

URGENT APPEAL - THE OBSERVATORY

New information
KGZ 001 / 0910 / OBS 109.1
Judicial harassment
Kyrgyzstan
January 31, 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 examination by the Supreme Court in Bishkek of an appeal on the conviction and sentence to life imprisonment of 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 January 26, 2011, the Supreme Court of Bishkek started hearing the case against Mr. Azimjan Askarov charged of "hostage-taking", "complicity in murder", "incitement of racial hatred", and "participation and organisation of mass disorder", along with seven ethnic Uzbek, for allegedly killing a policeman and injuring several police officers during mass disturbances in city of Bazar-Korgon in June 2010. Mr. Azimjan Askarov was sentenced to life imprisonment on September 15, 2010. The sentence was upheld in appeal on November 10.

On January 26, the defence lawyers recalled that Mr. Azimjan Askarov had been subjected to acts of violence in custody. In addition, they requested the Court to examine and include in the criminal case new evidence, 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, namely General Ismail Isakov, Interim Defence Minister, that arms were being delivered at night in Bazar Korgon and that acts of violence were being prepared.¹ According to Mr. Azimjan Askarov's lawyer Nurbek Toktakunov, the warning made by Mr. Azimjan Askarov 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 of the criminal cases took place.

On January 27, the Supreme Court accepted the new evidence submitted and suspended the hearing for their examination. The trial will resume on February 8, 2011.

The Observatory welcomes the examination by the Supreme Court of the new evidence presented by the defence lawyers. However, the Observatory remains extremely concerned by the arbitrary detention and judicial harassment of Mr. Azimjan Askarov, which seem to merely aim at sanctioning his human rights activities, in particular his investigation on the human rights violations committed during the June clashes. The Observatory calls for his immediate and unconditional release, urges the Supreme Court to fully respect the fair trial requirements and reminds the authorities that any report of ill-treatment in custody should be duly investigated.

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

Background information:

Mr. Askarov was arrested on the evening of 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.

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. Order a thorough and impartial investigation into the above-mentioned acts of ill-treatment against Mr. Azimjan Askarov in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- iv. 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;
- v. 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”.
- vi. 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.

Addresses:

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

Paris-Geneva, January 31, 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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