I was again advised to sign the statement, so I ended up by doing so".

39. Interview of Cholpon Abdullaeva, Bishkek, 23.06.2010.

### Case of Vugar Khalilov<sup>40</sup>

Vugar Khalilov, a former BBC journalist, specialising in public relations, used to work for the Bakiyev government. He was arrested on April 12, in the evening. Vugar Khalilov, an Azerbaijani and a British subject, was not able to obtain the consular assistance to which any foreigner is entitled and was only able to talk with his lawyer very briefly during the court hearing on April 15. He was accused of money laundering and arrested. According to the prosecution, he had received a credit from the Asia Universal Bank, which he had legalised by providing public relations services. According to the defence, the service was indeed provided, the initial credit having served as starting capital. As of September 7, 2010, Vugar Khalilov was still detained, despite the fact that his health was causing concern. It is to be feared that the real purpose was to prevent him from talking.

In addition to these cases that the FIDH mission was able to document at first hand, other cases of pressure exercised on former parliamentary deputies have been collected by the Kyrgyz human rights organisations. Alisher Akhmedovitch Sabirov, for instance, a former deputy, member of the Ak Jol party, was questioned by the security services (GSNB) on May 22. On May 26, as he was on his way to Almaty, he was stopped at the border, subjected to various verifications, and then released. These intimidation measures contribute to the lack of security experienced by former parliamentarians.

40. Interview of Azer Khalilov, Vugar's brother, 23.06.2010.

# III. A CONSTITUTION AT ALL COST

On June 27 the Interim government organised a referendum to approve the draft of a new Constitution for Kyrgyzstan, which officially consolidated the parliamentary Republic. Despite the promises and the usual clichés, the new Constitution does not distribute power on the basis of a true parliamentary system. It is in fact a hybrid system, both presidential and parliamentary. Compared to the 2007 Constitution, the President's authority is reduced, and that of the *Jogorku Kenech* (Parliament) is strengthened, but in reality this only represents a slight reorganisation of duties and no fundamental change. The new political élite was totally taken up by these constitutional matters and the organisation of the referendum, and therefore failed to be attentive to the social and political tensions developing in the country. The referendum was held anyway, despite the violent interethnic clashes that broke out in the Osh region from June 10 to 14.

## III.1 The Constitution maintains a strong presidency

Contrary to the Constitution of the Republic of Kyrgyzstan adopted by referendum in 2007, the President is not defined as being the guardian of the Constitution nor as the highest dignitary of the country (§1 and 2, Article 42 of the 2007 Constitution), although he is still the guardian of the unity of the people and of the authority of the State (§2, Article 60 of the 2010 Constitution). He is elected for a single 6-year term, not for a five-year term renewable once (Article 43, 2007 Constitution). Under the new Constitution the President is elected by universal suffrage (§1, Article 61, 2010 Constitution). In the event of conflict with Parliament, the Head of State can, among other things, invoke the similarity of their legitimacy thanks to the popular vote.

The characteristic feature of a parliamentary republic is that the government is responsible to parliament, whereas in a presidential republic, like the United States, the legislative body cannot pass a vote of no confidence on the executive, and the Head of State cannot dissolve parliament. In the new Kyrgyz Constitution on the initiative of a third of the deputies, a majority can pass a vote of no confidence (§3 and 5, Article 85 of the 2010 Constitution). Such a vote does not, however, necessarily bring down the government. The President can “*not agree*” with the deputies' decision, and in that case the government remains in office as long as Parliament does not again pass a vote of no confidence within 3 months (§7, Article 85 of the 2010 Constitution). The first draft of the Constitution stipulated that the President could dissolve Parliament if it twice passed a vote of no confidence, but the provision was finally dropped.

In the new Constitution the President can dissolve Parliament. Under §1, Article 86 of the 2010 Constitution the Prime minister can, once a year, call for a vote of confidence. If Parliament does not pass such a vote, the President has the last word: he can either dismiss the government, or dissolve Parliament (§1, Article 86 of the 2010 Constitution). Parliament can also be threatened with dissolution if it rejects the programme of a newly appointed government (§6, Article 84 of the 2010 Constitution).

In addition to participating in the appointment and dismissal of the government, the President directly appoints the Minister for Defence and the Director of the State National Security Service (GSNB) (§2, Article 64 of the 2010 Constitution). Contrary to the 2007 Constitution, however, the President does not control directly the National Guard and the State Security. The President is the Commander-in-Chief of the Armies (§8, Article 64 of the 2010 Constitution). He proposes to Parliament candidates for the positions of General Prosecutor, President of the National Bank, a third of the Central Electoral Commission

(§3-5, Article 64 of the 2010 Constitution) – and these are only some of the appointments for which he proposes candidates. In the legislative process, he has a right of veto, which can only be overthrown by a two-thirds vote of the deputies (§2-3, Article 81 of the 2010 Constitution). The President can even dissolve local Parliaments under certain conditions (§2, Article 64 of the 2010 Constitution). So the President is a long way from being a mere “*principal notary public*” as is claimed by those who assert that the new Constitution establishes a parliamentary form of government.

## III.2 No guarantee of independence for the judiciary

In the chapter on the judiciary, three provisions are of particular note. The first, the most commented on, concerns the abolition of the Constitutional Court and the transfer of its jurisdiction on matters of constitutionality to a specialised Constitutional Chamber of the Supreme Court. This is in fact a retroactive confirmation in the fundamental law of a decree issued by the Interim government, which, by a stroke of the pen, had not only dissolved parliament, but also the Constitutional Court (not only in its concrete composition but as a body as such)<sup>41</sup>.

It is true that the Constitutional judges had not been very impartial, neither towards Askar Akayev (whom they allowed to stand for a third time in 2000, considering that his first term began before the adoption of the 1993 Constitution and therefore did not count), nor towards Kurmanbek Bakiyev (by cancelling the amendments adopted by Parliament, thereby allowing the President to organise a referendum on the new Constitution in 2007<sup>42</sup>). The Venice Commission deplored the recent decisions concerning constitutional control in Kyrgyzstan, and called for them to be reconsidered, without success<sup>43</sup>.

The Constitutional Court was perhaps not perfect, but not to the extent of justifying the adoption of a new provision of the fundamental law (§5, Article 97) that stipulates that, on the basis of a proposal by the Judiciary Council presented to Parliament by the President, the deputies can, by a two-thirds majority, dismiss a judge of the Constitutional Chamber.

Concerning the lower courts, the Constitution extends the trial period of recently appointed judges to 5 years. It is only afterwards that they can be appointed for life (until retirement). Such a rule (which is of course accompanied by a number of other provisions) has already been used to set up a judicial system subservient to the political authority, for example in Russia and Belarus. What is striking here is that it is embodied in the Constitution. Developments in Kyrgyzstan being unpredictable, such a rule is likely to make the judicial system less independent vis-à-vis the executive.

By Decrees issued on July 28 and August 3, 2010, the President of Kyrgyzstan dismissed 7 judges of the Supreme Court and 19 judges of local courts. Human rights defenders, who have denounced corruption among the judiciary, are nevertheless concerned at these arbitrary measures, which are not based on reliable investigations.

## III.3 The referendum: its preparation and the vote

On May 19, 2010 the Interim government announced that a referendum would be held on June 27, 2010. The referendum covered three points: the adoption of the draft of the new Constitution, the appointment of Roza Otunbaeva as President during the interim period (up until December 31, 2011, without the possibility of standing for the Presidency in 2012)

41. Paragraph 10 of Article 1 of the law on the entry into force of the Constitution of the Republic of Kyrgyzstan, adopted by referendum on June 27, 2010, at the same time as the Constitution, specifies that the jurisdiction of the judges of the Constitutional Court ceases with the publication of Decree n°2 on the dissolution of the Constitutional Court issued on April 12, 2010 by the Interim government. The General Prosecutor's office (whose building was destroyed by fire during the April events) occupies at present the Constitutional Court building. In the main staircase a frame can still be seen with the mention “Judges of the Constitutional Court”, but the portraits of the judges have disappeared.

42. Ruling of the Constitutional Court of the Republic of Kyrgyzstan, September 14, 2007: ([http://www.ks.kg/index.php?option=com\\_content&view=article&id=284%3Aresh14092007&catid=60%3Aresh2007&Itemid=66&lang=ru](http://www.ks.kg/index.php?option=com_content&view=article&id=284%3Aresh14092007&catid=60%3Aresh2007&Itemid=66&lang=ru))

43. Conclusion on the draft Constitution of the Republic of Kyrgyzstan, drafted on May 21, 2010 and adopted on June 4, 2010.

and the abolition of the Constitutional Court. The preparation of the referendum encountered many difficulties. The electoral lists, for instance, were only ready a week before the vote, which meant that they could be neither checked nor completed. The number of refugees and displaced persons in the south of the country was not given. 6 days before the vote, the exact number of polling stations had not been defined<sup>44</sup>. In this context, the Interim government had prepared no solution in the event of the Constitution not being adopted, and behaved as if it was certain beforehand of the positive result<sup>45</sup>. In a perfectly opportunistic manner, the Interim government lifted the state of emergency the day before the referendum<sup>46</sup> and restored it even before the votes were all counted, and maintained it until August 9 in the south.

Not many documents were distributed to explain the new Constitution. One of them was *“Comments on the new draft Constitution”* published by the associative movement: *“My Constitution is my talisman”*. The movement was set up by social activists, close to the Ata-Leken party led by Omurbek Tekebaev, who was at the time the Vice Prime minister of the Interim government. Despite the clearly partisan nature of the movement, which called on the electorate to vote for the new Constitution, the European Union and the United Nations Development Programme (UNDP) financed its publications. The comments were openly propagandist, and instead of simply presenting the main features of the Constitution, it pressed people to vote in favour with slogans such as *‘The President is the Head of State and the arbitrator’*, *‘Parliament has a key role in the power system of the State’*, *‘The courts: reform and cleaning up’*, *‘Local assemblies: full powers to the soviets!’*, *‘The implementation of the constitutional reform will prevent concentration of power, and its abuse’*.

In order to guarantee security on the day of the vote, the Bishkek GUV D undertook to send four policemen (two officers and two subalterns) to each voting station (although they were incapable of giving the number of polling stations planned in Bishkek<sup>47</sup>) as well as 6 or 7 members of the popular militia. In addition to the presence of the police, there were to be representatives of the central administration of the ministry of Defence and the ministry of the Interior, of the financial police, of the ministry of the Interior Academy and the police college<sup>48</sup>. Although there were only four policemen in each polling station, no serious incident on voting day was reported.

The manner in which voting took place gave rise to numerous contestations, even in Bishkek. The text of the Constitution was not available in the polling stations, and it was difficult for the voters to have access to it. In the centre of Bishkek there was one single notice board with the text, and it had only been published in the Official Journal<sup>49</sup>. Voters were supposed to be stamped with a transparent substance sensitive to ultra violet rays, each voter being checked to make sure no one would be able to vote several times. However, although the marks were stamped on, it was difficult to check them. The controllers were not always able to see the mark. The Interim government issued a Decree authorising voters, all over the country, to vote away from their place of domicile, so that any citizen could vote in any polling station. As it was difficult to check voters, it is possible that some voters may have voted in several polling stations. Voting slips were issued on presentation of a document certifying the identity of the person, but not necessarily his nationality (labour permits, for instance). It is difficult to judge to what extent such possible offences may have influenced the result. The new Constitution was adopted with a ‘yes’ vote of 90.59%.

44. Interview of Dinara Oshurakhunova, 21.06.2010.

45. Interview of Tattu Mambetalieva, 21.06.2010, and of Dinara Oshurakhunova, 21.06.2010.

46. The provisions relating to the organisation of a referendum were altered, just in case: whereas it was not permitted to organise a referendum in an emergency situation, a new rule was adopted saying that a referendum would be considered to be valid even in an emergency situation if more than half the population lived in regions under the “normal regime”. (Decree n° 72, June 16, 2010). <http://www.shailoo.gov.kg/dekrety-vremennogo-pravitelstva/o-vnesenii-izmeneniya-v-dekret-vremennogo-pravitelstva-kyrgyzskoj-respubliki-ot-21-aprelya-2010-goda-20o-vnesenii-izmeneniya-v-dekret-vremennogo-pravitelstva-kyrgyzskoj-respubliki-ot-21-aprelya-2010/>.

47. 220 polling stations were organised in Bishkek.

48. Interview of Zaurbek Rysaliev, 24.06.2010.

49. The members of the mission tried to obtain a printed copy of the Constitution from newsagents in Bishkek, but were unsuccessful. One newspaper vendor advised them to approach the person responsible for the management of their place of residence, who should be able to give them a copy.

The way the referendum was organised did not permit an impartial vote. The instability that surrounded the poll was illustrated by the lifting of the state of emergency, dictated by circumstance, although the clashes had barely subsided and violations continued in the south. In such an uncertain context, it is possible that the population may have chosen, whatever the cost, a stable institutional solution.



# IV. THE CIVIL POPULATION FACED WITH THE FALTERING OF THE STATE

According to the persons the mission interviewed, from the very start the Interim government was absorbed by its struggle against the supporters of the deposed President and by the institutional stabilisation of its own authority. Its action was mainly devoted to the preparation of the new Constitution and the organisation of the constitutional referendum. The members of the government failed to pay sufficient attention to the alarming incidents that were developing in the country, and therefore failed to take the preventive measures the situation called for.

## IV.1 A tense general context

Practically all the persons the FIDH fact-finding mission met with considered that the clashes in Osh and Djalal-Abad could have been foreseen. The sequence of events between April and June 2010 reveals the increasing social, economic and political tension in the country. The Interim government failed to analyse the warning signs, and did nothing to avert the consequences. Tensions in Kyrgyz society are the result of long-term developments. For many years the Kyrgyz economy has been characterised by the rise of an underground economy, in Bishkek and in the provinces, particularly in Osh. The low level of public salaries has encouraged the development of massive corruption. This grey economy has exacerbated the social differences between rapidly built large fortunes and a population living mostly in poverty. The south of the country is considered to be a stronghold of drug trafficking. After the fall of the Bakiyev government large transfers of property and political-mafioso rivalries fuelled the acts of violence.

The events in Maevka on April 19, 2010 are an illustration of the intricate complexity of the ethnic, social and economic tensions. In the village of Maevka, nor far from Bishkek, several hundred Kyrgyz tried to lay hands on land and houses belonging to Russians and Meskhetian Turks. The clash left 5 dead and 25 to 40 injured. The Interim government sent the army to Maevka; the aggressors were arrested, although most of them were released the following day. 6 men were charged with organising massive disturbance.

In the south of the country, the April events caused the Uzbek question to surface with considerable intensity. The ousted President was from the south, *“in a country where regional differences play a central role in politics”*<sup>50</sup>. On April 19, in the Djalal-Abad region, supporters of K. Bakiyev seized the Governor’s building and installed a pro-Bakiyev Governor. On April 30, in Osh, fighting broke out between supporters and opponents of President Bakiyev, who clearly had his own men on the spot to orchestrate the disturbances. On May 13, violence further escalated, when a crowd of pro-Bakiyev activists, mostly ethnic Kyrgyz, seized some official buildings in Osh and Djalal-Abad<sup>51</sup>. In the face of such demonstrations, the Uzbek businessman Kadyrian Batyrov mobilised his private forces, over which he lost control. His provocative statements on Osh TV helped to make the situation worse. *“The situation is becoming confused, with the Kyrgyz beginning to get the impression that the new government in Bishkek must be pro-Uzbek, as Uzbeks have helped it to re-establish law and order.”*<sup>52</sup>

50. Bayram Balci. Conflit interethnique au Kirghizstan en juin 2010 : implications locales et régionales.

[http://www.ceri-sciences-po.org/archive/2010/juillet/art\\_bb.pdf](http://www.ceri-sciences-po.org/archive/2010/juillet/art_bb.pdf)

51. Idem

52. Idem

Such a series of incidents could have alerted the authorities to the imminence of serious outbreaks of violence. Violence continued during May, in particular in Djalal-Abad on May 12, 13 and 14. On May 16, tension increased with several houses belonging to the Bakiyev family being put on fire. On May 19, 2010 two people died and 62 were wounded in riots in Djalal-Abad. Kyrgyz youths set fire to the private Uzbek University founded by K. Batyrov. The Interim government accused the former President of stirring up local conflicts, saying: *“Now they have reached the most dangerous limit in their attempt to regain power (...) by provoking interethnic conflicts.”*<sup>53</sup> Acts of physical and symbolic violence also fuelled tension between communities. All these events were successive signs that should have alerted the authorities. *“Gradually the rift between pro and anti-Bakiyev activists became ethnic, Kyrgyz vs. Uzbek”*<sup>54</sup>. On May 19 a curfew was imposed in Osh and Djalal-Abad, to prevent further outbreaks of violence.

Thanks to the weakness of the State and the prevailing impunity, the provocateurs felt they had a free hand. As Bayram Balci notes: *“None of the authors of the acts of violence committed during those weeks were brought to justice, sentenced and punished by the Interim government. Not only did such impunity reveal the weakness of the State, incapable of reacting and re-establishing law and order, but even more it encouraged delinquency and criminality, as everyone was free to ransack, loot, and help themselves in shops without risk of punishment”*<sup>55</sup>. Under the pressure of the mob, the police released the Kyrgyz suspects involved in the pogroms against the Mekhetian Turks in Maevka in April. There were many signs of the difficulty encountered by the new government in asserting its authority in the south. When ministers Beknazarov and Tekebaev arrived to negotiate with the demonstrators, they were pelted with stones.

## IV.2 The blindness of the Interim government

Those who consider that the June clashes were mainly provoked by the Bakiyev clan often reproach the authorities for having refrained from launching a special operation to capture the ousted President and his family when they were still together on Kyrgyz territory, in their village of Teyyit. One tends to forget however, since the massive violence in Osh, how much the 86 April victims had shocked people at the time. The April 7 deaths had irremediably abolished whatever legitimacy the Bakiyev regime may have still had. It is understandable that the Interim government should have wished at all costs to avoid a further bloodbath and the spectre of civil war between north and south, brandished by the former President.

On the other hand, the blindness of the Interim government to the probability of a clash in the south raises many questions. What can account for it? All the persons interviewed by the FIDH mission mention the politicisation of the police as being one of the major causes for the blindness: the police forces under the ministry of the Interior (MVD) and the Special forces of the GSNB were all fully committed to the surveillance of the opposition, to the extent of neglecting their intelligence activities and the prevention of threats. Paradoxically, the political repression during the Bakiyev years had weakened the security forces by diverting them from their normal duties. And the massive politicisation continued under the Interim government, which launched a vast witch-hunt against all those who were associated with the former regime, while at the same time fighting tooth and nail for the control of the administrative resources of the country.

One has to admit that the irresponsible attitude of the Bakiyev clan after it lost power was hardly likely to reassure the new authorities. For a very long week, the ousted President, who had taken refuge in the Djalal-Abad area, had challenged the new authorities, refusing to resign, continuing to assert that he was still the legitimate President, organising gatherings in the main cities of the south, and engaging in explosive regionalist rhetoric. In such a context, the fact that Janysh and Akhmat Bakiyev, the brothers of the former President (under an arrest warrant issued by the Djalal-Abad Prosecutor on April 15, 2010)

53. AFP, 19.05.2010.

54. Idem

55. Bayram Balci. Conflit interethnique au Kirghizstan en juin 2010. Ibid.

were still at large, could but reinforce the paranoia of a government panicked by the signs of its impotence. Especially as the Bakiyev supporters' capacity to harm had been clearly demonstrated by their violent action at Djalal-Abad on May 13-14, 2010. According to the political analyst Marat Kazakpaev, encountered during the mission, *"the Interim government is afraid of the south, which it has never really controlled."*<sup>56</sup> When the President of the Interim government, Roza Otunbaeva, visits Osh, she wears a bullet-proof vest.

It was of course convenient to focus on the *"Bakiyevist threat"*, because at the same time it criminalised the former regime and legitimised the new one, but it did a lot to blind the authorities to the real nature of the threat. The director of the Adilet Legal Clinic, Cholpon Jacupova, told the members of the FIDH mission of a significant instance of how the threats were perceived at the highest level of the State a few days before the outbreaks of violence in Osh. *"Early in June Roza Otunbaeva invited us, Aziza (Abdirasulova), Tolesan (Ismailova) and myself to discuss the situation. She appeared very concerned at the GSNB reports on the tension in the south. But what really worried her were the activities of the political opponents, the manoeuvres of the Bakiyevists, and the rumours of a new coup d'état, far more than the inter-ethnic tensions. We advised her to announce an amnesty, to launch a national reconciliation policy and to stop the despoilment and transfer of property."*<sup>57</sup>

### IV.3 Violence erupts in the south

From June 10 to 14, dramatic outbreaks of inter-ethnic violence erupted in Osh and its suburbs. Several hundred people were killed during the clashes between Kyrgyz and Uzbek civilians. On June 10, Osh, the country's second largest city, became the theatre of anti-Uzbek pogroms. A minor incident, an ordinary scuffle between groups of young people near a casino, was enough for political rivalry to turn into an inter-ethnic conflict. A large crowd of ethnic Uzbeks gathered in the evening of June 10, shouting anti-Kyrgyz slogans. There were several violent attacks that night against Kyrgyz civilians, and several buildings were put on fire. The police arrived some hours after the violence had begun. The ministry of the Interior Special forces then dispersed the crowd by firing in the air and with tear gas hand grenades.

The violence then spread to other parts of the city. What information there was and the rumours that were circulating ignited the fury of the Kyrgyz population of Osh and the surrounding area, and thousands of them entered the city. From the morning of June 11 until June 14, mobs attacked the Uzbek districts, and in some case the inhabitants fought back. Barricades were put up. Rioters looted and set fire to Uzbek houses and shops in Osh, Djalal-Abad, Bazar-Kurgan and other southern cities, burning down whole districts in several regions. It would appear that the rioters managed to grab the weapons of the soldiers when they arrived.

At least 371 persons (official count issued by the Kyrgyz ministry of Health on August 9, 2010), and perhaps far more (up to 2 000 according to unofficial reports) were killed. 300 000 Uzbeks are reported to have fled, of whom 85 000 to Uzbekistan. 49 persons are still declared missing. Several thousand buildings, belonging mainly to Uzbeks, were completely destroyed. At present thousands of people are homeless, their home having been demolished.

It is difficult to determine the exact sequence of the June events, and the real number of victims of the violence is not yet known. Human Rights Watch, after conducting a large number of interviews, has attempted to reconstitute the chronological sequence of these tragic events<sup>58</sup>. A thorough and impartial enquiry is still necessary, in order to determine exactly what happened and where responsibilities lie.

56. Conversation with Malat Kazakpaev, 25.06.2010.

57. Interview of Cholpon Djakupova, 21.06.2010.

58. Kyrgyzstan. Where is the Justice ? Interethnic Violence in Southern Kyrgyzstan and its Aftermath. Human Rights Watch, 2010. <http://www.hrw.org/fr/reports/2010/08/16/where-justice-0>

## V. THE TRAGIC DESTABILISATION OF THE COUNTRY

Very soon the interim government attempted to give the impression that the country had returned to normal. The decision to maintain the constitutional referendum on June 27, less than two weeks after the deadly events in Osh, was a case in point, illustrating the political determination of the government to proceed regardless of the real tensions rife in the country. Contrary to official declarations, acts of violence have continued since the interethnic clashes in the south. Kyrgyzstan is durably destabilised. Only political recognition of the situation can make it possible to envisage long-term solutions.

### V.1 Violence continues, despite official declarations to the contrary

The closing down of the refugee camps in Uzbekistan and the return of numerous displaced persons may have given the impression that the situation had returned to normal. After the violent events in June, the Kyrgyz authorities tried to promote reconciliation between the Uzbek and Kyrgyz communities. Roza Otunbaeva paid several visits to Osh and other cities in the south of the country.

However the fact that the violent clashes stopped after a week does not mean that violence has disappeared from the region. In the city of Osh, in particular, the situation remains very tense, and violent episodes occur daily. Gunfire has virtually ceased. But in a climate in which both sides keep strictly apart from each other, and in which each side views the other with profound mistrust, each day brings its toll of beatings, rape, hostage-taking and assassinations. The fact that the central government is incapable of halting the violence or bringing the authors to justice bears witness to its weakness.

The member of the FIDH mission who went to Osh on June 27 recorded testimonies that showed that even after June 14, the official date of the end of the incidents, acts of violence were continuing in the region. All the NGO representatives the FIDH mission met with from June 20 to 28 confirmed that acts of violence were continuing.

A man of Kyrgyz nationality told how his brother had disappeared: *"On June 14, when the authorities declared that all was calm and that the pogroms had stopped, my brother, a shopkeeper, went out with his son to see how his shop had fared. Some men then suddenly appeared in the Tcheremuchki district, some of them carrying firearms. They struck my nephew with a rifle butt, and he fell to the ground, unconscious. They seized my brother and took him away. I have had no news of him since."*<sup>59</sup>

According to the Alliance of Women' Legislative Initiatives, more than 60 women were raped in the Osh and Djalal-Abad area during the June interethnic clashes. Cases of rape have also been recorded since the situation has become calmer. The case of Tadjikhon Mamadjanova illustrates the persistence of sexual violence and the threats against women who file a complaint. The members of Tadjikhon Mamadjanova's family were victims of acts of violence during the night of June 24-25, in the village of Asantchek, five kilometres from Osh<sup>60</sup>. According to their testimony, they had returned from a refugee camp that very

59. Interview of a Kyrgyz inhabitant, Osh, 27.06.2010.

60. Interview of the Abdulaev family, Asantchek village, 27.06.2010.

morning. At 3 a.m. someone tried to break the door open. When the oldest woman of the family went to open the door, she was struck down with the butt of an automatic weapon, and fell to the ground. Her son, Iroil, was also struck with a rifle butt on the head, and lost consciousness. The attackers were six armed men in uniform. As she was trying to help her son, Idoyat Abdullaeva was shot in the hand and then struck in the stomach, on the head and the legs.

Her daughter Tadjikhon (born in 1974), an activist and a deputy of the local district assembly, was raped with great cruelty. Two of her children, locked up in the next room, heard everything. They also were threatened with death. Four of the attackers had automatic weapons, the fifth a cudgel. They beat Tadjikhon several times and made her suffer various indignities, which they filmed on a mobile phone to show a certain 'Akhmat' (according to her it was Akhmat Keldybekov, a former deputy). They debated among themselves as to whether they should kill her or not, when one of them recalled that they had not received orders to do so. One of the attackers was called "Bikesh" by the others. Tadjikhon recognised two others, Kyrgyz men who lived in the village. They took all the cash, jewellery and mobile phones they could find. Her brother tried to call the police, but the police station was closed for the night. A friend who wanted to help, a taxi driver who had a car, was also attacked the following day (June 25), probably by the same men. They pulled his teeth out with pincers so that he should keep his mouth shut, and then went off towards Osh. The family have not filed a complaint with the police or with the Prosecutor's office, because they do not trust the officials, who are all Kyrgyz. Neither Idoyat Abdullaeva nor Iroil were admitted to hospital. They simply put a bandage on Idoyat's hand. Her son has severe concussion, he hardly moves, he has a head wound, and feels nauseous. But when they took him to the hospital they were asked for a sum of money they did not have for performing a tomography. During the FIDH interview Tadjikhon was psychologically very fragile, and said she only remained alive for the sake of her children.

On August 26, 2010, Tadjikhon was called to her place of work. She was kidnapped on the way. For two days, she was detained in the cellar of the town hall and tortured. A person she did not know interrogated her. She was asked to write a statement saying that after the rape, she had been taken away in a car belonging to Uzbeks, in which there was a corpse. She was finally saved by someone from the GSNB, close to the town hall where she worked. The men who detained her for two days told her not to say anything, or else... She is presently in danger<sup>61</sup>.

The persistence of such incidents perpetuates a climate of fear. There are rumours galore, and "anniversaries" are awaited with apprehension. On July 8, in Osh and Djalal-Abad, for instance, the police celebrated the national police vacation day with a rowdy procession, having had too much to drink and carrying automatic weapons. The population lives in fear of a punitive expedition from one side or the other. The regional coordinator of "Citizens Against Corruption", Alyma Sharipova, described as follows the situation in Osh on July 10, a month after the clashes began. "Thirty days later, the inhabitants of Osh are still in a state of tension. Since July 8 and 9 there have been insistent rumours that the inhabitants of the region would be coming to Osh to destroy, to burn and to loot. When there are such rumours, generally no one does any work. The Kyrgyz are afraid that the Uzbeks may be seeking revenge. During the last few days men saying they were GSNB agents have been patrolling the bazaars, advising vendors and suppliers not to go into the city and to leave nothing in the containers, telling taxi drivers not to take people into town, etc. Around 1 pm. military vehicles were stationed at crossings. Our partner in the Alay district, Sonunbu Ismailova, reported that there was no traffic going towards Osh. (...) There were gatherings in many parts of the district preventing anyone from going to Osh. From 10 p.m. to 5 a.m., during the curfew, the inhabitants of all the mahallas took turns to mount guard in the streets, in anticipation of an attack coming from neighbouring areas."<sup>62</sup>

61. Information given by CAC, September 8, 2010.

62. Monitoring report by CAC.

Even though the member of the FIDH mission got the impression that most of the persons encountered were determined to stay where they were whatever happened, local organisations report that many inhabitants would prefer to leave. The "Citizens Against Corruption" regional coordinator, Alyma Sharipova, wrote on July 10: "Owing to the climate of uncertainty and mistrust, many people are leaving. Many Kyrgyz are going to Bishkek, Uzbeks are leaving Osh, Kara-Suu, Nookat, Uzgen and Aravan for Russia or the neighbouring villages in Uzbekistan." Among those who are staying, the Uzbek residents in the suburbs of Osh say that they avoid leaving their homes, unless they absolutely have to<sup>63</sup>.

## V.2 The participation of law enforcement agencies in the acts of violence

The victims of acts of violence often say that their aggressors were in uniform, although one cannot be sure whether they belonged to the military, the police or the secret services. Many members of criminal groups wore at least part of a uniform. The confusion was compounded by the fact that many military wear no badge indicating rank or identity and travel in unmarked vehicles. GSNB agents often wear masks when operating. According to several of the mission's sources the persons who participated in the June events usually started by attacking army barracks or police stations to get weapons before committing their acts of violence. According to some sources some attackers even got hold of armoured vehicles, but the mission was not able to confirm this.



City of Osh,  
June 27, 2010

Very many testimonies concerning violations reveal however the undoubted implication of members of the law enforcement agencies. The authorities are aware of this. Colonel Maylashev, deputy commander of the city of Osh, confirmed to the member of the FIDH mission that there were cases of extortion of bribes, of confiscation of mobile phones, etc., and promised to give the matter his closest attention<sup>64</sup>. The colonel also recognised that there was a problem of lack of coordination among the various military authorities in the region, which are not placed under a centralised command. The fact remains, however, that despite an "Order on the measures to be taken to ensure the legality of special operations and search and investigation activities"<sup>65</sup>, the situation has not improved.

Aziza Abdirasulova of the NGO "Kylym Shamy" and Tolekan Ismailova, director of the NGO "Citizens Against Corruption", stressed on several occasions the fact that the conflict between the Kyrgyz and the Uzbeks had now become a confrontation between the law enforcement agencies and the Uzbeks<sup>66</sup>. Both defenders had received numerous reports of Uzbeks being arrested in Osh in the absence of any convincing evidence, during the enquiry into the June events.

Aziza Abdirasulova emphasised on June 24: "Today the violence comes from one side only, the law enforcement agencies". Policemen have diverted humanitarian aid to the GUVB; others have been seen helping themselves in a store, eating and drinking, explaining that they were hungry – and it would indeed appear that they were not getting enough food.

63. Kyrgyzstan. Where is the Justice ? Interethnic Violence in Southern Kyrgyzstan and its Aftermath. Human Rights Watch, 2010. <http://www.hrw.org/fr/reports/2010/08/16/where-justice-0>. P. 79.

64. Interview of Colonel Maylashev, Osh, 28.06.2010.

65. "Order on the measures to be taken to ensure the legality of special operations and search and investigation activities", signed by the acting General Prosecutor B. Ibraev, by the acting president of the National Security Service K. Dushebaev, by the minister of the Interior K. Baibolov, by the acting director of the financial police E. Bulekbaev, by the acting minister for Defence I. Isakov, by the acting president of the State Service for the application of sentences attached to the government Ch. Baizavkov.

66. For example during the meeting presided over by the Interim President Roza Otunbaeva, Osh, 27.06.2010.



In one single day, July 15, 2010, the Osh regional office of “Citizens Against Corruption” received several reports of illegal action on the part of the police: “We have received a call from Uzbek inhabitants, who told us that in the early hours of the morning policemen burst into their house, hit people with rifle butts and took away with them members of the family (male). One of the persons abducted, Olimdjan Umarov (aged 60) was released against a ransom, but according to the family he was beaten up so severely that he cannot get up and is extremely weak. Puridin Nuridinov (also aged 60) was taken away, and then released. In the meantime his family looked for him in vain and were not able to find out where he had been detained. He was apparently questioned as a witness of the clashes on June 10 and 11.”

Another case, that of Mukhtar Alimov (aged 39, living at 41 Abaya Street); “Around 1.30 a.m. his house was attacked by three policemen and 15 men wearing camouflage uniform. He was beaten up with rifle butts for half an hour, in front of his wife and his three sons, and then taken away to an unknown destination. We called the Osh commander to find out what it was all about, but his name appeared on no register. (...) At 1 p.m. M. Alimov was released, against a ransom. His kidnappers demanded 1 000 \$, but as he was incapable of obtaining such an amount, they agreed on a sum of 20 000 KGS (approx. 500 \$). For over an hour he was surrounded by six men in a circle who struck him with rifle butts, to persuade him to ‘confess’ that he carried a revolver and that he had fired on some Kyrgyz. Then the policemen said that if he paid up, his deposition would be destroyed.”<sup>67</sup>

Mothers of victims interviewed by the human rights organisation “Citizens Against Corruption” on July 15, 2010, gave details of the kind of torture their sons had been subjected to while under arrest:

- suffocation with a plastic bag
- nails pulled out
- sharp cutting objects pushed under the nails
- beating up with rifle butts
- use of electricity
- introduction of a gun barrel into the mouth.

Several sources assert that the basement of the Kyrgyz Drama theatre in Osh is now used as a place of detention, owing to the overcrowding of the GSNB and GUVB prisons in Osh and the ROVD prison in Kara-Suu<sup>68</sup>.

On July 20, 2010 the UN High Commissioner for Human Rights Navi Pillay denounced the illegal acts and human rights violations committed by security forces in southern Kyrgyzstan. She asserted that “local authorities are routinely turning a blind eye to illegal arrests, torture and ill-treatment of detainees leading to forced confessions”. Such actions threaten the fragile peace and re-establishment of the rule of law<sup>69</sup>.

### V.3 Misappropriation of humanitarian aid

The persons interviewed by the mission expressed their concern about the humanitarian aid for refugees, forcibly displaced persons and victims of acts of violence in the south of the country. The distribution of humanitarian aid was not transparent: no figures are available for the aid that was sent, nor for what actually reached the victims. In addition only 43% of the donors' promises for the funding of post-conflict programmes in Kyrgyzstan have been fulfilled, whereas the humanitarian emergency is still a reality<sup>70</sup>.

On the spot, government aid is distributed by certain political parties<sup>71</sup>. The coordinator of the NGO coalition “Committee for civic control”, Tattu Mambetalieva, mentioned the case

67. Alyma Sharipova, CAC monthly Monitoring Report.

68. Cholpon Djakupova's report of a mission to Osh (Adilet Legal Clinic); CAC June-July report.

69. Illegal acts by security forces threaten fragile peace in southern Kyrgyzstan, says UN human rights chief. News Release. 20 July 2010. <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/KGIndex.aspx>

70. OCHA, Kyrgyzstan Humanitarian Bulletin, Issue 5, September 3, 2010.

71. Interview of Tattu Mambetalieva, 21.06.2010.

of 20 trucks carrying humanitarian aid that “disappeared without trace”. Other trucks were sent to find them, which further exacerbated the shortage of transport<sup>72</sup>.

The Interim government's decisions concerning the distribution of humanitarian aid failed to take account of local conditions and the needs of the population. For instance, as the barricades hindered the distribution of humanitarian aid, the Interim government decided to dismantle them to allow the aid to get through. At the same time cleaning operations were put in hand, which caused the people behind the barricades to panic. Even in the absence of violence, the inhabitants do not feel safe<sup>73</sup>.

The mission, which visited the region of OSH, noted that in the village of Papan, the birthplace of the mayor of Osh, in June the population had seen many cars loaded with flour arriving in the village.



City of Osh, June 27, 2010

### V.4 The Osh enquiry is following the same lines as the one on the tragic April events

Recognising that the June events had perhaps made up to 2 000 victims, after June 27 Roza Otunbaeva was forthright in coming out with the truth. Doubtless feeling in a stronger position thanks to the absence of any serious disturbance during the referendum, she used strong language at a meeting of human rights defenders and representatives of the authorities. “Question number 1 is security (...) We must not permit an ‘afghanisation’ of Kyrgyzstan”<sup>74</sup>. The next day she said, “the situation was far from being stabilised”<sup>75</sup>.

The Kyrgyzstan General Prosecutor's office has initiated over 1 500 legal proceedings connected with the June 10-14 events in the regions of Osh and Djalal-Abad. Official charges were brought against the former President of Kyrgyzstan, Kurmanbek Bakiyev, against the members of his family and his government, and also against “international terrorists”, members of Al-Qaida and the Taliban<sup>76</sup> who reportedly have been arrested. However the deputy General Prosecutor, confirming the arrests of the international terrorists, refused to name them, on the grounds of the confidentiality of the investigation process. He also refused to say what decisions had been taken, and by what courts, concerning them. He did not say whether the persons arrested had the possibility of meeting a lawyer, chosen by them or appointed by the State; whether the court had convened, and if so, why the names of the persons arrested could not be given<sup>77</sup>. Judging by the statements of the deputy General Prosecutor, one can either take it that no one has in fact been arrested (apart from a few ethnic Uzbeks and in particular A. Askarov, a human rights defender whose case is discussed below), or that the Kyrgyz authorities are guilty of illegal detention and serious violations of the right to a fair trial.

72. Idem

73. Interview of Dinara Oshurakhunova, 21.06.2010.

74. Meeting chaired by Roza Otunbaeva, Osh, 27.06.2010.

75. <http://www.akipress.org/>

76. Press review of the National Security Service, available at: <http://www.ferghana.ru/article.php?id=6629>

77. Interview of V.G. Ivanov, 25.06.2010.



Many representatives of the civil society criticised what the Kyrgyzstan Ombudsman Turkusnbek Akun said at a press conference on July 27, 2010, when he invoked a collective responsibility for the June 2010 events.

One can harbour certain doubts about the impartiality of the enquiries initiated in Osh and Djalal-Abad. According to the information available to the mission, no Kyrgyz citizen hav-



Soldiers exhume bodies found in common graves in order to identify them. Six bodies of women have been exhumed, some with their feet and wrists bound, Osh, 26 June 2010.

ing taken part in the acts of violence has been arrested, which would seem to indicate that only Uzbeks have been arrested<sup>78</sup>. On June 24, 2010 the Council for Human Rights working with the Kyrgyzstan Ombudsman asked the national authorities to recognise the jurisdiction of the International Criminal Court for investigating the events in the south of the country, on the basis of Article 12 of the Statutes of the International Criminal Court<sup>79</sup>.

Within the General Prosecutor's office there is no consensus concerning the capacity of the Kyrgyz investigators and prosecutors to carry out the nec-

essary investigation alone. The deputy General Prosecutor recognised that there was a shortage of staff but asserted that the law enforcement agencies were capable of carrying out the investigation<sup>80</sup>. At the same time, the person in charge of the external relations of the Prosecutor's Office recognised that the resources and the will of the Kyrgyz authorities were not sufficient, and that an international investigation could become necessary<sup>81</sup>.

In July 2010 the Interim President Roza Otunbaeva agreed in principle that there should be an international enquiry into the events of June 10 to 14, 2010. An international Commission of Enquiry under Kimmu Kiliunen, a Finnish Member of Parliament, Special Representative for Central Asia of the OSCE Parliamentary Assembly, is in the process of being set up. It will have two offices in Kyrgyzstan, legal experts and field investigators. The information should be gathered in the autumn, and the Commission's report should be submitted in December 2010<sup>82</sup>. Its powers however will be limited. It will not be operating under a mandate from the United Nations nor from any other international organisation. The Kyrgyz civil society insists on the fact that the participation of the independent civil society, Kyrgyz and international, is essential for the Commission to be effective.

## VI. THREATS TO CIVIL SOCIETY REPRESENTATIVES

The inability of the Kyrgyz state to maintain the rule of law means that those who try to investigate and collect evidence, especially human rights defenders, lawyers and independent journalists are targeted by various groups (linked to the public authorities or private criminal gangs) that are often difficult to identify. They are at the centre of the strategies of destabilising groups and the local mafia. Human rights defenders and the lawyers who defend victims are faced with intimidation from all sides. The sabotage of the FIDH mission car in Papan on June 27 demonstrated that all means of keeping independent observers out of the way are acceptable. They are under particular threat when they are of Uzbek origin, since they are suspected of being "traitors to the Kyrgyz people"<sup>83</sup>. When they are Kyrgyz, they are accused of being "traitors" to their own people. Civil society representatives do not benefit from any determined commitment to ensure their safety on the part of the state.

### VI.1 Threats against human rights defenders

#### The case of Azimjan Askarov<sup>84</sup>

Azimjan Askarov, director of the human rights organisation "Vozdukh" (Air) based in the city of Bazar-Korgon, in the Djalal-Abad region in the south of the country, was arrested on June 15, 2010 for having taken part in the inter-ethnic clashes that broke out on June 10, resulting in the death of the policeman Myktybek Sulaimanov. He was accused of taking part in mass disorder, incitement to racial hatred, possession of extremist material, illegal acquisition of ammunition and of being an accessory to the murder of the police officer. He was arrested with 7 other people.

Azimjan Askarov was arrested on June 15, 2010 but his detention was not officially registered until June 16. Azimjan Askarov was not able to communicate with his choice of lawyers from June 15 to 20. The General Prosecutor justified the detention in view of the "severity of the charges" against him. On June 17, the district court in Bazar-Korgon placed him in detention until August 16, 2010. The interests of Azimjan Askarov were only taken into account from June 20, when he was granted the right to meet his lawyer, but in the presence of police officers. On June 22, the conversation with his lawyer also took place in the presence of police officers, since the latter refused to grant a private discussion. On June 23, their conversation only lasted for 3 minutes and was then interrupted.

Furthermore, A. Askarov was apparently tortured during his detention. His brother, who was detained at the same time but was released, noted that A. Askarov had been beaten

78. Idem

79. The members of the mission were present at the meeting.

80. Interview of V.G. Ivanov, 25.06.2010.

81. Interview of Sumar Naziza, 25.06.2010.

82. <http://www.dw-world.de/dw/article/0,,5929084,00.html>

83. Tolekan Ismailova, Director, Human Rights Centre "Citizens against Corruption". Where is the primacy of international law in transit countries like Kyrgyzstan? September 2, 2010, Barcelona

84. Observatory for the Protection of Human Rights Defenders press release, September 17, 2010, <http://www.fidh.org/Sentencing-to-life-imprisonment-of-Mr-Azimjan>

by police officers. A. Askarov was held at the Bazar-Korgon police station where the policeman who had been killed during the events had worked and where several others who had been injured continued to work. In addition, A. Askarov is of Uzbek origin. His lawyer and the members of his family were threatened, in particular when they wanted to visit him in detention.

It is strongly suspected that the charges made against A. Askarov are politically motivated and are intended to curb his human rights activities. Prior to his arrest, Azimjan Askarov was actively involved in collecting evidence concerning violent attacks on his village during the inter-ethnic violence that occurred in the south of Kyrgyzstan at the beginning of June. According to certain people, A. Askarov filmed the violations, including the police failure to intervene to stop the acts of violence. He had previously worked for several years reporting on prison conditions and the treatment of detainees.

Several human rights NGOs called for the charges against A. Askarov to be dropped and for his release. This request was ignored and a hearing was held at the Bazar-Korgon district court on September 6, 2010. Although the crime of which he is accused was committed in Bazar-Korgon, Kyrgyz officials decided to organise the trial in the village of Nooken due to the aggressive behaviour of Sulaimanov's relatives. However, Nooken is located only 15 km from Bazar-Korgon, which enabled the friends and relatives of Sulaimanov to continue using pressure. During the hearing, the family of the deceased policeman directly threatened the defenders of A. Askarov and his friends and relatives. The lawyer of A. Askarov requested a medical examination of his client, who appeared at the hearing with a black eye. A. Askarov refused the medical examination, explaining that he had not been beaten. When questioned about the Askarov case, the deputy General Prosecutor of Kyrgyzstan answered that *"he knew he was guilty"*, despite presumption of innocence. Regarding the blows he had received, these had apparently occurred in fights preceding the arrest. NGOs expressed suspicions that torture and physical violence had been used against A. Askarov<sup>85</sup>.

A. Askarov was sentenced to life imprisonment on September 15, 2010. This heavy sentence, in spite of the fabricated character of the investigation and the trial, and which was denounced by all the international human rights NGOs, seriously tarnishes the reputation of the new Kyrgyz state that is under construction and reinforces fears concerning the democratic future of the country.

### The interrogation of Toilekan Ismailova and Aziza Abdirasulova<sup>86</sup>

Since the inter-ethnic clashes in June, acts of intimidation have been committed against several human rights defenders. On June 28, Ms. Toilekan Ismailova and Ms. Aziza Abdirasulova, respectively Directors of the NGOs Citizens Against Corruption and Kylum Shamy, FIDH member leagues, were summoned to the office of the Osh regional court to be heard as witnesses in a case of *"mass disorders"* (Art. 233 of the Criminal Code of the Kyrgyz Republic) and *"mass murder"* (Art. 97). FIDH Vice President, Aliaksandr Bialiatki, who was present in Osh at the time of the mission, accompanied Ms. Ismailova and Ms. Abdirasulova to the interrogation. He subsequently said that: *"Ms. Ismailova and Ms. Abdirasulova carried out vital research in the Osh region, documenting a great number of violations and fighting to get the authorities to understand the scope of the situation. They had just asked the Minister of Defence and the government's special envoy to the south region, Ismail Isakov, to allow them to enter the Osh provisional detention area. Their summons must be seen as a warning to local human rights defenders to stop documenting violations committed by the security forces"*. Toilekan Ismailova and Aziza Abdirasulova were each interrogated separately for one and a half hours, in the presence of their lawyer. The interrogation concerned information published by the website www.24.kg, which referred to Ms. Ismailova and Ms. Abdirasulova as its sources. The information mentioned

85. Interview with V.G. Ivanov, 25.06.2010.

86. Appeal by the Observatory for the Protection of Human Rights Defenders, June 30, 2010, <http://www.fidh.org/Open-Letter-to-the-authorities-Deep-concern,8235>.

that 20 people had been killed during a police *"special operation"* in Nariman village in the Karasuu district on June 21, 2010. The journalist who wrote the article reported that the information had been given to him by Toilekan Ismailova.

### Threats against Toilekan Ismailova lead to her exile

In addition, threats continued against Toilekan Ismailova and members of her family and became worse, with serious threats of murder. The Mayor of Osh had accused T. Ismailova of not being *"a Kyrgyz"*, saying *"How can you talk about an Uzbek genocide"* even though she had never used these words in public. Furthermore, on June 28, Felix Kulov, president of the Ar-Namys party, and other people warned CAC members that *"criminal gangs were out to hunt Toilekan Ismailova"* and that she might be *"abducted"*. He advised her to be extremely careful. On the same day, Roza Otunbaeva, the interim President of Kyrgyzstan, called Toilekan Ismailova and suggested that she should leave Osh immediately. When Ms. Ismailova learned that people had been making enquiries about the physical appearance of her children and grandchildren, she preferred to leave Kyrgyzstan temporarily, just after the end of the FIDH mission.

### Defamation of Aziza Abdirasulova

Following publication of the Human Rights Watch report on August 17, 2010, Director of *"Kylum Shamy"* Aziza Abdirasulova decided to file a complaint for defamation against Tursunbek Akun, the Kyrgyzstan Ombudsman. The latter had stated that Ms. Abdirasulova had deliberately given partial (pro-Uzbek) information to HRW representatives. The Deputy Mayor of Osh had accused Ms. Abdirasulova of being a traitor and a spy who helped foreigners. The city prosecutor has taken no action following these allegations.

## VI.2 Problems faced by the independent media

In this context of uncertainty and violence, pressure is also put on the media. The Interim government has taken control of several media bodies and launched nationalisation procedures. Journalists of Uzbek origin are suspected of working to destabilise the country. In the absence of independent investigations, journalists who are considered suspect are the target of police and administrative pressure that is damaging to the restoration of public confidence.

### VI.2.1 Control of the media

The political blindness of the Interim government is coupled with the wish to control the media. The new political leaders have tried to minimise the importance of the June incidents and their effects on inter-ethnic relations in the country. The media policy has probably led to the development of rumours and uncertainty concerning the real situation in the country.

Daniyar Karimov, a journalist with the www.24.kg agency, sympathetic to Bakiyev, states: *"When I started to talk about the south, I received a call to say that no reference must be made to ethnic names... There was real self-censorship on the subject. It was only when Beknazarov stated that it was an inter-ethnic conflict that the media started to express themselves freely. (...) It is very difficult to do our job of providing information when official sources are unreliable; when they announce that everything is under control although you can hear automatic fire in the back ground... Who can you believe or not believe? The authorities have tended to deny the problems, taking the line of: "no statements, no facts". The Health Ministry press centre was the only one to provide information more or less normally."*

On June 14, the independent news agency Ferghana.ru published a letter that all of the media received from the authorities concerning the way to handle the events in the south



of the country<sup>87</sup>: in particular, they were required to “show and talk regularly about the situation in other regions of the country that are calm and spared from conflict; not to refer to the conflict as inter-ethnic, to the extent that today it is becoming obvious that it has been provoked by armed combatants and organised crime, benefitting the political forces that support them; not to draw parallels with the events in Osh in 1990<sup>88</sup>, given that the causes and the character of the current events are completely different; not to permit any statements that directly or indirectly incriminate other ethnic groups (...)”.

On June 24, on her return from an eleven-day journey to Osh, Aziza Abdirasulova (Director of the FIDH member NGO *Kylym Shamy*) said she was struck by how few journalists there were on the ground. “Many local journalists have fled, or, if they have remained, they are working from their editorial offices and there are very few out in the street. In any case, very few have been seen. In Nariman, for example [where civilians died and numerous atrocities have been committed by the law enforcement agencies during a strong-arm “control operation” on June 21, 2010], there were several human rights defenders, but not one journalist. There is a huge problem, therefore, concerning news about what is happening in Osh since, apart from the information collected by defenders, the only news is information supplied by the authorities, and that is biased.”

It is partly to try and improve the situation from this point of view that the NGO Internews created two emergency press centres in Osh and Djalal-Abad. These press centres provide a secure, equipped place where journalists can work (while most of the editorial offices have been destroyed by fire), and which also enables them to coordinate their work. Setting aside their competition for a while, they share information, photos and videos in order to apportion the work in the various districts and so cover most of the city without the fear of “missing out” on an important event.

The Director of Internews in Kyrgyzstan, Maria Rasner, confirmed to FIDH mission members that: “the authorities are busy minimising the conflict. All the same, there’s no censorship. But most of the media avoid showing the horrendous things that are going on. Only AKIpress and www.24.kg [two of the main national press agencies] do that, but they still currently receive funding from Maxim Bakiyev, they have their own agenda. One of the problems in particular is that the media are asked to reduce the degree of violence in the pictures they publish. But the most violent pictures are accessible anyway through the Russian media, or on YouTube... which makes people even more suspicious about our media<sup>89</sup>.” (...) “It is certain that recently we’ve seen totally biased coverage of the [June 27] referendum campaign. [The recently nationalised TV channel] 5 Kanal, for example, organised a round table of jurists, experts, etc. All of them were for the draft Constitution! But on the conflict [in the south], the only bias I observed was the tendency to cover up the number of Kyrgyz victims, with the desire to quieten things down and for fear that Kyrgyz would turn up from everywhere wanting revenge. Because of this, many local journalists who would like to tell their version of the story are stopped from doing so. That partly contributes to reinforcing the idea that is widespread amongst the international organisations and the UN, that there are only Uzbek victims. Since the region is not very well known abroad, the international press has in general covered the Osh events very badly. They have often been happy to apply a ready-made template that opposes a dominant majority and a humiliated minority. (...) So everyone is angry with the media. The Bishkek media that wanted to restrict publication of violent pictures was accused of censorship. On the other hand, Osh TV and Mezon TV [media belonging to Kadyrjan Batyrov, Uzbek leader of the “Rodina” party] are accused of incitement to hatred...”

87. Ferghana.ru, 14.06.2010, “Kyrgyzstan: the interim government calls on the media to cover the events in the south of the country on the principle of “not causing damage”, <http://www.ferghana.ru/news.php?id=14977&mode=snews>

88. The 1990 “Osh events” that had started with clashes relating to issues of land allocation, had ended in an extremely bloody inter-ethnic conflict. As many as 35,000 Uzbeks and Kyrgyz had participated in the clashes that, according to some sources, had resulted in the death of over 1,000 people. Sabina Tolina. “Conflict in Kyrgyzstan: questions that have long been unanswered” (Conflit au Kirghizistan : des questions longtemps restées sans réponse). June 17, 2010. <http://www.europe-asia.org/cms/index.php/asia-centrale/2-kyrgyzstan/1-conflit-au-kirghizistan-des-questions-longtemps-restees-sans-reponse> (consulted on September 5, 2010)

89. Here and later on in this paragraph, interview with Maria Rasner, 25.06.2010.

Strengthened political control of the media, far from calming public opinion, is leading to growing suspicion of news sources and the institutions that control them. This context encourages the development of rumours and conspiracy theories among the people, reinforcing suspicion between the communities.

## VI.2.2 Arbitrary measures taken against journalists

### The case of Khaliljan Khudayberdiev (and Osh TV in general)

Since the events in June, *Osh TV* and *Mezon TV* are the focus of attention, as they are accused of “incitement to hatred”. These media belong to Kadyrjan Batyrov, a businessman and Uzbek leader, and they have broadcast several documentaries “without comment” on the political meetings organised by the latter. Shortly before the riots, they broadcast an appearance by Batyrov in which he called on the Uzbeks to be careful of the Kyrgyz police, who, in his opinion, “do not just protect the Kyrgyz”.

However, instead of being the subject of a proper investigation, *Osh TV* and its director Khaliljan Khudayberdiev have been the target of a series of illegal acts of persecution. Since it is one of the rare TV channels that can be picked up in southern Kyrgyzstan and does not broadcast in neighbouring countries, *Osh TV* has become the object of a battle for influence, at the mercy of competing appetites in the same way as are the other resources in the country.

Reached by telephone by FIDH mission representatives ten days after the riots, the Director of *Osh TV* spoke of his concerns. “On May 24, I was summoned for the first time by the Djalal-Abad prosecutor, who wanted to know why we had broadcast one of Kadyrjan Batyrov’s meetings. I replied that we had only done our job as journalists. But since [the start of the massacres in Osh] on June 11, he brought me back three times to make a new statement. But I had already said everything on the subject, and the road between Osh and Djalal-Abad is not safe these days. The prosecutor said he was prepared for someone to accompany me, but I’m not happy about it, he is Kyrgyz and I am Uzbek, and I’m frightened that comes into play. I risk ending up in prison, like Azimjan Askarov, so that the prosecutor can say that he’s done a good job and arrested ‘Uzbek extremists’... I have a lawyer in Bishkek; when he’s here I’m ready to be questioned in Osh.<sup>90</sup>”

*Osh TV* was closed down for two weeks in June by decision of the mayor of the city. On July 9, Khaliljan Khudayberdiev was arrested, questioned for several hours and his mobile phone was confiscated. He was released and no charge was made against him. However, the government has acquired a controlling interest in *Osh TV* and fired Khaliljan Khudayberdiev without giving any reason<sup>91</sup>.

In this way, instead of impartial investigations into their work, arbitrary measures are taken against journalists who are suspected by the government. These intimidation measures are likely to have consequences for media throughout the country and contribute to increasing unrest. They act as a warning to all the independent journalists in the country.

90. Telephone interview with Khaliljan Khudayberdiev, 24.06.2010.

91. On these aspects, see also the Internet site of Reporters Without Borders: Local authorities take over *Osh TV* after national security raid and director’s dismissal. July 20, 2010. <http://en.rsf.org/kirghizistan-local-authorities-take-over-Och-tv-20-07-2010,37983.html>

# VII. CONCLUSIONS AND RECOMMENDATIONS

The FIDH mission which, during its stay in Bishkek and Osh, collected a number of testimonies, observed the extent to which the weakness of the Kyrgyz government is a threat to the population in general and the independent representatives of civil society in particular. The interim government is not in a position to cope with the prevailing instability, particularly in the south of the country, where impunity reigns. The crimes of April 2010 have not been elucidated. The investigations into the crimes of June 2010 have not yet been concluded. Crimes continue to be committed. It is likely that an independent court would qualify them as war crimes or crimes against humanity under the 1998 Rome Statute. The fight against impunity, whether in relation to the events of April or June 2010, is largely insufficient, while the crimes committed are particularly grave. Mission members spoke to several members of the Uzbek minority and observed numerous situations that bear witness to their extreme vulnerability and the lack of protection and help. The pressure put on human rights defenders and independent journalists has become systematic. Between April and June, criminal authority (which lets a crowd be fired on) gave way to a new authority that lets criminals do what they want, so violating its obligation to protect and ensure respect for human rights.

Civil society representatives who call for impartial justice for the victims of the violence committed since April seem to be becoming the new targets of a regime that attacks human rights defenders and the media rather than attacking the authors of the violence. Human rights defenders, lawyers, independent journalists and other civil society representatives appear to work more freely. But as soon as they become interested in sensitive issues, they once again have to cope with pressure that is more vague but nonetheless very serious. Despite its promises, the state shows itself to be powerless to guarantee rights that are as basic as the right to life and physical integrity. This is all the more serious when very many violations are committed by officials who escape its control (the military, policemen, prosecutors, local administrations). The authorities do not guarantee autonomous, public expression for independent observers but, on the contrary, attempt to silence them. It is a question of keeping the facts quiet to make people believe that stability has returned. Yet there can be no peace without justice and without reflection on the past.

The Kyrgyz authorities must at last recognise this situation and, unable to regain control of the situation by themselves, they must ask for help from the international community. They must facilitate the establishment of fact-finding commissions into the events of April and June and, if necessary, consider other forms of international presence until calm has been re-established.

The OSCE had taken an important step by agreeing to send a police contingent to the country and to create an independent commission of investigation into the June events. This contingent was to be limited since it consisted of only 52 unarmed policemen. However, this limited effort was not accepted. Demonstrations took place in the country at the end of the month of July to denounce the intervention of the OSCE in Kyrgyz domestic affairs. According to information gathered by FIDH, the demonstrations were apparently supported and even paid for by certain local stakeholders in order to prevent any outsider view of the local instability. At the beginning of the month of September 2010, the Kyrgyz authorities blocked OSCE deployment of this mission of assistance to the Kyrgyz police in the south of the country.

Lack of government willingness to elucidate the crimes means that the people do not feel protected and expect new violations of their rights every day. No institution appears to be able to protect them. Rumours spread in waves throughout the country. In this context,

the organisation of parliamentary elections on October 10, 2010 will take place in a tense and unstable context. At present the foundations of the new Kyrgyz Republic seem to be extremely fragile.

## **Taking the situation into consideration, FIDH and its member organisations call on:**

### **The Kyrgyz authorities:**

- to close down places of illegal detention such as the basement of the Kyrgyz Drama Theatre in Osh;
- to make a firm commitment to combat criminal gangs and their accomplices in the security forces;
- to organise an effective disarmament campaign throughout the Kyrgyz territory;
- to guarantee the structural independence of the media and the nationalised media (independent editorial policy, oversight committee), of human rights defenders, lawyers, and the safety of civil society in general;
- to openly and equitably judge the officials of the previous regime who are accused of crimes and corruption and, at the same time, launch a national reconciliation policy and cease persecution of parliamentarians of the Ak Jol party and its allies;
- to favour transparency and the criteria of competence in its policy for appointing senior members of central, regional, police and justice officials;
- to introduce reliable mechanisms for consultations on, and controlling, decrees issued by the Interim government;
- to communicate regularly and openly on the situation (safety, humanitarian) in the south of the country, and involve the representatives of the civil society, in compliance with the statements made by Roza Otunbaeva on 27 June 2010;
- to actively support the deployment of a mission to assist the Kyrgyz police in the south of the country under the aegis of the OSCE;
- to request the United Nations to create an independent, international fact-finding commission on the nature and extent of the violence on 6 and 7 April 2010 in Talas and Bishkek and on those responsible, and to guarantee the effectiveness of the criminal enquiry;
- to facilitate the work of the international, independent fact-finding commission on the violence in the south of the country in June 2010 led by Kimmu Kiljunen; to accept the jurisdiction of the International Criminal Court as non-party states are permitted to do under Article 12-3 of the Rome Statute; to make sure that all those responsible for committing crimes, including government officials, be brought to justice; to closely evaluate the accusations of responsibility against members of the security forces members and local administration officials;
- to work towards implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

### **The military authorities and the police in the Osh and Djalal-Abad regions and the regional prosecutors' offices:**

- to stop intimidating and harassing human rights defenders and start cooperating with them;
- to the public prosecutor of Bazar-Korgon, Ms. Jamilya Torojanova, to immediately authorise an independent medical examination of Mr. Azimjan Askarov and, if torture and physical pressure are confirmed, consider a revised trial; in the case of appeal, to guarantee that he be given a fair, transparent trial.

### **The international community as a whole:**

- to examine, in a coordinated manner, possible measures for helping the Kyrgyz authorities to stabilise the situation in the south of the country without delay and prevent any new escalation of violence;
- to ensure that donor promises for post-conflict programmes are kept and put into operation.

### **The members of the United Nations Security Council:**

- to examine the situation in Kyrgyzstan in application of Chap. 7 of the United Nations Charter and the Responsibility to Protect;
- to commission an independent, international enquiry on the extent and nature of the crimes committed in the south of the country and, in expectation of this, to work towards a joint or consecutive visit to Kyrgyzstan under the Special Procedures of the Human Rights Council;
- to work with the Kyrgyz authorities for the swift deployment of an international police force of quality to ensure the safety of civilians, and subsequently to assist it with its work;
- to help with UN humanitarian activities and support for refugees and displaced persons.

### **The member states of the Organisation for Security and Cooperation in Europe (OSCE):**

- to increase their requests to the Kyrgyz authorities for the deployment of a mission of assistance to the Kyrgyz police in the south of the country.

### **The Kyrgyz authorities and humanitarian organisations:**

- to launch, as quickly as possible, vast programmes to rebuild destroyed homes, provide medical and psychological aid, and prevent further conflict in the Osh, Djalal-Abad and Batken regions, and to reintegrate the victims of violence.

# ANNEXES

## **ANNEX 1 – LIST OF INTERVIEWEES**

### **Interviews with officials**

- Abdygany Erkebaev, Chairman of the State Commission for the impartial study of the causes and conditions of the tragic events in April and May 2010, Bishkek, 21.06.2010
- Aliyasbek Alymkulov, Minister for Youth Affairs with the Interim government, Bishkek, 22.06.2010
- Zaurbek Rysaliev, head of Bishkek UVD, Bishkek, 24.06.2010.
- Tursunbek Akun, Ombudsman of the Kyrgyz Republic, Bishkek, 24.06.2010
- Baktygul Kalambekova, assistant to President Roza Otunbaeva, Bishkek, 25.06.2010
- Gulnara Iskakova, jurist, member of the committee responsible for drafting the Constitution, 26.06.2010
- Cholpon Abdullaeva, former member of parliament for the Ak-Jol party, Bishkek, 23.06.2010
- Begaly Nargozuev, former member of parliament for the Ak-Jol party, Bishkek, 23.06.2010
- Oksana Malevannaya, former Director of the Secretariat of the President of the Kyrgyz Republic, Bishkek, 23.06.2010
- Iskhak Masaliev, leader of the Kyrgyzstan Communist Party, Bishkek, 25.06.2010.
- Viktor G. Ivanov, Deputy General Prosecutor of the Kyrgyz Republic, Bishkek, 25.06.2010
- Sumar Nasiza, official of the Legal and International Relations Department of the Prosecutor's office, Bishkek, 25.06.2010
- Col. Mavlashev, Second-in-Command of the city of Osh, Osh, 28.06.2010
- Felix Kulov, leader of the Ar-Namys party, 28.06.2010
- Dinara Moldosheva, former member of parliament for the Ak-Jol party, 27.06.2010

### **Interviews with civil society representatives**

- Arstan Sagandykov, Chairman of the "Mekenim Sheitteri" association, Bishkek, 21.06.2010
- Tattu Mambetalieva, Coordinator of the Civil Control Committee, Bishkek, 21.06.2010
- Dinara Oshurakhunova, Executive Director of the "Coalition for Democracy and Civil Society", Bishkek, 21.06.2010
- Cholpon Djakupova, Director of the "Adilet" Legal Clinic, Bishkek, 22.06.2010
- Asiya Sasykbaeva, Director of the "Interbilim" Centre, Bishkek, 22.06.2010
- Aleksandr Voinov, Founder of "Narodnaya Druzhdina", Bishkek, 22.06.2010
- Toktayim Umetalieva, Coordinator of the Association of Non-Governmental and Non-Commercial Organisations, Bishkek, 24.06.2010
- Artem Ivanov, lawyer, Bishkek, 23.06.2010
- Marat Kazakpaev, political scientist, 26.06.2010
- Nomanjon Davydov, Osh, 26.06.2010



### Interviews with journalists

- Daniyar Karimov, journalist with www.24.kg, Bishkek, 23.06.2010
- Khalil Khudayberdiev, Director of Osh TV, reached by telephone from Bishkek, 24.06.2010
- Jyldyz Musabekova, Editor-in-Chief of the newspaper 'Ayat', Bishkek, 25.06.2010
- Maria Rasner, Director of Internews Kyrgyzstan, Bishkek, 26.06.2010

### Interviews with the families of victims

- Nariya Adaybusunova, Maral Bostonbayeva, Bekbatyr Musaev, Zamir Kaziev, parents of victims of April 7, 2010, Bishkek, 21.06.2010
- Azer Khalilov, the brother of Vugar Khalilov, Bishkek, 23.06.2010
- Olga Pavlyuk, the widow of the journalist Guennady Pavlyuk, Bishkek, 23.06.2010
- Abdulaev family, Asantchek village, 27.06.2010

### Officials of international programmes

- Oleg Semenenko, OSCE Senior Human Dimension Officer, Bishkek, 28.06.2010
- Aigul Bolotova, programme official, IWPR, Bishkek, 28.06.2010
- Fiona Frazer, Natalia Seitmuratova, OHCHR

In Osh, the mission met President Roza Otunbaeva during a meeting with various ministers, secretaries of state of the Kyrgyz government, lawyers and representatives of Kyrgyz and Uzbek civil society organisations, 27.06.2010.

## ANNEX 3 – OFFICIAL NUMBERS OF VICTIMS

(Official figures supplied by the Kyrgyz Health Ministry. Some observers question these figures since many bodies were not identified or were hastily buried. The number of victims is probably greater).

Date and place of events	Total	Number of deaths	Number of injured seeking medical assistance
6-7 April 2010, Bishkek city, Talas city	1139	87	1052
18-19 April 2010, Mayevka village	42	4	38
14 and 19 May 2010, Djalal-Abad city and Djalal-Abad oblast	145	6	139
June 2010, Och city, Och and Djalal-Abad oblasts	2721	393	2328
<b>Total</b>	<b>4047</b>	<b>490</b>	<b>3557</b>

## ANNEX 2 – LIST OF ACRONYMS

- HRC CAC: Human Rights Centre "Citizens Against Corruption"
- GSNB : State National Security Services
- GUVD: General Directorate of Internal Affairs
- HRW: Human Rights Watch
- MVD: Interior Ministry
- OSCE: Organisation for Security and Cooperation in Europe
- PKK: Kyrgyzstan Communist Party
- ROVD: District Police Station
- SDPK: Social Democratic Party
- UNDP: United Nations Development Program



## Citizens against Corruption (CAC)

The Center for Human Rights “Citizens against Corruption” (CAC) is the successor of the public association “Civil Society against Corruption” which was established in May 2000 and was re-registered in March 2005 under the name of CAC.

CAC’s mission is to reduce the level of corruption, poverty and injustice, to improve the human rights situation and transparency in Kyrgyzstan through strengthening the role of local NGOs and activists at all levels of the decision making process, and to facilitate the emergence of stable and self-sufficient members of civil society. “Citizens against Corruption” initiated and established the network “People Changing the World”, which includes more than 100 non-governmental organisations and 500 partners.

**Coordonnées** Citizens against corruption (CAC)  
158/11 rue Moskovskaya, Bishkek, Kyrgyzstan  
Tel: + 996 312 318645, +996 312 314623  
Fax: +996 312 314623  
Email : office@anticorruption.kg



## Kylym Shamy

The Centre for Human Rights Protection “Kylym Shamy”, which was established in August 2003, aims at promoting the development of democracy, protecting Human Rights and freedom, and ensuring respect for international and regional standards for Human Rights.

The organisation works following the principles of humanity, equality of rights and justice. In addition of its information and advocacy activities, Kylym Shamy gives free legal consultations and participates actively in the processes of establishing public control over the activities of public authorities.

**Coordonnées** Center for Human Rights Protection “Kylym Shamy”  
appt.408, 114 Lev Tolstoy, 720007 Bichkek, Kyrgyzstan  
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Email : abdirasulova@gmail.com



## Keep your eyes open

### Establishing the facts

#### investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed, rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH’s alert and advocacy campaigns.

### Supporting civil society

#### training and exchange

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

### Mobilising the international community

#### permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

### Informing and reporting

#### mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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