



General Assembly

Distr.: General
6 September 2010

English only

Human Rights Council

Fifteenth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Kyrgyzstan: The Human Rights Council must remain seized of the situation

The violence that broke out on 10-14 June 2010 in southern Kyrgyzstan devastated large parts of the regions of Osh and Jalal-Abad. The violence reportedly started with clashes between rival gangs of mostly Kyrgyz and Uzbek youths on the night of 10 June; it rapidly escalated and resulted in the deaths of hundreds; thousands more were wounded. The attacks were perpetrated mainly against Uzbek-populated neighbourhoods in Osh and Jalal-Abad cities and some surrounding towns and villages. While most of the victims appear to be Uzbek, other minorities were also attacked, and there were reports of armed Uzbek gangs reportedly attacking Kyrgyz people resulting in injuries and deaths.

At the time of writing, the situation in the region remains calm but tense. According to the Office for the Coordination of Humanitarian Affairs (OCHA), there remains potential for renewed large-scale violence,¹ and the south is particularly vulnerable given its strong support network for the deposed President Kurmanbek Bakiev.

Accountability

Amnesty International has been calling for an international independent and impartial investigation into the June violence to ensure that both armed individuals and security forces are held accountable for human rights abuses.

The death toll remains disputed. As of 2 August, the official death toll was 356² although this figure has been widely contested. Hundreds of thousands were forced to flee their homes and according to UN figures, 375,000 people remain in need of humanitarian assistance. 75,000 remain internally displaced, half of them as a result of damage to their homes.³

There have been consistent and credible reports that the predominantly ethnic Kyrgyz security forces either failed to intervene to prevent violence or colluded in human rights violations; these reports appear to be substantiated by widely-available video and photographic material. Repeated allegations claim that during the violence armoured personnel carriers and men in military uniforms forcibly entered barricaded Uzbek villages and neighbourhoods. They were followed by armed men in police or military uniform who reportedly shot at groups to disperse them and entered homesteads, making way for looters. These incidents resulted in a high number of deaths and injuries and damage to property.

On 10 August OCHA reported that following the violence, further human rights violations by Kyrgyzstani security officers during search operations also disproportionately targeted Uzbek communities. OCHA has reported arbitrary arrests, deaths in custody, and detainees being subjected to torture and ill-treatment to extract confessions, denied access to medical treatment or private meetings with a lawyer of their choice, confiscation of documentation and other evidence and widespread theft and extortion by officials. Trials of those charged

¹ OCHA Geneva, 6 August 2010 Member States Briefing on the humanitarian situation in Kyrgyzstan

² OCHA Kyrgyzstan Humanitarian Bulletin No.2, 4 August 2010:
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MDCS-87ZHA7?OpenDocument>

³ OCHA Geneva, 6 August 2010 Member States Briefing on the humanitarian situation in Kyrgyzstan

with criminal offences have been taking place in police departments rather than courts and have been closed to monitors⁴.

On 15 July, the Kyrgyzstani president issued a decree to establish a National Commission of Inquiry to investigate the violence, which may include international experts 'if necessary'. The authorities have initiated over 3,500 criminal investigations. Amnesty International is concerned that the mandate of the National Commission of Inquiry is unclear, that the Kyrgyzstani authorities lack the necessary independence of investigative institutions and forensic expertise to carry out prompt, effective, independent and impartial domestic investigations into the violence, and that high levels of corruption cast doubt on the independence and impartiality of a national investigation. There is currently a pervasive mistrust of the security forces amongst the ethnic Uzbek population. Many citizens, mostly Uzbeks, have left or are trying to leave the country which, in turn, has led to increased incidents of extortion by state officials.

In the current climate of fear, mistrust, rumour and political instability, only an international investigation is likely to be considered unbiased and credible by all affected groups. It would be key to restoring sustainable peace and the rule of law. Such an investigation must be conducted independently from the National Commission of Inquiry.

Allegations of Stolen Arms

Testimonies that military weapons and vehicles were used to carry out human rights violations indicate the participation of Kyrgyzstani security forces or the use of stolen equipment. Soon after the violence in June, the Kyrgyzstani authorities alleged that civilians had stolen arms and military vehicles from nearby military bases. On 17 August, the Chairman of the National Commission of Inquiry stated that civilians did have arms and ammunitions and drove military vehicles, conceding that some military units, commanders and police officers were accountable for this.

The protection of civil society

Human rights defenders, journalists, lawyers and other civil society actors who are documenting or responding to the June events are being targeted by the authorities in an attempt to obstruct their legitimate work. Such incidents disproportionately affect the ethnic Uzbek community and are exacerbating an environment of fear. This has led to a deficit in legal representation, particularly in parts of Jalal-Abad such as the towns of Bazar Korgan and Suzak.

Azimzhan Askarov is the director of the human rights organization Vozdukh (Air) which documents police ill-treatment in detention in Jalal-Abad region. He reportedly filmed and photographed some of the violence, including killings and arson attacks in Bazar Korgan. He was detained on 15 June in Bazar Korgan and officially charged on 12 August according to 10 Articles of the Kyrgyzstani Criminal Code. His trial is scheduled for 2 September; if convicted, he faces life imprisonment.

Azimzhan Askarov has reportedly been tortured in detention, but the authorities have refused to open an investigation. His lawyer and family have faced harassment, including being physically assaulted by unidentified groups in separate incidents on the premises of the police detention centre in Bazar Korgan, when visiting him.

⁴ OCHA Kyrgyzstan Humanitarian Bulletin Issue #3, 10 August:
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/SKEA-887GVA?OpenDocument>

Ulugbek Abdusalamov is a prominent member of the Uzbek community in Jalal-Abad region and Chief Editor of a regional Uzbek newspaper. He was detained on 14 June and on 10 August was charged according to four articles of the Kyrgyzstani Criminal Code. If convicted he faces between three and 12 years' imprisonment.

Due to serious health concerns, Mr. Abdusalamov has been transferred to hospital three times since he was detained, most recently on 7 August with severe heart pain. He is handcuffed and under constant police guard.

Amnesty International maintains that the charges against both men are unfounded and constitute part of a broader pattern of obstruction and harassment by the Kyrgyzstani authorities, aimed predominantly at active members of the ethnic Uzbek community. Both men are prisoners of conscience and must be released immediately and unconditionally.

Internally displaced people

OCHA estimated that at the start of August 375,000 people had experienced displacement internally or across the border, and 75,000 remain displaced and in need of shelter.⁵ One thousand and five hundred homes were destroyed in Osh and 500 in Jalal-Abad.⁶ Each house would be home to seven people, on average.

Despite international aid efforts to secure transitional shelter to those most in need, there are concerns about the lack of transparency regarding urban redevelopment plans for some of the most affected neighbourhoods in Osh and Jalal-Abad. Although the office of the Mayor of Osh committed to finalising plans only with the consent of the local populations, the construction of multi-storey apartment buildings has also been announced and in certain places already started.⁷ Communities claim they have not been consulted and have stated their preference to rebuild houses on their own land, in keeping with Uzbek social traditions where extended families live in one or two-storey houses grouped together.

The situation is exacerbated by the widespread loss of personal documents, destroyed or lost during the violence or in the aftermath with reports that, in some cases, Kyrgyzstani security officials deliberately destroyed identity documents of ethnic Uzbeks while carrying out search operations following the violence. This has left those who have lost documents particularly vulnerable to further abuses as they struggle to confirm property ownership or destruction or access public services. There are widespread reports of bribes being requested by state officials.

It is vital that those displaced by the violence participate fully in the search for durable solutions. The needs, rights and legitimate interests of internally displaced people should be the primary considerations guiding all such policies and decisions - this is key to building a sustainable peace. The authorities must assist all those internally displaced to recover their property and possessions, including women, children, persons with special needs and others who are potentially marginalized. Where this is not possible, those same people must be able to obtain appropriate compensation or another form of reparation in an effective process that they are able to access and without discrimination.

⁵ OCHA Geneva, 6 August 2010 Member States Briefing on the humanitarian situation in Kyrgyzstan

⁶ OCHA Kyrgyzstan Humanitarian Bulletin No.2, 4 August 2010:
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MDCS-87ZHA7?OpenDocument>

⁷ OCHA Kyrgyzstan Humanitarian Bulletin Issue #3, 10 August:
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/SKEA-887GVA?OpenDocument>

Amnesty International calls on the Human Rights Council:

- To remain seized of the situation in Kyrgyzstan;
- To urge the Kyrgyz authorities to:
 - facilitate the establishment of an international commission of inquiry to ensure that both armed individuals and security forces are held accountable for human rights abuses;⁸
 - ensure that allegations of the use of military and police equipment in the violence is addressed by both the National Commission of Inquiry and an international commission of inquiry; an inventory of allegedly stolen military and police equipment must be compiled and this information should be made publicly available;
 - take additional measures without delay to secure official stockpiles of arms and ensure the effective management and use of all arms in conformity with UN and OSCE standards so as to minimise the risk of arms being further used to facilitate violations of international human rights or humanitarian law;
 - ensure that human rights defenders, journalists, lawyers and other civil society activists are able to carry out their legitimate work without harassment or obstruction;
 - ensure that the needs, rights and legitimate interests of internally displaced persons are the primary considerations when seeking durable solutions and that appropriate compensation or another form of reparation is available through an effective process that all those internally displaced are able to access, without discrimination.

⁸ See, Amnesty International, *Recommendations for an effective investigation into human rights violations and abuses committed during the June violence and its aftermath*, (AI Index: EUR 58/009/2010).