



Kyrgyzstan

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Life sentence against Mr. Azimjan Askarov upheld in appeal, amid serious irregularities

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), denounces the sentence to life imprisonment of Mr Azimjan Askarov, a well-known human rights defender of ethnic Uzbek origin who collected information during the violences in the South of Kyrgyzstan and the serious irregularities which occurred throughout the hearings in appeal, and calls for an urgent and adequate medical treatment to his alarming health condition.

On November 10, 2010, the court of appeal upheld the life sentence of Mr. **Azimjan Askarov** [\[1\]](#), Director of the human rights organisation "Vozdukh" (Air) based in the city of Bazar Korgon, in Kyrgyzstan's Jalalabad region, for involvement in riot, possession of ammunition and murder of police officer Myktybek Sulaimanov, following a trial marked by irregularities.

On November 3 and 4, 2010, hearings in the trial in appeal against Mr. Askarov was held at Tash Kumyr City Court in Nooken, a place which is closer to the residence of relatives of the police officer murdered. The venue was reportedly not prepared technically to host such a trial, and the room was too small.

The Observatory was informed that during the hearings, the declarations of the accused, the witnesses and the victims could not be clearly heard by the audience since the relatives of the murdered police officer interfered with the hearings by shouting and formulating threats. Instead of protecting the victims and the accused, a crowd of policemen stood in front of the courtroom. Participants present in the courtroom included relatives of the deceased police officer, 15 policemen (presented as victims of the clashes), employees of police circulation (GAI), agents of National Security (GSNB), and an investigator of the Prosecutor's office.

The Observatory deplores that during the hearings, the relatives of the murdered police officer kept intervening throughout the judicial process, by formulating offensive words addressed to the defendants, particularly to Mr. Askarov and Ms. Mamadalieva, and to the lawyers of the defendants. In addition, all of the defendants were reportedly discriminated against by the judge under ethnic grounds, who repeated some of the discriminatory words formulated in the room by the relatives of the victims. .

Furthermore, the principles of equality of arms and right of presumption of innocence were not respected. Indeed, no witnesses of the defendants attended because of pressure and fear exercised by relatives of the murdered police officer. As a consequence, nobody could testify that Mr. Askarov was not present on June 13 during the violences in Southern Kyrgyzstan.

It is also alleged that the defendants were reportedly tortured and beaten during their interrogations by the police, and forced to sign false evidence, in violation of Article 15 of the UN Convention Against Torture to which Kyrgyzstan acceded on September 5, 1997, and which provides that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made".

Furthermore, Mr. Askarov's health is increasingly alarming. According to reliable sources, he is in a critical state of health and urgently needs medical intervention. He was transferred on November 12 to the Prison Colony No 47 in the outskirts of Bishkek which has better medical facilities, but his relatives still fear that his life may be in danger because the prison hospital may not deliver adequate treatment. Mr. Askarov is indeed confined in a quarantine room in a basement without any access to fresh air. According to the organisation Citizens against corruption, whose representatives visited him, Mr. Askarov was not told he would be transferred to Bishkek, and therefore did not bring any warm clothes or basic luggage with him.

Because of severe digestive problems, Mr. Askarov has not been able to eat for more than two weeks. On November 10, an ambulance had to be called to the detention facilities in Bazar-Korgan but Mr. Askarov has still not been examined by a surgeon, as recommended by the emergency doctor who examined him. In spite of his critical health condition, Mr. Askarov was nonetheless transferred to the court to attend the hearing held on that day. On the same day, the request of Mr Askarov's lawyer to the court to allow his client to see a surgeon had remained unanswered.

The Observatory strongly condemns the confirmation of the life sentence of Mr. Askarov, which seem to merely aim at sanctioning his human rights activities, as well as the absence of adequate medical treatment. The Observatory calls for his immediate and unconditional release, for measures to secure the safety of the defendants and their lawyers and for urgent and adequate medical treatment.

The Observatory calls on the Kyrgyz authorities to put an end to the judicial harassment against Mr. Azimjan Askarov and the other defendants, and to refrain from harassing human rights defenders and hindering their legitimate and peaceful human rights activities, so as to conform in all circumstances with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights as well as international and regional human rights instruments ratified by Kyrgyzstan.

[1] Mr. Azimjan Askarov was accused of involvement in riot, possession of ammunition and murder of police officer Myktybek Sulaimanov, on June 12. He was sentenced to life imprisonment in September 15, when eight others ethnic Uzbek were also sentenced to long-term imprisonment. On October 25, Mr Azimjan Askarov and the other defenders appealed to the sentence.

<http://www.fidh.org/Life-sentence-against-Mr-Azimjan-Askarov-upheld>