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Joao Nataf
Secretary
Committee against Torture
Human Rights Treaties Division
Office of the United Nations High Commissioner for
Human Rights
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva
Switzerland

11 October 2013

Dear Mr Nataf,

CONSIDERATION OF THE SECOND PERIODIC REPORT OF KYRGYZSTAN

Amnesty International would like to bring to your attention concerns related to torture and other ill-treatment in Kyrgyzstan in the context of the failure of the Kyrgyzstani authorities to conduct thorough, independent and impartial investigations into human rights abuses, including crimes against humanity, committed during four days of violence between ethnic Kyrgyz and ethnic Uzbeks in the southern Kyrgyzstani cities of Osh and Jalal-Abad in June 2010. The violence left hundreds dead, thousands injured and hundreds of thousands forced to flee their homes. While serious crimes were committed by members of both ethnic groups, Amnesty International also received scores of reports of torture and other ill-treatment by security forces during the violence and its aftermath. However, to date the authorities appear to have done little to carry out effective, impartial, thorough and independent investigations into these allegations and to bring the suspected perpetrators, from among civilians as well as security forces, to justice.

In May 2011, the International Commission of Inquiry into the June 2010 violence found strong evidence that crimes against humanity had been committed against ethnic Uzbeks in the city of Osh during the violence. This conclusion was rejected by the Kyrgyzstani authorities.

Amnesty International is particularly concerned that ethnic Uzbeks have been targeted disproportionately for prosecution in connection with the June 2010 events. Over the last three years dozens of ethnic Uzbek men and some women have been sentenced to long terms in prison, some to life imprisonment, following blatantly unfair trials for their alleged participation in the June violence. However, to date, there has been just one known conviction of ethnic Kyrgyz for the murder of ethnic Uzbeks in the course of the June violence. Three of the four accused were acquitted on appeal in May 2012 and the fourth was granted a conditional release. Since mid-2011, lawyers defending ethnic Uzbeks accused of participation in the June 2010 events have been threatened and physically attacked, even in the courtroom. Relatives of ethnic Uzbek detainees are still reluctant to submit complaints to police and prosecutors about their torture and other ill-treatment for fear of reprisals.

Courts of all levels, including the Supreme Court of Kyrgyzstan, have routinely failed to exclude evidence obtained under torture.

Six months after the June 2010 violence, Amnesty International produced a report *Partial truth and selective justice: the aftermath of the June 2010 violence in Kyrgyzstan* (16 December 2010, Index: EUR 58/022/2010) which provides information on what happened in June 2010 and focuses on the initial, inadequate and ethnically-biased, response by the Kyrgyzstani authorities to the violence and their flawed attempts to establish the facts and identify and prosecute perpetrators. Amnesty International's report concluded that

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only an independent international commission of inquiry would be able to conduct impartial investigations into allegations that crimes against humanity had been committed during the violence.

Three years after the violence, human rights monitors are reporting fewer arbitrary arrests in connection with these events, but torture and other ill-treatment by law enforcement officers are still routine. Torture and other ill-treatment of individuals are reported widely at the time of apprehension, during transfer to detention centres, during house searches, during interrogation, and in pre-charge detention facilities. Police officers appear to have continued to target ethnic Uzbeks, often allegedly threatening to charge them with serious crimes, such as murder, in relation to the June 2010 violence in order to extort money from them.

Amnesty International has published briefings on the first and second anniversaries of the June 2010 events in 2011 and 2012 and a public statement on the third anniversary in 2013 (*Still waiting for justice: One year on from the violence in southern Kyrgyzstan* (8 June 2011, AI Index: EUR 58/001/2011), *Kyrgyzstan: Dereliction of duty* (8 June 2012, AI Index: EUR 58/001/2012) and *Will there ever be justice? Kyrgyzstan's failure to investigate June 2010 violence and its aftermath* (11 June 2013, AI Index: EUR 58/001/2013)). These highlight the organization's ongoing concerns in relation to the June 2010 violence and the failure of the authorities to carry out effective, thorough and impartial investigations into allegations of serious human rights violations, past and ongoing (including torture and other ill-treatment, and in proceedings that do not comply with the principles of fair trial, of individuals prosecuted in connection with the June 2010 events).

Amnesty International is also concerned in connection with Kyrgyzstan pursuing extradition from the neighbouring countries of individuals, mostly ethnic Uzbeks, in connection with the June 2010 events, as well as in connection with Kyrgyzstan cooperating with extradition requests from its neighbours which mean in practice forcible return of individuals to countries where they face torture and other ill-treatment and unfair trial. Thus, Kyrgyzstan has issued dozens of extradition requests for its ethnic Uzbek citizens who have left the country and whom the authorities accuse of having organized or participated in the June 2010 violence in Osh and Jalal-Abad. This concern is elaborated in the report *Return to torture: Extradition, forcible returns and removals to Central Asia* (3 July 2013, AI Index EUR 04/001/2013). The report exposes how security services in the Russian Federation, Ukraine and the Central Asian republics are colluding in the abduction, disappearance, unlawful transfer, imprisonment and torture of individuals wanted on religious, political and economic grounds. On pages 48-50 you can find the background information on Amnesty International's concerns about torture and other ill-treatment in Kyrgyzstan.

The practice of requesting extradition has continued as Amnesty International's recent Urgent Action (Urgent Action, 2 October 2013, AI Index: EUR 46/045/2013)) on behalf of five ethnic Uzbek asylum-seekers demonstrates. Five men are at risk of being extradited from the Russian Federation to Kyrgyzstan, where they would be at serious risk of torture and other ill-treatment. Their defence teams believe the charges against them have no basis and are ethnically motivated.

For additional information on torture and other ill-treatment and impunity in Kyrgyzstan please refer to the attached Amnesty International annual report entries on Kyrgyzstan in 2011-2013.

I hope that this information and attached documents will be helpful to the Committee in its consideration of Kyrgyzstan and I would appreciate if you could distribute a copy of this letter and the accompanying documents to the Committee members.

Yours sincerely,

Tania Baldwin-Pask
International Advocacy Program

Enclosed:

- *Partial truth and selective justice: the aftermath of the June 2010 violence in Kyrgyzstan* (16 December 2010, AI Index: EUR 58/022/2010) available at: <http://www.amnesty.org/en/library/info/EUR58/022/2010/en>
- *Still waiting for justice: One year on from the violence in southern Kyrgyzstan* (8 June 2011, AI Index: EUR 58/001/2011) available at: <http://www.amnesty.org/en/library/info/EUR58/001/2011/en>
- *Kyrgyzstan: Dereliction of duty* (8 June 2012, AI Index: EUR 58/001/2012) available at: <http://www.amnesty.org/en/library/info/EUR58/001/2012/en>
- *Will there ever be justice? Kyrgyzstan's failure to investigate June 2010 violence and its aftermath* (11 June 2013, AI Index: EUR 58/001/2013) available at: <http://www.amnesty.org/en/library/info/EUR58/001/2013/en>
- *Return to torture: Extradition, forcible returns and removals to Central Asia* (3 July 2013, AI Index EUR 04/001/2013), page 48-50, available at: <http://www.amnesty.org/en/library/info/EUR04/001/2013/en>
- Amnesty International annual report entries on Kyrgyzstan in 2013 (also available at <http://www.amnesty.org/en/region/kyrgyzstan/report-2013>), 2012 (<http://www.amnesty.org/en/region/kyrgyzstan/report-2012>) and 2011 (<http://www.amnesty.org/en/region/kyrgyzstan/report-2011>).
- Urgent Action, (2 October 2013, AI Index: EUR 46/045/2013), available at: <http://www.amnesty.org/en/library/info/EUR46/045/2013/en>