

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/news/2017/12/21/hrw-letter-president-kyrgyzstan-sooronbai-jeenbekov>

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December 20, 2017

Sooronbai Jeenbekov

President

Kyrgyzstan

Dear President Sooronbai Jeenbekov,

On behalf of Human Rights Watch, please accept my regards.

As you may know, Human Rights Watch is an international nongovernmental organization working in over 90 countries worldwide. We have conducted research and carried out advocacy in Kyrgyzstan for over 20 years. In 2013, we opened an office in Bishkek. Throughout, we have consistently sought out a constructive dialogue with the authorities of Kyrgyzstan on a range of issues related to human rights and the rule of law, including, for example, freedom of expression, fair trial standards, the prevention of torture, and domestic violence.

I am writing now, in the spirit of this constructive engagement, to share with you, Kyrgyzstans new president, our recommendations for steps the Kyrgyz government can take from the beginning of your mandate to improve the human rights situation in Kyrgyzstan. Over the last two decades, we have seen some progress on key issues, but serious concerns remain.

During your campaign you [noted](#) that your goal as president will be to create a state where human rights are respected, on democratic principles. You reiterated this message in your [online campaign platform](#), saying you would provide life, health, and human rights to all Kyrgyzstanis in fulfilling the [platforms] provisions. We encourage you to stand by these campaign pledges, and to do so by addressing the following human rights concerns as a matter of priority, in accordance with the international human rights norms that Kyrgyzstan has voluntarily ratified.

### Address Election Shortcomings

The October 15 presidential elections, of which you were the victor, were notably competitive. Nonetheless, the Organization for Security and Cooperation in Europes Office for Democratic Institutions and Human Rights (OSCE/ODIHR) election monitoring mission raised some serious concerns in its preliminary report, including about widespread abuse of public resources and pressure on voters, as well as of vote-buying, and numerous and significant procedural problemsduring the vote count and the initial stages of tabulation.

Kyrgyzstan should commit to working with OSCE/ODIHR to address these shortcomings, and follow up on its recommendation to review legal provisions on campaigning and campaign financing, citizen observation, and complaints, which are not comprehensive and lack clarity, and, at times, depart from international standards.

### Stop the Crackdown on Critical Media

Human Rights Watch has observed a notable decline in the protection of freedom of speech and media in Kyrgyzstan since the beginning of the year. Starting in March 2017, Kyrgyzstans prosecutor general has brought at least half a dozen [defamation lawsuits against critical media outlets, journalists, and others](#), including human rights defender Cholpon Djakupova, claiming their words or publications discredited the presidents honor and dignity and spread false information.

As you may know, laws that provide for offenses and penalties for those who criticize public figures on the basis that it is considered insulting are not compatible with freedom of expression standards under international law. Yet courts have granted many millions of sums in damages in rushed trials, and rulings have been upheld on appeal.

There have been other worrying developments as well. Authorities in May brought criminal charges of inciting ethnic hatred against freelance journalist Ulugbek Babakulov after he wrote about the increase of nationalist and anti-Uzbek sentiments in social media. He later fled Kyrgyzstan, fearing for his safety. At least two media outlets have either been blocked online or shut down this year on questionable grounds.

You campaigned on a platform saying that the President should act as the guarantor of freedom of speech, media, and internet, in combination with effectively protecting citizens rights and freedoms. As president, you now have the opportunity to guarantee free expression and free media in Kyrgyzstan, and ensure that citizens have access to a diversity of opinion, and that critical media outlets and journalists do not risk retaliation for their views.

### **Provide accountability for June 2010-related abuses**

Although over seven years have passed since the June 2010 events in southern Kyrgyzstan, authorities in Kyrgyzstan have [failed to adequately address abuses in the south](#), in particular against ethnic Uzbeks, who endured the majority of casualties and destroyed homes, and who were disproportionately subjected to arbitrary detention, ill-treatment and torture, and extortion schemes without redress in the aftermath of the violence. Impunity for courtroom violence, instances of which continued to occur in 2017, persists. To date, people continue languish in prison on sentences related to the violence that were delivered following trials marred by torture-tainted confessions, attacks on the defendants and their lawyers in the courtroom, and serious violations of due process.

Your government should not ignore such past abuses, but directly confront them. We urge you to commission an independent review of June-2010 related convictions where defendants alleged torture or other glaring violations of fair trial standards.

### **Free Azimjon Askarov**

We call on you as a matter of utmost urgency to release the wrongfully imprisoned human rights defender Azimjon Askarov, who was accused of participating in the murder of a police officer and imprisoned immediately following the events of June 2010.

It has been a year and a half since the UN Human Rights Committee an impartial, independent human rights body whose findings are binding on Kyrgyzstan called on the government to immediately release Azimjon Askarov and quash his conviction, finding that he had been arbitrarily detained, tortured in custody, and denied a fair trial. As a party to the United Nations Convention on Civil and Political Rights and its optional protocol, Kyrgyzstan has committed to upholding the decisions of the Human Rights Committee, following review of individual complaints.

[It is a grave injustice to keep Askarov imprisoned](#). After seven and a half years in prison, Askarov is now an elderly and ailing man. We urgently ask you to right this egregious wrong, and grant Askarov his freedom.

### **Reaffirm the importance of civil society**

We call on you as a matter of priority to reaffirm the importance of the work of human rights defenders and other civil society actors contributing to Kyrgyzstans democratic development. We encourage you to reengage in meaningful dialogue and productive partnership with civil society actors, including human rights groups, to carry out promised reforms.

We also call on you to lift restrictions on foreign human rights workers access to Kyrgyzstan. Over the last two years, several foreign human rights workers, including Human Rights Watchs Bishkek office director and Kyrgyzstan researcher Mihra Rittmann and Russian rights organization Memorials Vitaliy Ponomarev, have been banned from Kyrgyzstan. These developments have contributed to an increasingly hostile environment for human rights activism in Kyrgyzstan.

### **End torture**

Although Kyrgyz authorities acknowledge the problem of torture in Kyrgyzstan and the government supported the establishment of a national torture prevention mechanism in 2012, impunity for torture remains the norm. Criminal cases into allegations of ill-treatment or torture are rare, and investigations and trials are delayed or ineffective. Kyrgyzstans Coalition Against Torture, a group of 16 nongovernmental organizations working on torture prevention, told Human Rights Watch that, on average, the prosecutors office declines to investigate torture allegations in over 90 percent of cases.

We urge you to commit to ending impunity for torture and eradicating the practice of torture by making the genuine reform of law enforcement agencies a priority for your government.

### **Robustly implement Kyrgyzstans new domestic violence law**

In May, a [strengthened domestic violence law](#) came into force in Kyrgyzstan, following womens and human rights groups long-term efforts to respond to widespread domestic violence and advocate for adequate protection, support, and access to justice for survivors. Human Rights Watch was amongst the groups that welcomed the adoption of this law which increases protections for women and girls who suffer domestic abuse, and aims to improve police and judicial response to domestic violence and ensure practical support to victims, including shelter, psychosocial services, and legal aid.

We ask you to allocate sufficient resources to make the law effective and meaningful for women and girls who suffer domestic abuse. In particular, we urge you to dispatch greater support for: the provision of adequate medical and psychological services and legal aid; capacity-building of judicial personnel and police to respond to, investigate, and prosecute cases; a hotline for abuse victims, and training of emergency response personnel to staff it.

## **Allow peaceful assembly**

People in Kyrgyzstan have for many years enjoyed the right to peaceful assembly, staging regular peaceful protests across Kyrgyzstan. However, following several court rulings in 2017 imposing blanket bans on public assemblies in various locations in Bishkek, with courts citing overbroad concerns about ensuring public order and national security, this right appears under some threat.

In February, a Bishkek court imposed a 3-week ban on public assemblies in the Leninskii district, citing the need to ensure public order and prevent terrorist threats. The Pervomayskii District Court in July banned public assemblies at central locations in Bishkek, including Ala-Too Square, from July 27 to October 20, citing concerns about public security before the elections. On November 8, the court again banned public gatherings in several locations in central Bishkek until December 1, citing the president-elects upcoming inauguration on November 24.

While the right to peaceful assembly is not absolute, the former [United Nations Special Rapporteur on the Right to Peaceful Assembly and Association](#) has determined that certain restrictions, such as blanket bans on assemblies, are intrinsically disproportionate and discriminatory and should be limited unless they are strictly necessary and proportionate. We ask you to ensure that people in Kyrgyzstan continue to enjoy their fundamental right to express dissenting views through peaceful protest in a manner consistent with international standards.

## **Cease counterterrorism-related human rights abuses**

In the last year, the Kyrgyz government has stepped up counterterrorism measures following deadly attacks abroad that investigators linked to armed extremists of Central Asian origin, arresting dozens of people for storage of vaguely defined extremist materials, an offense which carries a mandatory prison sentence of three to five years. As of August, 191 people had been imprisoned for terrorism or extremism-related offenses. Many were ethnic Uzbeks who alleged they had been arrested based on false testimony or evidence planted by the police, and that they were tortured and otherwise abused in police custody.

As part of your campaign platform, you expressly stated that you would respect the fundamental principles of human rights in protecting Kyrgyzstan from external and internal threats to national security. We call on you to give meaning to those words by overseeing the work of Kyrgyzstan's national security agency and the police to ensure that their counterterrorism efforts comply with international human rights standards, and due process is afforded anyone suspected of these egregious crimes.

## **End Discrimination of LGBT people**

For several years now, a blatantly discriminatory anti-LGBT propaganda [bill](#) has been under review in parliament. The bill which threatens freedom of speech, association, and assembly in Kyrgyzstan appears aimed at silencing anyone seeking to openly share information about same-sex relations, including with proposed criminal sanctions. Although the bill has not advanced in parliament since May 2016, it has not been definitively withdrawn either.

Pending in parliament, the bill has a chilling effect on Kyrgyzstan's already-marginalized LGBT rights groups and activists. Many LGBT people in Kyrgyzstan experience blatant discrimination, [violence in their families](#), and even police abuse, all within in [a climate of impunity](#). We urge you to take steps to end homophobia and discrimination against Kyrgyzstan's LGBT community.

## **Ratify the United Nations Convention on the Rights of Persons with Disabilities**

We join other civil society groups and activists and call on you to ratify the Convention on the Rights of Persons with Disabilities. Kyrgyzstan signed the convention in 2011, yet has still not ratified the treaty. We urge your government to delay no longer and ratify the treaty as testament to the importance you give to upholding the rights of all people in Kyrgyzstan.

We thank you for your attention to these important matters. We look forward to continuing our constructive engagement with the Kyrgyz government. We would be happy to discuss the points raised on an occasion at your convenience.

Sincerely,

Hugh Williamson

Executive Director

Europe and Central Asia Division

Human Rights Watch

Institutionalization and Barriers to Education for Children with Disabilities in Kyrgyzstan

Education for Children with Disabilities in Kazakhstan

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