

Human Rights Watch

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

<https://www.hrw.org/world-report/2020/country-chapters/kyrgyzstan>

Annual reports

Events of 2019

Burulai Turdaaly Kyzy, a 20-year-old student, was stabbed to death by a man who wanted to force her to marry him.

2019 Image Source: Kaktus.Media. Courtesy of RFE/RL

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Long-term human rights concerns persisted in Kyrgyzstan in 2019. A court upheld a life sentence for rights defender Azimjon Askarov in July, despite international calls for his release and changes to Kyrgyzstan's criminal code. While freedom of assembly was largely respected, use of overly broad and vague definitions of criminal acts such as incitement or extremism remained the norm.

A political standoff between President Sooronbai Jeenbekov and former President Almazbek Atambaev heated up in August when a raid to arrest Atambaev turned violent, killing one person and injuring 45, including journalists. In the wake of these events, the government seized Atambaev's assets, including office space and equipment belonging to the television station Apral.

Despite the criminalization of domestic violence in January, measures to protect women remained inadequate and inconsistent. On March 14, President Jeenbekov signed a bill ratifying the Convention on the Rights of Persons with Disabilities (CRPD).

Despite international calls for the release of rights defender Azimjon Askarov, a regional court upheld his life sentence in July. Askarov's lawyers have appealed his case, which they brought in light of changes to Kyrgyzstan's criminal code, to the Supreme Court. Members of civil society who have visited the 68-year-old Askarov say he has several health problems and no access to a doctor outside the prison where he is being held. In October, Askarov wrote an open letter complaining about prison conditions, including arbitrary use of solitary confinement and limitations of family visits. In a separate case, Askarov was named in a lawsuit for failing to pay moral compensation to the victims of his alleged crimes.

Victims continue to wait for justice nine years after June 2010 interethnic violence, which left hundreds killed and thousands of homes destroyed. Ethnic Uzbeks were disproportionately affected.

Civil society groups faced some ongoing pressure. In May, a meeting of the Coalition Against Torturean alliance of 17 organizations was broken up by men with cameras who identified themselves as a patriotic youth movement. In March, the Deputy Minister of the State Committee for National Security (GKNB) urged parliament to draft a law imposing greater restrictions on civil society, suggesting that Kyrgyzstan should have more control over international financing of nongovernmental organizations (NGOs). The GKNB later backed away from these comments. Chris Rickleton, an Agence-France Presse journalist, and Mihra Rittman, Human Rights Watch Central Asia Senior Researcher, remain banned from working in Kyrgyzstan.

In 2018, two reports by human rights organizations including one about the 2010 interethnic violence were included on a list of extremist material and banned by court order. The court also prohibited ADC Memorial, a Brussels-based organization and co-author of one of the reports, from operating in Kyrgyzstan. After the Supreme Court reversed that decision, a lower court returned the case to the prosecutors' office in January 2019. The reports are no longer banned in Kyrgyzstan.

On August 7, special forces attempted to detain former President Almazbek Atambaev, who had resisted multiple prior summons by police, at his home outside Bishkek. Government forces engaged in a lengthy standoff with armed supporters of Atambaev, and only succeeded in arresting him on August 8. One commander was killed in the violence and at least 45 people were injured, including several journalists. Harlem Desir, the Organization for Security and Co-operation in Europe (OSCE) representative for freedom of the media, expressed concerns about injured journalists, stating that the safety of journalists who cover political events must be respected by all actors.

Aprela television station controlled by Atambaev was taken off the air during the raid on August 7. When Atambaev was arrested and charged with inciting unrest, conspiracy to murder, and kidnapping among other crimes, the court ruled to freeze his assets, including Aprela's office space and equipment. On August 9, special forces forced employees to exit the Aprela office, leaving their equipment behind. In September, Aprela announced that it would continue broadcasting on social media platforms using donated equipment. OSCE Representative Desir, speaking of Aprela, said media diversity should be preserved even in difficult situations.

Kyrgyzstan media experts said defamation lawsuits continue to be a tool for politicians seeking to silence media outlets. Reporters without Borders noted little progress on reforming defamation legislation, leaving the door open to future lawsuits.

Statutes containing overly broad definitions of acts such as incitement continued to be used selectively against those who peacefully protested or expressed their political opinions. In March, a couple who held up posters condemning Russian President Vladimir Putin outside the Russian Embassy in Bishkek were detained and accused of inciting national enmity, though charges were dropped in July. Similarly, a teacher was charged with inciting interethnic discord for anti-Russian comments on Facebook, but was acquitted in May.

In October, Kyrgyzstan's parliament approved in a second reading amendments to a trade union law that would severely restrict independent union organizing. The amendments would grant the Federation of Trade Unions a monopoly over all federal-level union activity, and would force smaller unions to affiliate with the Federation, giving it a veto over their charters and other activities. The International Labour Organization and IndustriALL Global Union criticized the proposed law, which they said would restrict freedom of association and the right to organize. A third and final reading had not been scheduled at time of writing.

In January 2019, amendments to the criminal code made it no longer a crime to possess materials such as videos and pamphlets that the authorities classified as extremist, unless they were for a purpose such as dissemination. Suspects who were previously convicted solely for possessing extremist materials were able to seek judicial review of their cases. Government officials told Human Rights Watch in May that such cases would be reviewed and where appropriate, sentences canceled and people released. However, local human rights lawyers said that while some judges ordered a prisoner's release upon review, some were denied and remained in prison. Kyrgyzstan continues to employ an overly broad and vague definition of extremism that can capture non-violent behavior or content.

Kyrgyzstan announced steps toward repatriating some of the hundreds of citizens detained in Iraq as spouses and children of Islamic State (ISIS) suspects, and said it already had an agreement to return some 70 children from Iraq.

Kyrgyzstan adopted a strengthened Family Violence Law in 2017 and criminalized domestic violence in January 2019. However, authorities are not consistently enforcing protective measures for women and girls, including both the Family Violence Law and a 2016 law to curb child and forced marriage. Crucially, the government has not yet appointed a body overseeing implementation of domestic violence prevention measures, as required by law.

In December 2018, a man was sentenced to 20 years in prison for kidnapping Burulai Turdaaly Kyzy and stabbing her to death in a police station, a case that sparked national outrage. In April, three police officers charged were sentenced on charges of negligence and fined in connection to the case.

Torture by law enforcement officials continues, impunity for which is the norm. According to government statistics sent to the anti-torture group Voice of Freedom, 171 allegations of torture were registered in the first half of 2019, though only one case had so far been sent to court. According to international and local groups, changes to Kyrgyzstan's criminal code in 2019 helped to strengthen protection against torture and increase punishments for perpetrators.

Lesbian, gay, bisexual, and transgender (LGBT) people continue to face ill-treatment, extortion, and discrimination by state and non-state actors. Activists organizing a March 8th parade for women's rights and equality said officials threatened to suspend the march if LGBT groups took part. Ultimately the march went forward, but organizers were threatened by the nationalist group Kyrk Choro (40 Warriors), who held a counter-protest. The event also provoked anti-LGBT rhetoric in parliament, where one member said LGBT people should be not just cursed, but beaten. Other events hosted by LGBT groups have been targeted by nationalist groups who threaten and film participants without consent.

In July, the European Union and Kyrgyzstan finalized the negotiations of an Enhanced Partnership and Cooperation Agreement that would foresee greater collaboration on political, security, and trade issues. EU High Representative Federica Mogherini said she discussed the case of Azimjon Askarov, as well as broader judicial independence, with Kyrgyz leaders. In January, the European Parliament adopted a resolution to express dissatisfaction with Askarov's ongoing sentence and request his immediate release, and pressed Kyrgyzstan to foster a favorable environment for the independent media and to thoroughly investigate the 2010 interethnic violence. In their human rights dialogue with Kyrgyz representatives in May, EU officials stressed positive developments in media freedom but articulated concerns with regards to officials' comments about limiting NGO funding.

In response to the events surrounding the arrest of former President Atambaev, the head of the OSCE's parliamentary assembly urged Kyrgyz authorities to exercise restraint and to continue strengthening democratic institutions and the rule of law ahead of parliamentary elections in 2020.

A UN Working Group on Enforced or Involuntary Disappearances delegation praised Kyrgyzstan for making enforced disappearances a crime, as well as new mechanisms to notify relatives of those disappeared. The group also noted that issues remained, particularly with regards to investigating 17 cases of disappearances from the June 2010 interethnic violence.

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