

URGENT APPEAL - THE OBSERVATORY

New information
KGZ 001 / 0910 / OBS 109.2
Judicial harassment
Kyrgyzstan
February 11, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Kyrgyzstan**.

New information:

The Observatory has been informed by reliable sources about the suspension *sine die* by the Supreme Court in Bishkek of the trial in appeal against Mr. **Azimjan Askarov**, well-known ethnic Uzbek defender and Director of the human rights organisation "Vozdukh" (Air) based in the city of Bazar Korgon, in Jalalabad region, which has been documenting police ill-treatment of detainees and monitoring the human rights situation in the province of Jalal-Abad, in particular the violent events in Bazar Korgon in June 2010.

According to the information received, on February 8, 2011, the Supreme Court of Bishkek decided to open an investigation on the conditions of detention in Kyrgyzstan, especially in provisional detention centres, and to suspend *sine die* the trial against Mr. Askarov. This decision was taken following a petition made by Mr. Nurbek Toktakunov, lawyer of Mr. Askarov, on the appalling conditions of detention of his client and other prisoners in the temporary detention facilities of Bazar Korgon, which have hampered the preparation of the defence. Mr. Askarov will therefore remain in detention until the Supreme Court decides on the merits of the appeal.

The Observatory welcomes the decision of the Supreme Court to order an investigation which could have positive impacts on the conditions of detention in Kyrgyzstan for the full respect of the International Covenant on Civil and Political Rights in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

Nevertheless, the Observatory remains deeply concerned by the continuing arbitrary detention and judicial harassment faced by Mr. Azimjan Askarov, which seems to merely aim at sanctioning his human rights activities, in particular his investigation on the human rights violations committed during the June 2010 clashes. The Observatory is also seriously alarmed by reports made by local human rights organisations regarding the further deterioration of Mr. Askarov's health. The Observatory urges the authorities of Kyrgyzstan to immediately and unconditionally release him and urges the Supreme Court to fully respect the right to a fair trial.

Background information:

Mr. Askarov was arrested on June 15, 2010 by agents of Bazar Korgon police department for allegedly having urged ethnic Uzbeks, along with other leaders of the Uzbek community, to take as an hostage the district official Mr. A. Artykov, for having ordered the blockade of the Bishkek-Osh Highway along with 500 armed protesters, and having attacked police officers causing the death of one of them, Mr. Sulaimanov.

On September 15, 2010, Mr. Askarov was sentenced to life imprisonment. Other ethnic Uzbeks were also sentenced to long-term imprisonment.

Mr. Askarov and the other defendants had pleaded not guilty during the trial. His lawyer, Mr. Nurbek Toktakunov, asked for a medical examination, which was denied. According to family members of the suspects and human rights organisations, all of them were subjected to acts of torture and ill-treatment by prison guards during custody and presented visible physical injuries.

On November 3 and 4, 2010, hearings in the trial in appeal against Mr. Askarov were held at Tash Kumyr City Court in Nookan, a place which is closer to the residence of relatives of the police officer murdered. On November 10, 2010, the court of appeal upheld the life sentence of Mr. Azimjan Askarov following a trial marked by irregularities. At that time the health of Mr. Askarov had severely deteriorated.

On January 26, the defence lawyers requested the Court to examine and include new evidence in the criminal case, including a testimony made by Ms. **Aziza Abdirasulova**, Director of the human rights organisation Kylym Shamy, that showed that, in May 2010, Mr. Azimjan Askarov had warned the authorities that acts of violence were being prepared in Bazar Korgon¹. According to Mr. Azimjan Askarov's lawyer Nurbek Toktakunov, this warning might have triggered the fabrication of this case. In addition, defence lawyer Kairat Zagibaev provided evidence showing that Mr. Askarov was not present at the scene where the incidents took place. The Supreme Court accepted the new evidence and suspended the hearing until February 8, 2011 for their examination.

Actions requested:

Please write to the authorities of Kyrgyzstan, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Azimjan Askarov as well as of all human rights defenders in the Kyrgyzstan;
- ii. Ensure the immediate and unconditional release of Mr. Azimjan Askarov since his detention is arbitrary as it only aims at sanctioning his human rights activities;
- iii. Put an end to any act of harassment - including at the judicial level - against Mr. Askarov, as well as against all human rights defenders in Kyrgyzstan, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance and fear of reprisals;
- iv. Comply with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:
 - Article 1, which states that "everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels",
 - and Article 12.2 which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration".;
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by the Kyrgyzstan.

¹ Ms. Abdirasulova provided this testimony during the preliminary investigation but not during the two previous trials for fear of retaliation.

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Please also write to diplomatic representations of Kyrgyzstan in your respective countries.

Paris-Geneva, February 11, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

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