

# Human Rights Watch

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

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International Police Force and International Inquiry Urgently Needed

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(Osh) - The Kyrgyz authorities should take urgent steps to stop the widespread torture and arbitrary detentions of Uzbeks suspected of participation in the violence that erupted in June in southern Kyrgyzstan, Human Rights Watch said today. These violations undermine the investigation into the events and increase tensions, threatening to further destabilize the situation, Human Rights Watch said.

"While the Kyrgyz authorities have an obligation to investigate the June violence and prosecute those responsible, they must do so without violating international or Kyrgyz law," said Anna Neistat, associate director of program/emergencies at Human Rights Watch, who is in Osh. "Coercing confessions through torture discredits the investigation and fans the flames of the ethnic conflict."

Human Rights Watch researchers on the ground in southern Kyrgyzstan have received numerous, credible reports of arbitrary arrests in Uzbek neighborhoods in Osh Province and of severe beatings and other forms of ill-treatment, including torture, in custody. Human Rights Watch documented the death of one man and dozens of injuries as a result of abuse by Kyrgyz security forces. Human Rights Watch called on the Kyrgyz authorities to put an immediate end to ill-treatment and arbitrary arrests, and to unite around a call for sending an international police force to the region.

Human Rights Watch has received information about ill-treatment, including torture, in more than 30 cases connected to the investigation of the June violence. In six cases, Human Rights Watch researchers were able to interview recently released victims who told Human Rights Watch that they had been severely beaten and subjected to torture such as asphyxiation and burning with cigarette stubs. In other cases Human Rights Watch saw photos of injuries from beatings or obtained testimony from lawyers, family members, and other detainees who saw the victims while they were still in detention.

Lawyers and relatives told Human Rights Watch that the authorities repeatedly harass them, prevent access to the detainees, and threaten them not to complain about ill-treatment.

Human Rights Watch previously documented the denial of due process guarantees and allegations of torture in the case of [Azimzhan Askarov](#), a local human rights defender who is still in detention in the southern town of Bazar-Kurgan.

Human Rights Watch expressed concern about indications that ethnic Uzbeks are disproportionately targeted for detention and warned that continued arbitrary arrests and widespread abuse, including torture, might further destabilize the already tense situation in southern Kyrgyzstan. Agitated by arbitrary arrests, ill-treatment including torture, and altercations between Kyrgyz and Uzbeks, large crowds of Uzbek men and women gathered in the streets on several occasions over the last week to prevent or protest new arrests and the ill-treatment of detainees, sometimes leading to confrontations with local law enforcement officials.

On July 10, 2010, the Prosecutor General's Office of Kyrgyzstan issued an order calling on the law enforcement agencies to observe the law scrupulously during the security operations.

Human Rights Watch urgently called on the Kyrgyz authorities and the international community to send international police forces to the region to stabilize the situation and to open an international investigation into the June violence.

Foreign ministers of the 56 participating states of the Organization for Security and Co-operation in Europe (OSCE), which includes Kyrgyzstan, are to meet in Almaty, Kazakhstan on July 16 and 17 for an informal summit.

"Urgent deployment of an international police force to Kyrgyzstan should be at the top of the agenda for the OSCE's meeting this week," Neistat said. "The investigation into the June violence is marred by widespread human rights violations, which can be prevented by an international police force helping Kyrgyz authorities to do their work in compliance with the law."

Roza Otunbaeva, interim president of Kyrgyzstan, has requested international police forces from the OSCE, but deployment has been delayed because of disagreements about the mission's mandate.

Serious problems with the objectivity and the methods of the national investigation also underscore the need for a prompt establishment of an independent international commission of inquiry into the June violence, Human Rights Watch said.

## **Main Findings**

### **Illegal Detention and Torture**

Human Rights Watch has documented a pattern of arrests carried out by the Kyrgyz police and other security forces in the Osh province in southern Kyrgyzstan in violation of international and Kyrgyz law. Dozens of witnesses described daily raids in several Uzbek neighborhoods by groups of armed men in camouflage uniforms, usually driving civilian vehicles. Witnesses in various neighborhoods provided consistent accounts of security forces conducting arbitrary, unsanctioned searches of people's homes without identifying themselves or explaining the reasons for the raid.

In the course of the raids, the security forces usually took into custody several (one to five) men, either claiming that they would be interrogated and released or without providing justification. In many cases the security forces held the relatives, mainly women and children, at gunpoint, threatened to shoot them if they protested the detention, shouted obscenities, and shoved them away. In most cases, the security forces did not tell the relatives where the detainees were taken, and several families said they could not establish the location of their relatives for hours or even days.

Most of the detainees were young men, ages 20 to 30, although Human Rights Watch also documented the detention of elderly parents and other relatives of suspects, women - including at least one who was severely disabled - and minors as young as 14.

Human Rights Watch expressed concern about what appears to be the disproportionate targeting of ethnic Uzbeks during the security operations. The authorities have not released figures showing the ethnic breakdown of the detainees, claiming they have both Uzbek and Kyrgyz suspects in detention. However, one law enforcement official interviewed by Human Rights Watch indicated that he was reluctant to arrest ethnic Kyrgyz, fearing that this may cause a new wave of violence. Police officials in two predominantly Kyrgyz neighborhoods told Human Rights Watch that they had no ethnic Kyrgyz in custody.

Five lawyers, both Uzbek and Kyrgyz, told Human Rights Watch that since the June violence, all new clients have been ethnic Uzbek. In addition, two people detained in a temporary detention facility operated by the Osh City Police Department (GUVD) in early July told Human Rights Watch that the vast majority of detainees were Uzbek. One said that out of 92 detainees, only one was Kyrgyz; another said that out of about 60, two were Kyrgyz. The head of a local police precinct in Osh province confirmed that all of the detainees held there were Uzbeks, claiming that the Kyrgyz perpetrators had come from other regions and thus were harder to apprehend. Other law enforcement officials interviewed by Human Rights Watch also indicated that they were reluctant to arrest ethnic Kyrgyz fearing that this may cause a new wave of violence.

In cases documented by Human Rights Watch, the detainees were taken to the Osh City Police Department, Osh Province Police Department, local police precincts, or the National Security Service (SNB). In cases of torture and ill-treatment documented by Human Rights Watch, several were released, and others were charged with organizing or participating in an uprising, hijacking vehicles, or killings.

Victims of torture and ill-treatment interviewed by Human Rights Watch said that they had been coerced into implicating themselves or others. Lawyers who had access to detainees confirmed to Human Rights Watch the practice of obtaining confessions and testimony by torture and ill-treatment. Human Rights Watch received dozens of reports of police officials demanding substantial bribes from family members (ranging from US\$100 to \$10,000) for the release of detainees.

Five lawyers told Human Rights Watch that the authorities are systematically denying the defendants due process rights, such as the right to have the lawyer of their choice and to consult with a lawyer in private, making it impossible for their clients to complain confidentially to the lawyers about ill-treatment, extortion, and other violations. The lawyers also said that the authorities routinely refused to order medical examinations of detainees in cases of suspected ill-treatment.

In more than 30 cases, Human Rights Watch received information about torture and ill-treatment either directly from victims or from lawyers or family members who had seen them in custody. This, however, probably represents only a small percentage of the cases. At least two detainees who had been held in the city police's temporary detention facility (IVS) for several days reported seeing dozens of other detainees being brutally beaten in the interrogation room, the corridor, and the inner courtyard. Many victims and their families are too intimidated to speak about their experiences, fearing further persecution.

The main methods of ill-treatment used by the interrogators appear to be prolonged, severe beatings with rubber batons or rifle butts, punching, and kicking. Given the severity of the pain inflicted in this manner on detainees, such treatment amounts to torture. In at least two cases, the victims reported being tortured by suffocation with gas masks put on their heads and the flow of air cut off until they lost consciousness. One detainee reported being burned with cigarettes, also a form of torture.

In the vast majority of cases, the torture took place within the first 48 hours of detention while the detainees remained in police custody.

## **Selected Cases**

### **Torture and Death of Khairullo Amanbaev**

One of the victims, 20-year-old Khairullo Amanbaev, died in the hospital on July 11 as a result of injuries he suffered in the custody of the Osh City Police Department. His relatives said the police detained Amanbaev early in the morning of June 30. The next day, an acquaintance from the police informed the family that Khairullo fell out of the second floor window at the police department and was

taken to the hospital. A nurse privately told the family that two policemen brought Amanbaev in, unconscious. The doctors had to perform emergency surgery on Amanbaev for internal bleeding in his head, yet they refused to explain the cause of his injuries to the family.

A family member who visited Amanbaev immediately after the surgery told Human Rights Watch: "His face was all blue, all in bruises. There were also bruises on his shoulders - they looked like marks from a rifle butt. His feet were very dark red, almost black, and completely swollen as if he was hung by the feet. He also did not suffer any fractures - how is that possible if he indeed fell out of the window?"

Family members initially said that they were too afraid to file a complaint because while Amanbaev was in a coma the police-appointed lawyer, accompanied by the deputy head of the city police department, warned them not to talk, saying, "We will bring him back to life if you keep quiet, but if you start talking, you will only have yourselves to blame." The day before Amanbaev died, the family finally submitted a complaint to the Osh city prosecutor, who then promised Human Rights Watch he would open a criminal investigation into the case.

#### **Torture of "Mokhamadzhon M." [not his real name]**

On July 8, Human Rights Watch interviewed 30-year-old Mokhamadzhon M. immediately after his release from one of the local police stations in Osh province. Mokhamadzhon said that on the same morning, a group of 15 policemen detained him in the street and brought him to the police station where five police operatives interrogated him for the rest of the day. He said:

"They wanted me to confess that I killed a man. I refused, and then they wanted me to say I knew those who did. They tied my feet with a rope, hung me upside down, and beat me on the head and on the body. Then they beat me with a rubber baton on the soles of my feet. This lasted for about an hour. They also brought three other men from our neighborhood in - I heard one of them screaming as they beat him and saw the other two, both badly beaten."

Mokhamadzhon said the police released him only because his relative, an official in the local administration, intervened on his behalf.

Human Rights Watch researchers observed and photographed injuries on Mokhamadzhon's head, back, arms, legs, and feet.

#### **Torture of "Akram A." [not his real name]**

On July 2, a group of about 20 policemen from the "SOBR" special forces unit raided the residence of 50-year-old Akram A. Holding women and children in the house at gunpoint, they searched the entire house and, having found nothing, took Akram away. They brought him to the Osh City Police Department and started questioning him about the killing of a Kyrgyz policeman which they believed he witnessed. Akram told Human Rights Watch:

"There were interrogators from both the GUVd and SNB. They handcuffed me, and tied my hands. First, they put a gas mask on my head and kept cutting off the air so that I would suffocate. When I lost consciousness, they would pour water on me and start again. Then they put me against the wall and punched me very hard in the kidney area - I still cannot sleep at night from the pain in my kidneys and liver, and going to the toilet causes a lot of pain, too. They also beat me with a baton on the soles of my feet - so hard that I was bleeding from my nose and ears.

They had nothing on me and wanted to release me the same day, but then a lawyer came, and they got very angry, pushed him out, and sent me to the cell in the basement [the IVS].

In the basement, drunken guards and interrogators beat us ... about 60 people, in 13 cells, were all bleeding and covered in bruises.

Once, a commission of human rights defenders came, and some people complained to them about this treatment. I did not - and I was right. Every single person who complained was severely beaten again that same night."

Akram said he was released on the third day of his detention because a well connected relative intervened on his behalf. When Human Rights Watch interviewed him on July 11, he still had visible bruises around his eyes, and dried-blood marks on his legs. He had bandages covering his abdomen and lower back. He said he wants to seek justice for the treatment he suffered, but is too afraid for his own safety and the safety of his relatives to file a formal complaint.

#### **Intimidation and Harassment of Lawyers**

Lawyers told Human Rights Watch that local law enforcement authorities on several occasions prevented them from meeting with their clients, threatened and insulted them for defending Uzbeks, and on at least two occasions threatened to mobilize the relatives of Kyrgyz victims of the June violence to attack them. Human Rights Watch documented the harassment of at least five lawyers by law enforcement officials.

One lawyer recounted to Human Rights Watch how she was thrown out of the Kara-Su district police station when she tried to see one of her clients. She said the deputy head of the police station shouted at her when she tried to meet with her client, saying, "Our brothers were killed, and you are defending these criminals! We don't even want to talk to you."

Another lawyer said that on July 9, 2010, she was meeting with her client in the city police department when one of the investigators told her that there were three Kyrgyz women "waiting for her outside" and that she should leave right away because the police could not guarantee her safety. The lawyer was outraged by the threat, but when a colleague confirmed that a group of Kyrgyz were outside, she escaped through the back entrance of the facility in fear.

The next day, an investigator from the Kara-Su police station directed a similar threat at a lawyer who came to represent her client at the hearing in the local court. In the presence of a Human Rights Watch researcher who accompanied the lawyer, the investigator advised the lawyer to leave, saying that he could not predict what would happen when the victim's relatives showed up at the courthouse.

#### **Intimidation and Attacks on Relatives of Detainees**

A number of family members of detained Uzbek men told Human Rights Watch that police officials - either directly, or through police-appointed lawyers - warned them not to hire independent lawyers and not to discuss the detention and torture of their relatives with anyone, threatening that they would detain or even kill other family members, or otherwise make things worse for the detainees.

Family members who tried to visit their relatives in detention or bring them food also came under attack from ethnic Kyrgyz. On July 10, Human Rights Watch documented the beatings of at least three Uzbek women who came to bring food for their sons detained at the city police department and a pretrial detention center (SIZO) located across the street. One of the women, "Dilobar D." (not her real name), said:

"As soon as my husband and I got out of the car near the SIZO, five Kyrgyz women rushed towards us, screaming that we killed their men, and started beating me, on the face, and back, and everywhere. They grabbed my bag and the food I brought for my son got all spilled out. I was trying to protect my elderly husband - he just had surgery two days ago, so I got most of the beating. There was a big crowd of Kyrgyz men and armed policemen standing around and watching."

Dilobar said that they ran away as fast as they could. When Human Rights Watch interviewed her an hour later, she had a bruise under her left eye and her left cheek was swollen.

The victims and several other witnesses who reported the incident to Human Rights Watch said that about 10 Uzbek families were beaten up by Kyrgyz and were prevented from entering the detention facility while the guards and dozens of armed city policemen stood by doing nothing to stop the attack.

After Human Rights Watch raised the issue of the attacks with the head of the Osh city police and encouraged one of the victims to submit a formal complaint to the prosecutor's office, the head of police promised, on July 11, to provide armed escorts to families visiting the detention facility. The next day, he indeed sent a police escort to accompany Dilobar's husband to the SIZO, and the visit went smoothly. Human Rights Watch said it was a positive step, but urged the city police to take comprehensive steps to ensure the safety of detainees' families and security in the vicinity of the police department.

### **Response of the Authorities**

Human Rights Watch raised the issue of arbitrary arrests and torture in detention, as well as the harassment of lawyers and relatives, with the deputy general prosecutor of Kyrgyzstan in charge of the investigation into the June violence, the head of Osh city police and the deputy head of the city police in charge of the operatives, the prosecutor and deputy prosecutor of Osh, the head of Karasu district police department (ROVD), and the prosecutor of the Karasu region.

The police chiefs referred to the difficulties they face in investigating the violent crimes committed during the June clashes and denied that their staff used illegal interrogation methods. However, one of them admitted that he cannot control what is happening in the interrogation rooms since he "is not present there," while another said, "What do you expect? Do you think suspects would confess voluntarily? Nobody would just come and say he has committed a murder."

The prosecutors claimed their staff regularly visits the detention facility but that they so far had received only one complaint of ill-treatment. They admitted that the detainees may be reluctant to file complaints fearing further persecution by the investigators, but said they could not take action unless complaints are filed. Under international law, and as a party to both the International Covenant on Civil and Political Rights and the Convention Against Torture, Kyrgyz authorities have an obligation to conduct an effective investigation whenever there is reasonable ground to believe that an act of torture has been committed. The authorities should act of their own motion once the matter has come to their attention, and should not depend on a formal complaint being lodged. Failure to do so is a violation of their obligations.

On July 10, the Office of the Prosecutor General of Kyrgyzstan issued an order "[o]n measures of ensuring observance of the law during the special operations, operative measures and investigative activities," which, among other things, called on law enforcement officials to observe the law scrupulously during investigative activities, immediately inform the general prosecutor of any violations, and, in case of violations, "raise the question of accountability of responsible officials."

Human Rights Watch said that issuing the directive was a positive step, but said that it would continue to monitor closely the extent to which local law enforcement officials and security forces in the south comply with the prosecutor general's orders. Human Rights Watch also urged the authorities to publicly condemn the use of torture and ill-treatment and to hold accountable those responsible, irrespective of whether formal complaints have been lodged in individual cases.

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