

## **The alternative report on the Universal Periodical Report on the human rights observance and the citizens' freedom in Kyrgyz Republic.**

**This review was prepared by the Public Foundation «Kylym Shamy», it covers the events happened from the period of 2010 – 2014.**

### **Inter –ethnic conflict happened in June 2010. The human rights to life.**

In June 2010 the inter-ethnic conflict occurred in the south of the country, which caused a lot of death of the people. According to the list of the PF «Kylym Shamy», 492 people died, among them 72 % are the ethnic Uzbeks, 25 % are Kyrgyz and 1 % is other nationalities (Uighurs, Russian and Pakistan man). 2000 people received the wound of different category, about 2000 houses were burned (99% of them belonged to the ethnic Uzbeks).

1. Among 492 died people, more than 60% of people died as of the gun wound. In accordance with the research made by PF «Kylym Shamy» and the documentation of the information, 282 units of the firearms, 4 fighting equipment and 43 045 units of ammunition being under the responsibility of the state – the Ministry of Interior Affairs, Defense Ministry, Border Service were seized during the conflict (between June 11 – 14, 2010). 136 units of the arms including the fighting equipment (48%), 16701 units of ammunition (38%) were returned. 29 criminal proceedings were instituted against the military men for losing the arms. The criminal proceeding was not instituted against those people, who seized the arms forcibly.

2. At 2 a.m between June 10-11, 2010, the decision on imposing of the emergency situation and curfew in Osh city and Kara –Suu region was taken by the Provisional Government of Kyrgyz Republic. The state did not inform the citizens on imposing of the emergency situation and in 15 minutes the military men started using the firearms which caused the death of the citizens and the wound of the citizens.

The first citizens died and wounded of the firearms were registered at night 2.30 a.m between June 10 -11. The firearms were used by the unknown men in the military uniforms, who were in the armed personal carrier.

From the period of 2.30 a.m 5.15 a.m between June 10- 11, 2010, 28 citizens wounded of firearms were taken to Nariman territorial hospital, others were taken to Tuleikan territorial hospital. 8 citizens died, and more than 40 people with gun wound mainly the ethnic Uzbeks were brought to the hospitals.

The relatives of the citizens died and wounded during the inter-ethnic conflict happened in June 2010 in the south of KR applied to the military prosecutor's office of KR and asked to hold criminally liable the guilty people for the death of Joroev Temurmalik, Nomanov Isroil, Ibragimov Aibek, Umarjanov Tursinbai, Gulamov Azzam, Tulanova Abdumalik, Sharipov Jumabai and Dildorbek ulu Azzizullo and wounding Begishova Aigul and Nomanov Osmanjon. The relatives of died and wounded people applied to the military prosecutor's office of KR and asked to hold criminally liable the guilty people for the death of Joroev Temurmalik, Nomanov Isroil, Ibragimov Aibek, Umarjanov Tursinbai, Gulamov Azzam, Tulanova Abdumalik, Sharipov Jumabai and Dildorbek ulu Azzizullo and wounding Begishova Aigul and Nomanov Osmanjon. The relatives stated in their applications, that their relatives died and were wounded as a result of the shooting of the military men from the armed personal carrier.

The investigator of the Department of Internal Affairs of Osh city Ulan Shamatov passed a resolution from June 1, 2013 on suspending of the criminal persecution against the military men «due to lack of the corpus delicti in their actions». On July 26, 2013 on the basis of the

application of the advocate Tayir Asanov, the prosecutor's office of Osh city cancelled the resolution of the investigator Shamatov. However, on November, 19, 2013, the same investigator passed a resolution on suspending the criminal persecution against the military men «due to lack of the corpus delicti in their actions». It is important to note that, the texts of the resolution are identical.

3. During the conflict in June 2010 in the south of KR, the inhabitants blocked the passageway for defending themselves. On June 18, 2010 the President of the Provisional Government Roza Otumbaeva took a decision on cleaning up the passageways to the residential quarters from the barricades. The people involved in the conflict took part in cleaning up the passageway from the barricades. For instance: on June 21, 2010 the colleagues of the head of the Department of Internal Affairs of Karasuu region died during the conflict participated in cleaning up in Nariman village. According to the words of the inhabitants of this village, the cleaning up of the passageways was accompanied with violation – beating of the inhabitants, destruction of the documents and taking out the people' valuable things and money. As a result of the executed operation on cleaning up, 37 people were taken to the Nariman territorial hospital, they had injuries and hematoma received from beating including stab wound, among them 4 people died of the received injuries.

#### **Questions:**

1. It is important for UN Committee for human rights to ask from Kyrgyz Republic the information on who was held criminally liable for the distribution of the arms (the officials), including seizing of the arms (civil population), their ethnicity. For whom were the arms, firearms and the ammunition used against?

2. It is important for UN Committee for Human Rights to request an information from Kyrgyz Republic, why it did not inform the other states, the member states of International Covenant on Civil and Political Rights?

3. It is important for UN Committee for human rights to request from Kyrgyz Republic the information about taken measures of the investigation litigation, proportionality and the necessity of using of the arms by the military men between June 10- 11 from 2.15 a.m - 5.15 a.m?

4. It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal proceedings instituted on the facts of torture applications during the trials (on June events of 2010). On the number of the cases passed to the court?

#### **Inter –ethnic conflict of June 2010. The human rights to fair trials and fair investigation.**

1. 421 criminal proceedings were instituted on the fact of the death during the ethnic conflict in the south of Kyrgyz Republic, among them 124 criminal proceedings were instituted on the fact of death of the Kyrgyz nationality, 294 criminal proceedings were instituted on the fact of death of Uzbek nationality and 3 of them on the fact of other nationalities.

38 people were sentenced to life imprisonment, (36 of them are the representatives of Uzbek nationality and 2 are the representatives of Kyrgyz nationality). 4 people were sentenced to 25-30 years of imprisonment (all are Uzbeks).

2. During the inter - ethnic conflict more than 20 people of Uzbek nationality were beaten by the group of boys of Kyrgyz nationality in Bishkek, as a result of it Kuzibaev Kutlugmurad (ethnic Uzbek) died of the received injuries.

The criminal proceeding instituted against 1 man of Kyrgyz nationality in accordance with the article of the law 104 of Criminal Code of KR (for making bodily injuries, caused death ) was re-qualified to the article of the law 234 (hooliganism ) by the state prosecutor. The court sentenced to 2 -year and 6 months' imprisonment in accordance with the article of the law «Hooliganism». However, no one was held criminally liable on the fact of death, and the family of the dead man did not get from the state.

3. According to the information of PF «Kylym Shamy» more than 20 people were sexually abused during the inter-ethnic conflict (the age of them from 5–72). Tulanova Mahizar born in 2005 was raped, and then killed of the gun shot. Tulanova Mahbubahan born in 1938 was killed analogously.

On June 14, 2010, about 40 men of Kyrgyz nationality came into the flat of K.M.(ethnic Uzbek), they were armed with the bludgeons, reinforcing steel and firearms, they took the parents and three daughters to the basement of the cafe «Nostalgia » located in the same building. They raped B.U.born in 1987 (aged 23 ), B.I. born in 1988 (aged 22) and B.D. born in 1994 (16 aged) in the presence of their parents and other detainees.

K's family applied the prosecutor offices for several times, In June 21, 2010 K.M. wrote an application to the Department of Internal Affairs of Osh city, on January 4, 2011 B.I. wrote an application to the General Prosecutor's office of KR. On January 10, 2011 the criminal proceeding was instituted on the facts the sexual abuse, the victims of the sexual abuse identified the rapists through the photos. However, the investigation was suspended. The effective investigation was not conducted, no one was held criminally liable.

4. In March 2012, PF «Kylym shamy» received the applications from the citizens of KR, where they wrote that their husbands – Dalilbaev.K, Kurbanov. O, Obidov . A. Died of the gun shot during the inter- ethnic conflict and they did not get any compensation.

The victims sent the applications to the state commission for getting one - time financial aids. However, the state commission refused to pay one time financial aids. The reasons were the facts, that Kurbanov O. and Dalilbaev K, are the citizens of Russian Federation.

### **Questions:**

1. It is important for UN Committee for human rights to request from Kyrgyz Republic on the information of the reasons of minimal number of the accused on the fact of dead citizens of Uzbek nationality because 74% of the dead are the ethnic Uzbeks?
2. It is important for UN Committee for human rights to request from Kyrgyz Republic on the information of the reasons why did not Kuzibaev Kutgulmurad's family get compensation?
3. It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal cases instituted on the fact of the sexual abuse during inter-ethnic conflict? On the reasons of the investigations suspended on the fact of raping B.U., B.I. and B.D.? Why were the victims of sexual abuse not compensated?
4. It is important for UN Committee for human rights to request from Kyrgyz Republic on the reasons of the compensation not paid out to the families of dead people ( the citizens of other countries ) during the conflict in June 2010? Why isn't each person provided with the recognition as a person before the law, and the recession from the obligations and breaking the article 4 of ICCPR?

**Inter- ethnic conflict in June 2010. Human rights to freedom from torture.**

The accused/ defendants on the inter –ethnic conflicts happened in June 2010 were tortured and ill- treated by the officers of law enforcement agencies. Their advocates and their relatives are attacked and made pressure during the investigation and the trials.

1. During the trials on June events, the accused D. Haidarov , M Bizrukov, D. Saliev , O Sulaimanov, I Aidaraliev , T. Mamatova, D . Rayimjanov, U. Juraev, V Orunbaev, Sh. Kuchkarov , B . Juraev, F .Asirov, Sh. Abdullajanov, H .Talipov, M. Saliev, A, Tashirov, J.Sadykov, L. Atabaev, S.Moidinov, T. Abdullaev, K. Mamajanov, A. Yangibaev, A. Abduvaipov , U . Otomirzaev, A. Mamadaliev, M. Abdirasulov, M. Usupov, A. Saliev , I . Atabekov, B. Jalalalov. G. Abdrahmanov, U, Ablyazov, R.Haitov, A. Askarov, D.Rozubaev, M Kochkarov, I.Abduraimov, E.Rasulov, M . Mamadalieva and their advocates announced that they were tortured. However, the investigation was not conducted on the facts of torture.

2. The advocates Tatyna Tomina, Ulugbek Usmanov, Nazgul Suinbaeva, Dilbar Turdumambetova, Tair Asanov, Kalbai Prator, Dinara Medetova , Kubanych Joroev were beaten and threatened during the trials. The advocates applied to the public prosecutors offices on the facts of beating and threats. The criminal proceeding was not instituted on the facts of beating and threats.

3. The accused of the June events D.Haidarov, M .Bizrukov, O. Sulaimanov, A. Saliev, A Askarov, D. Rozubaev, M Kochkarov, I .Abduraimov, E. Rasulov, M. Mamadalieva and others were attacked and beaten during the trials. The criminal proceeding was not instituted on the facts of beating, the investigation was not conducted.

### **Questions:**

It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal proceedings instituted on the facts of torture applications during the trials ( on June events of 2010 ). On the number of the cases passed to the court?

It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal cases instituted on the fact of the sexual abuse during inter-ethnic conflict? On the number of the cases passed to the court?

### **Human rights and freedom of the curfews.**

The armed forces of KR consisted of the subdivision of the boarding service , the Defense Ministry , interior troops , the state department of national security , the state service of the execution of the punishment are closed , the community does not have an access to them. According to the official information of the armed forces of KR, for the period of 2011 – 2012, 21 military men committed suicide during their service, 9 of them died because they could not use the firearms.

1) On October 5, 2012, Nurlanbek ulu Chyngyz died of gun wound under unknown circumstances. Before, his parents visited the frontier guard's post № 2026 on the fact of beating, where Nurlanbek ulu Chyngyz served.

2) On January 10, 2013, Sapar ulu Temirlan died of gun wound under unknown circumstances. Sapar ulu Temirlan served in the third battalion of rota 8 of penal colony № 16.

### **Questions:**

It is important for UN Committee for human rights to request from Kyrgyz Republic the information on the number of the criminal proceedings instituted on the fact of death of the

military personnel during their service ? On the number of the criminal proceedings passed to the court? How many families of the died military personnel received a compensation?

### **Human Rights Violation during the execution of the anti-terrorist operations.**

The legislation of Kyrgyz Republic on the «Counteraction against terrorism» from 2006 defining the principles of the counteraction against terrorism does not make provision for the guarantee of the observance of the citizens' rights during the execution of the anti-terrorist operations.

The legislation does not define the rules and reasons for conducting special operations and using the special weapons (proportionality, necessity, legitimation).

The legislation does not define the rules of using of the special weapons (proportionality, necessity, and legitimation).

Liquidation of the terrorists during the anti -terrorist operations. Therefore, the law gives the base to the extrajudicial execution.

The legislation also, releases from the responsibility those, who participate in the terrorist fighting operations and take the decisions on the liquidation of the "terrorist".

In accordance with the legislation, the dead bodies of the «terrorists » are not given out, their burial is carried out in accordance with the orders established by the Government, and their burial ground is not informed. Due to lack of the dead bodies, the family is not able to bury according to the religious ceremony. The families cannot get a death certificate; as a result the children of the dead cannot get allowance from the state.

### ***Practice and the consequences of the anti- terrorist operations:***

1) On November 29, 2010, the house of Nurmatov's family in Majrum Tal Street in Osh city was surrounded and exploded, two sons of the family – Nurmatov Zakir and Nurmatov Farhad were shot. The head of the family Murmatov Omon , mother of the family Nurmatova Patilahon , their daughter Dulfusa with her children and the grandson Nurmatov Abdulla were detained and taken to the Department of National Security of Kyrgyz Republic . They were interrogated there, and released in two days, except Nurmatov Abdulla, who was 21. This incident was broadcast on TV as the struggle against terrorism. Nurmatov's family has not received any reasonable reply from the state on the fact of the explosion of their house and killing of their sons.

2) On January 5, 2011, during the operative investigative operation two gunmen were killed and one gunman was wounded by the officers of the special service unit «Alfa» of the Department of National Security of Kyrgyz Republic. During shooting incident and powerful explosion the building of the sheep yard was burnt. Topozov . M lived with his four children and his wife in this sheep yard. On the day of the special operation, Topozov's wife went to her relatives with her two children. Topozov was detained by the police officers, where he was subjected to torture and ill treatment. He was interrogated by the officers, and then he was not arraigned and released.