

URGENT APPEAL - THE OBSERVATORY

New information
KGZ 001 / 0910 / OBS 109.4
Judicial harassment /
Ongoing arbitrary detention
Kyrgyzstan
December 1, 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 postponement of the trial against Mr. **Azimjan Askarov**, a well-known ethnic Uzbek defender and Director of the human rights organisation "Vozdukh" (Air), 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, the trial against Mr. Azimjan Askarov, which was scheduled to resume before the Supreme Court of Bishkek on November 29, 2011, was postponed to December 20, 2011. Meanwhile, Mr. Askarov remains arbitrarily detained in prison colony 47 in Bishkek (see background information).

Mr. Askarov was found guilty of killing a policeman during violent clashes between Kyrgyz and Uzbeks in the south of Kyrgyzstan, following an unfair and politically motivated trial.

The Observatory considers that the whole judicial case against Mr. Azimjan Askarov merely aims at sanctioning his human rights activities, and calls for the respect of fair trial standards in the course of the next hearings before the Supreme Court.

The Observatory also remains deeply concerned with the continuing arbitrary detention of Mr. Azimjan Askarov, and calls for his immediate and unconditional release.

The Observatory more generally reiterates its call 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.

Background information:

On June 15, 2010, Mr. Askarov was arrested 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 after he was found guilty of killing a policeman following an unfair trial. 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, 2011, 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 Korgon. 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.

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 has remained in detention in prison colony 47 in Bishkek since then.

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. Meanwhile, ensure that Mr. Azimjan Askarov be provided decent conditions of detention;
- 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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- Colonel Zarylbek RYSALIEV, Minister of Internal Affairs, Fax: + 996312682044 / + 996312623853
- Mr. A. Mukhamedzhanovu, Minister of Justice, Phone number: +996312661734
- Ms. Aida SALYANOVA, Public Prosecutor of the Kyrgyz of Republic, Fax: + 996312656511
- Permanent Mission of Kyrgyzstan to the United Nations Office and other international organizations in Geneva, Rue Maunoir 26, 1207 Geneva, Switzerland, Email: kyrgyzmission@bluewin.ch, Fax: +41 22 707.92.21
- Embassy of Kyrgyzstan in Brussels, 47 rue de l'Abbaye, 1050 Bruxelles, Belgium, Tel: + 32 2 640 18 68 / + 32 2 640 38 83, Fax: + 32 2 640 01 31, Email: aitmatov@infonie.be

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

Paris-Geneva, December 1, 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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