



# **PARTIAL TRUTH AND SELECTIVE JUSTICE**

THE AFTERMATH OF THE  
JUNE 2010 VIOLENCE IN  
KYRGYZSTAN

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Cover photo: A man walks past homes in Osh that were destroyed during the June 2010 violence. © Amnesty International 2010

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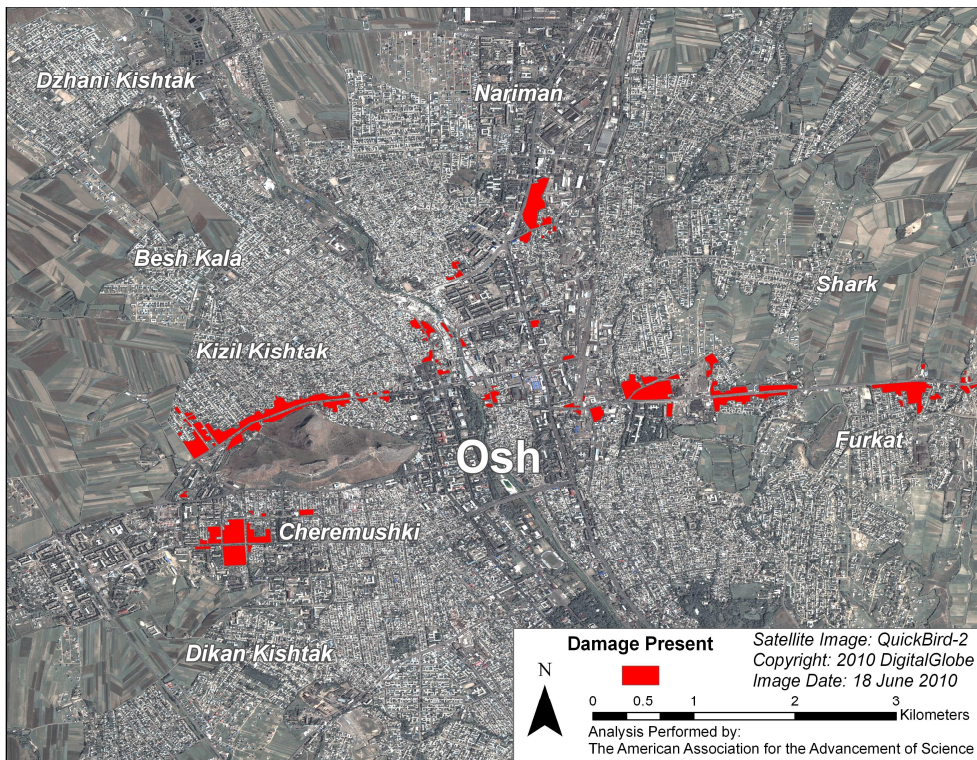
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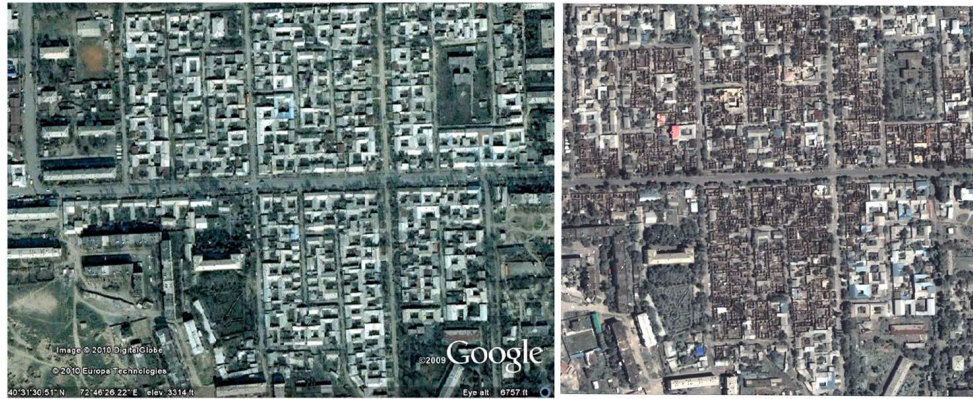
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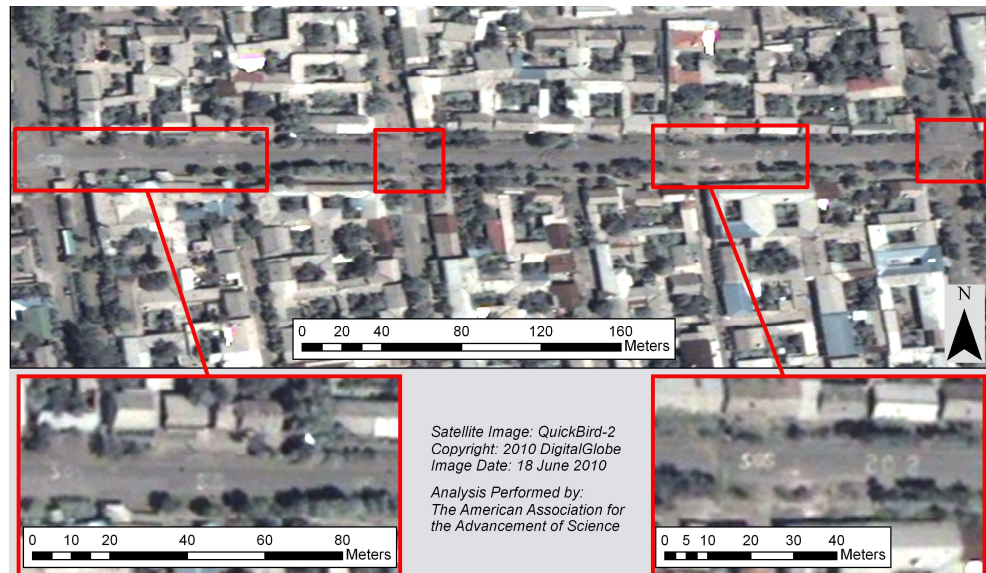
Map of Kyrgyzstan



A satellite image of the city of Osh, Kyrgyzstan, the areas in red indicate destroyed or damaged areas, 18 June 2010. Satellite images released and analyzed by the American Association for the Advancement of Science (AAAS) and Amnesty International's Science for Human Rights Program show the dramatic impact of the recent violent events on the city of Osh in southern Kyrgyzstan. ©2010 Digital Globe.



Comparison of buildings in the Cheremushki neighbourhood - 2007 vs. 2010 in Osh, Kyrgyzstan. Houses without roofs indicate destruction by fire. ©Google and Digital Globe.



Some of the 116 "SOS" signs that the American Association for the Advancement of Science (AAAS) found when it analyzed satellite images of Osh, Kyrgyzstan, 18 June 2010. ©2010 Digital Globe.

# 1. INTRODUCTION

Six months after the violence which tore through parts of southern Kyrgyzstan in four swift devastating days in June 2010, leaving hundreds dead and hundreds of thousands fleeing their homes, Amnesty International is concerned that the Kyrgyzstani authorities are failing to establish the truth about what happened and provide justice for the thousands of victims of the serious crimes and human rights violations that took place.

Establishing the truth about the June violence and its aftermath and pursuing accountability in fair and transparent procedures for the human rights violations committed is important for Kyrgyzstan both politically and to strengthen the rule of law nationally and internationally. For all the thousands who suffered human rights violations, accountability is crucial to ensuring that justice is not only done, but seen to be done. For the country as a whole, an objective account of what happened is urgently needed to replace the distortions and myths that have built up around the June violence and which can only exacerbate underlying social and ethnic tensions.

In the weeks and months following the violence the interim government and the President took a number of steps suggesting recognition of these urgent needs. Very quickly, an Interdepartmental Investigative Working Group was established under the General Prosecutor's Office, to oversee and lead the criminal investigations and prosecutions into the June violence. In July, a National Commission of Inquiry was established. Finally, in October, an International Independent Commission of Inquiry was mandated by the President of the Kyrgyzstani Republic to "investigate the facts and circumstances of these events" and "to make recommendations, in particular on accountability measures".<sup>1</sup>

To date, however, the development of contradictory, ethnically biased narratives about the origins and the perpetrators of the violence has gone largely unchallenged and unchecked. Indeed, rather than being corrected and moderated by an independent and impartial inquiry capable of shedding light on the disputed facts, these narratives have themselves heavily influenced the inquiry currently being conducted by the national authorities. There is now very little expectation, either within certain communities in Kyrgyzstan or internationally, that this inquiry will be capable of offering comprehensive and impartial findings.

At the same time, efforts to restore order to the regions affected by the violence, and investigate the crimes committed during it, have been undermined by strong indications of ethnic bias and ongoing human rights violations, including widespread reports of arbitrary detentions, torture and ill-treatment and unfair trials. Unless this trend is rapidly reversed there is a grave danger that injustice and impunity will prevail precisely when accountability is most needed.

Given this pressing need for truth and justice, Amnesty International is concerned about the lack of institutional capacity and expertise at the national level to conduct a thorough, independent and impartial investigation into the June violence. High levels of corruption, as well as reports of collusion of law enforcement officials, contribute to concerns about whether any criminal investigation at the national level would be independent and impartial and

consider all evidence available. This is particularly true in the light of consistent and credible reports that during the violence security forces either failed to prevent or colluded in the commission of human rights violations.

Against this backdrop, the importance of the Independent International Commission of Inquiry has grown. It is essential that it not only establishes undisputedly what happened and clarifies the numerous allegations, but that it also asks, and is able to answer, the questions that the national inquiry has not itself confronted.

This briefing does not set out to examine in detail the causes of the June violence, the types of serious crimes and human rights violations that occurred, or to attribute responsibility for them. It focuses instead on the efforts to date to establish the truth and provide justice. It concludes that these hang very much in the balance.

This report updates Amnesty International's concerns about the June violence and its aftermath in Kyrgyzstan. It is based on a wide range of research, including desk research, consultations with international, regional and domestic actors, and a fact-finding visit by Amnesty International delegates to Kyrgyzstan between 21 September and 3 October 2010. The delegates visited Bishkek, Osh and Jalal-Abad and talked with representatives of international governmental and non-governmental organizations, domestic human rights organizations, lawyers and individuals affected by the violence and its aftermath. The delegates raised initial findings and concerns during their meetings with Kyrgyzstani officials, including representatives of the Presidential Administration, the Ministry of Internal Affairs, the Office of the Prosecutor General, the National Commission of Inquiry and the Ombudsman's Office.

Amongst the report's most pressing recommendations, Amnesty International urges all relevant Kyrgyzstani officials, including the President, members of parliament and of the interim and incoming government, and senior regional government and prosecution officials, to share and consolidate their information resources in order to promptly publish comprehensive official lists of those who died in the June violence. This would allow relatives, human rights and civil society organizations to cross-reference the names and details against their own information and lists. This would end speculation and disputes about the number and ethnic origin of the dead and ensure transparency, impartiality and accountability.

Amnesty International furthermore calls on the authorities to condemn the use of torture and other ill-treatment unreservedly and to ensure prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment regardless of their ethnic origin. It is also essential that criminal investigations, prosecutions and trials for crimes committed during and in the aftermath of the June violence are conducted without ethnic bias and in strict accordance with international human rights standards.

The authorities should also fully support the International Independent Commission of Inquiry and ensure that those involved in the investigation as well as those who provide information to it and their families are not subjected to any form of harassment or reprisal.



Human rights defenders, lawyers and other civil society actors also must be able to carry out their legitimate activities without fear or threat of reprisal or obstruction.

Finally Amnesty International calls on the International Independent Commission of Inquiry to be robust in answering all the questions that the National Commission of Inquiry has apparently been either unable or unwilling to explore in sufficient depth. It must investigate allegations of serious crimes and human rights violations committed by all sides involved, by both ethnic Kyrgyz and ethnic Uzbeks, as well as other ethnic groups if relevant; any allegations of collusion or involvement in any way of law enforcement and security officials, as well as other government officials, in serious human rights violations, both during the June violence and its aftermath, and any pattern in the human rights violations committed, with a view to determining whether crimes against humanity were committed.

## 2. INTERNATIONAL HUMAN RIGHTS STANDARDS

In ratifying, in particular, the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Kyrgyzstan has undertaken to respect international human rights obligations and standards including the right to life, the right to security, the right not to be subjected to torture or to cruel, inhuman or degrading treatment, the right not to be arrested or detained arbitrarily and the right to a fair trial.

The minimum guarantees and rights that are to be respected with regard to anyone charged with a criminal offence are set out in Article 14 of the ICCPR. They include the rights for them to be informed promptly and in detail, in a language which they understand, of the nature and cause of the accusation against them; to have adequate time and facilities for the preparation of their defence; to defend themselves in person or through legal assistance of their own choosing or to have legal assistance assigned to them whenever the interests of justice so require, as well as to be provided with legal assistance free of charge in cases specified in national legislation; to make applications to the court concerning the examination of witnesses, and to examine, or have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.

Under the ICCPR, state parties are obliged not only to refrain from violating the rights recognised by the treaty, but also to ensure their enjoyment by all persons within their jurisdiction. This means that, in addition to protecting individuals against violations of their rights by state agents, states are also obliged to protect them against acts by private persons or entities that would interfere with their enjoyment of them. According to the United Nations Human Rights Committee, a failure to ensure Covenant rights can occur as a result of state parties' permitting or failing to exercise due diligence to prevent, punish, investigate or redress the harm caused by private persons or entities.<sup>2</sup>

State parties to the ICCPR are also required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies. Among those measures, Kyrgyzstan has a clear obligation to investigate and prosecute persons suspected of having committed serious violations of human rights. Notably, the ICCPR and the CAT impose a general obligation to provide an effective remedy against violations of the rights and freedoms contained in these two core human rights treaties. This includes a duty not only to investigate violations of those rights but also to bring to justice perpetrators of such violations and punish those responsible. Such investigations, as well as related prosecutions, must be conducted in compliance with international standards including a prompt, thorough, independent and impartial inquiry and according to fair procedures and respect for due process rights.

As a state party to CAT, Kyrgyzstan is obliged to ensure prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment regardless of their ethnic origin, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint was made (Article 12 of CAT). The authorities are also obliged under Article 15 to ensure that no statements obtained as a result of torture or other ill-treatment are used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment.

The right of victims of serious human rights violations to an effective remedy and to reparation stems directly from the obligation to investigate and prosecute such violations and includes satisfaction through the verification of the facts and full and public disclosure of the truth and the search for the whereabouts of the disappeared.<sup>3</sup> The objective establishment of the truth about what happened during the June violence in Kyrgyzstan is a prerequisite to avoid further tensions and human rights violations.

## 3. WHOSE TRUTH? ESTABLISHING THE FACTS

**“Somebody wanted this to happen. It is unclear now whether they provoked it or they took advantage of what was happening.”**

Amnesty International interview with an international expert, name withheld, 22 September 2010

### 3.1. THE JUNE VIOLENCE AND ITS AFTERMATH

#### BACKGROUND

Ethnic Uzbeks, who traditionally have been farmers and traders and speak a different Turkic language to the Kyrgyz, constitute 40 per cent of the population of Osh region and half of the population of the Jalal-Abad region. While ethnic Uzbeks and ethnic Kyrgyz live side by side in many towns and villages in the south of Kyrgyzstan, some sections of the ethnic Uzbek population, who have been settled in the region for longer, have tended to be more prosperous than ethnic Kyrgyz, who generally have come from a nomadic background. Local and regional administrative and governmental positions of power have, however, traditionally been occupied by ethnic Kyrgyz.

Recent political unrest, including the ousting of President Kurmanbek Bakiev in April 2010, exacerbated underlying social and economic tensions in the region.<sup>4</sup> These tensions, originally focusing on the perceived unfair distribution of land, wealth, political power and cultural rights, appear to have been encouraged by particular interest groups to manifest along predominantly ethnic lines.

There are various claims that these groups, whose political and, therefore, economic interests in the region were threatened by the April change in government, manipulated these existing tensions in order to destabilise the region and safeguard their interests.<sup>5</sup>

#### THE ESCALATION OF VIOLENCE

The causes and circumstances of the June violence continue to be hotly contested among the ethnic communities of the affected regions (see section 2.3 below), and as noted above this briefing does not set out to examine in detail these aspects, nor to attribute responsibility.

What follows is a summary account from various sources of less contested dimensions of the violence which unfolded and which engulfed so many lives and families.<sup>6</sup>

The violence started in the evening of 10 June, reportedly as a result of clashes between rival gangs of mostly Kyrgyz and Uzbek youths. The clashes rapidly escalated into large-scale arson, looting and violent attacks, including sexual violence and killings, in mainly Uzbek-populated districts in Osh, Jalal-Abad and some of the surrounding towns and villages.

The worst of the violence took place between 10 and 14 June. At least 1,900 people were severely injured and needed hospitalization, with the majority hurt in the first three days of the violence.<sup>7</sup> Hundreds of people died in the first days, including children, women, the elderly and disabled<sup>8</sup>. Law enforcement officials were among the dead and injured. The violence was described by eye witnesses of different ethnic origins and nationalities as particularly brutal at times with reports of people being burned alive, decapitated, and sexually assaulted. Local organizations reported a preliminary figure of 1,553 houses burned down in the regions of Osh and Jalal-Abad, over two-thirds of which were in Osh. Each house would have been home to between five and seven people, on average. Schools, businesses and commercial buildings were also targeted. Satellite images of Osh obtained by Amnesty International revealed that 1,807 buildings in Osh alone were totally destroyed, with others severely damaged.<sup>9</sup> Satellite images revealed the presence of multiple "SOS" signs painted on roads in Uzbek neighbourhoods throughout Osh, including Cheremushki, one of the worst-affected mahallas, narrow streets of low rise traditional houses in walled courtyards predominantly inhabited by Uzbeks, indicating the presence of distressed local populations.

Some 400,000 people, both Kyrgyz and Uzbek, fled their homes. Up to 100,000 refugees<sup>10</sup>, mostly Uzbek women and children and the elderly, fled across the border to Uzbekistan where they were given temporary shelter before being returned to Kyrgyzstan at the end of June.

#### THE ETHNIC DIMENSION OF VIOLENCE

Testimonies collected by domestic and international non-governmental organizations, including Amnesty International, indicate that some of the attacks, both on property and person, may have been ethnically motivated.<sup>11</sup>

Violence was reportedly perpetrated by both ethnic Uzbek and ethnic Kyrgyz groups and individuals and both Kyrgyz and Uzbek properties were destroyed. However, the attacks appear to have disproportionately targeted Uzbeks. Research indicates that traditional Uzbek neighbourhoods were most severely affected. In several neighbourhoods, eyewitness reports from inhabitants, journalists and human rights groups claimed that virtually all ethnic Uzbek homes were targeted and mostly destroyed, while homes belonging to ethnic Kyrgyz remained untouched. According to what Amnesty International saw in Osh and Jalal-Abad three months after the violence, the destruction in the worst-hit neighbourhoods affected mostly Uzbek homes and businesses. Large-scale destruction was confined to parts of five predominantly Uzbek neighbourhoods in Osh. In Jalal-Abad and in Bazar-Korgan the worst of the destruction and violence was also confined to some of the traditional, predominantly Uzbek, neighbourhoods.

Throughout Osh, scores of homes and businesses were spray-painted to indicate the

ethnicity/ethnic origin of the owners. The houses and businesses of ethnic Uzbeks were often marked with the word “sart”, a derogatory term which indicates Uzbek ethnicity/ethnic origin.<sup>12</sup> The houses and businesses with spray-painted signs reading “Kyrgyz,” or “KG” and “KZ” (or signs indicating other ethnicities, such as Tartar or Russian) were untouched, while other buildings were destroyed. It is not clear whether these signs were painted by the owners of the properties to protect their homes or by the perpetrators so as to identify which houses to attack. Many markings were painted over, often crudely, in the aftermath of the violence.

Amnesty International also saw buildings marked with acronyms of Kyrgyz districts in Osh city or Kyrgyz villages outside Osh city. Local sources explained to Amnesty International that these signs were made to demarcate territory and to proclaim “ownership of the destruction”. For example, destroyed buildings marked with the acronym for Alai (a predominantly Kyrgyz populated mountainous district to the south-east of Osh city) were located in Uzbek neighbourhoods on the access route from Alai to Osh. Similarly those marked “HBK” (a district in the north-west of Osh city) were found in Uzbek mahallas most easily accessible from that part of the city.<sup>13</sup>

#### “ORCHESTRATED” VIOLENCE?

On 15 June, the UN High Commissioner for Human Rights stated that the violence appeared to be “orchestrated, targeted and well-planned,” and that it was set off by five simultaneous attacks by armed masked men in the city of Osh.<sup>14</sup>

Amnesty International received information from several sources indicating that large groups of young Kyrgyz men had been brought in to Osh city and to Bazar-Korgan from outlying areas, such as Batken, Alai, Aksi. Although official reports said that they had presented themselves spontaneously to local authorities in their towns and villages when information about the violence in Osh became known and volunteered to help defend their kin, unofficial sources claimed that recruiters had gone around Kyrgyz neighbourhoods. According to these sources, transport, food and shelter had been organized for the men.<sup>15</sup> Weapons were allegedly distributed and the men were reportedly paid.<sup>16</sup> Amnesty International was also told that there was evidence to suggest that the men were supplied with alcohol and, in some instances, narcotics.<sup>17</sup>

Contacts told Amnesty International that they had received eyewitness and video testimony which showed older men directing groups of young men armed with weapons or bats and sticks to attack Uzbek neighbourhoods.<sup>18</sup> These reports are consistent with the evidence collected by other non-governmental organizations, such as Human Rights Watch and International Crisis Group.<sup>19</sup>

These reports claimed that following the initial outbreak of violence in the centre of Osh the subsequent attacks on mahallas followed a consistent pattern. The first “wave” of attackers would be composed of armed men, in some cases supported by armoured military vehicles that led the way into the neighbourhoods, firing at defenders and clearing barricades if necessary. The second “wave” would be composed of younger men, who would first loot, and then burn, the neighbourhood houses.<sup>20</sup>

The prevailing narrative of events from the Kyrgyz side, however, differs significantly in terms of both who orchestrated and organized the violence, and who were the primary targets. Most

of the Kyrgyzstani officials interviewed by Amnesty International in September claimed that the June violence had been sparked by pre-organized actions by sections of the ethnic Uzbek community in Osh.<sup>21</sup> Other non-governmental sources also told Amnesty International that there were reports that some Uzbeks had stockpiled arms in the weeks preceding the violence. Some members of the National Commission of Inquiry who met with Amnesty International blamed Uzbek political and community leaders of having made repeated calls for autonomy for Uzbeks in the south from May, thereby inciting sections of the Uzbek community in Osh and Jalal-Abad regions to prepare for such an event. Members of the Ombudsman's commission also told Amnesty International that Uzbeks set off fireworks in some of the mahallas. This was reportedly a signal for Uzbeks to attack. The azan (call to prayer) which reportedly was called in some Uzbek mosques in Osh city in the middle of the night was according to the Ombudsman's commission a call for Uzbeks in the mahallas to fight.<sup>22</sup> Members of the National Commission were concerned about the alleged distribution of weapons by the military and law enforcement to Kyrgyz civilians as well as the seizure of weapons from police and military units by Kyrgyz and Uzbek civilians.<sup>23</sup>

Although the causes of the June violence remain a contested narrative (see also section 3.3 below), the widespread nature of the resulting death and destruction is beyond doubt. In this regard Amnesty International considers it important that there be due consideration to whether crimes against humanity may have been committed.

## 3.2. WERE CRIMES AGAINST HUMANITY COMMITTED IN JUNE?

### WHAT ARE CRIMES AGAINST HUMANITY?

Crimes against humanity are among the most serious crimes of concern to the international community. Although Kyrgyzstan is not a Party to the Rome Statute of the International Criminal Court, the definition of crimes against humanity as set out in Article 7(1) restates the customary law definition as far as the main elements are concerned. They consist of certain acts that form part of a widespread or systematic attack directed against any civilian population. Such acts include murder, torture, enslavement, rape and other crimes of sexual violence, disappearance and other inhumane acts.

Under international customary law, an armed conflict is not required for the commission of crimes against humanity. Crimes against humanity may have been committed whether or not the June violence reached the threshold of "armed conflict," as that term is understood in international law.<sup>24</sup>

Crimes against humanity are always and everywhere prohibited, regardless of the jurisdiction in which they are committed or the nationality of the perpetrator or victim. They should not be subject to statutes of limitations. All states have a duty to suppress such crimes.

### WHAT CONSTITUTES CRIMES AGAINST HUMANITY?

Crimes against humanity have two main elements, apart from the mental element of intent. According to Article 7(1) of the Rome Statute of the ICC, the first condition is that of the threshold: the acts must be committed "as part of a widespread or systematic attack directed against any civilian population". The second condition relates to determining which acts of the crime against humanity have been committed, such as murder or rape.

With respect, in particular, to the threshold, the following questions need to be answered:

- Was there an attack?
- Was the attack directed against any civilian population?
- Was the attack widespread?
- Alternatively, was the attack systematic?

While the two first questions may be easier to answer, the terms “widespread” and “systematic” require further explanation. The term widespread has been defined as referring to the scale, nature and number of victims.<sup>25</sup> The concept of 'systematic' may be defined as “thoroughly organised and following a regular pattern on the basis of a common policy involving substantial public or private resources.”<sup>26</sup>

#### POSSIBLE CRIMES AGAINST HUMANITY DURING THE JUNE VIOLENCE IN KYRGYZSTAN

Amnesty International believes that the evidence currently available of the June violence in southern Kyrgyzstan may meet the requirements of crimes against humanity. Such a determination would require further investigation.

The scale of the June violence, its geographic extent, and the large number of civilian victims who were targeted demonstrate its widespread nature. It is not in question that serious crimes, including those potentially constituting crimes against humanity – such as murder and sexual violence – took place. The violence may also, at least in part, have been systematic, and may have amounted to an attack directed against a civilian population. In short, the nature of the June violence is such that crimes against humanity may have been committed in the course of it.

The reports received by Amnesty International, as well as the information collected by other non-governmental and independent organizations, suggest that the June violence followed a consistent pattern in different areas. Although it is still not clear whether the violence was premeditated and planned in advance, there is strong evidence to suggest that it was, at least in part, organized.<sup>27</sup> Moreover, government officials may have been involved in the organization of ethnic Kyrgyz groups, in the distribution of weapons and/or vehicles, and possibly have participated directly into the violence. Such emerging evidence would, if confirmed, indicate an element of policy, one of the factors to indicate that a systematic attack took place or that an attack directed against a civilian population took place pursuant to an organizational policy.

A determination that crimes against humanity have been committed in southern Kyrgyzstan in June 2010, as opposed to random, sporadic criminal violence, would have important consequences. It would constitute a further signal of the pressing obligation upon the Kyrgyzstani authorities to establish and disseminate the truth about what happened, investigate and, where there is sufficient admissible evidence, prosecute the suspects, and provide all victims and their families with full reparations. It would also encourage foreign countries to assert universal jurisdiction over the crimes, bringing the perpetrators to justice before their own courts.



It is, therefore, of the utmost importance that the question whether crimes against humanity were committed during the June violence be verified in a thorough, independent and impartial investigation. Amnesty International urges both the national and international commissions of inquiry to investigate the human rights violations committed in June with a view to determining whether crimes against humanity were committed.

### 3.3. COMPETING VERSIONS OF THE EVENTS AND FABRICATED NARRATIVES

Several human rights defenders and other commentators interviewed by Amnesty International about the aftermath of the June violence have painted a picture of confrontation, tense ethnic relations and rapidly growing polarization.<sup>28</sup> The facts of the June violence, as well as its causes and circumstances, continue to be hotly contested by the ethnic communities of the affected regions. Vocal sections of both the ethnic Uzbek population and the ethnic Kyrgyz population blame the violence on the other side, aggressively defending their own version of the “truth”.

In discussions with several officials in September 2010, including representatives of the Ombudsman’s Office, members of the National Commission of Inquiry and law enforcement officials, Amnesty International was told that the violence was sparked because of social dissatisfaction and socio-economic grievances, as ethnic Uzbeks are perceived to be richer than ethnic Kyrgyz.<sup>29</sup>

Human rights defenders and international observers in Kyrgyzstan have expressed concern that in the aftermath of the June violence aggressive ethnic Kyrgyz nationalist rhetoric is not being vigorously challenged by either the President or any of the major political parties.<sup>30</sup> On the contrary, nationalism is rationalised in political circles by stating, for example, that the ethnic Uzbek community was responsible for instigating the violence in June. Most of the Kyrgyzstani officials interviewed by Amnesty International in September claimed that the June violence had been instigated by pre-organized actions by members of the ethnic Uzbek community, followed by spontaneous actions from some sections of the ethnic Kyrgyz community, all of them civilians. This version of the events denies that security officials had any role in the June violence other than trying to quell the violence.

The deputy Prosecutor General told Amnesty International that the “SOS” signs had been painted by ethnic Uzbeks before the start of the violence, so that they would be visible from helicopters and other aircraft. He stated that the General Prosecutor’s office had evidence suggesting that leading members of the Uzbek community in Osh had purchased and stockpiled over two tonnes of paint in the weeks leading up to the violence. In his view, the “SOS” signs were drawn in expectation of action by neighbouring Uzbekistan or “other external forces”. During their visit Amnesty International delegates saw numerous “SOS” signs painted on vertically standing walls, lamp posts and gates. These would not necessarily have been visible from the air. In September 2010 two Uzbek men were convicted of inciting ethnic conflict and sentenced by a court in Osh to three years in prison for writing “SOS” on the gates of a house in an Uzbek neighbourhood. The court believed that they had marked the gate with “SOS” as a signal to “external instigators”.

Many of the civil society activists and international observers that Amnesty International spoke to felt that the central government was not doing enough to open communication channels with the ethnic Uzbek community in the south. The widely held official opinion that

Uzbeks were heavily armed during the June violence was believed by these observers to be perceived to implicitly demonise Uzbeks in general.<sup>31</sup>

Some mass media are also believed by independent observers to have played a role in aggravating the situation. Journalists have found it difficult to remain impartial. Some Kyrgyz language newspapers have been spreading aggressive messages. Members of the Uzbek community told Amnesty International that domestic television channels have been portraying Uzbeks as the perpetrators and Kyrgyz as the victims and that they have only shown the destruction of Kyrgyz homes and businesses.

Conversely, the predominant Uzbek narrative tells of unprovoked attacks by armed Kyrgyz while ethnic Uzbek men in the targeted mahallas resorted to violence to defend the lives of their families and their properties. According to this version the attacks had been planned by some sections of the Kyrgyz community, including local authorities from Osh – in particular the mayor of Osh city – and organized crime groups in order to seize control of the central market and some of the predominantly Uzbek mahallas in Osh, expel rival Uzbek interest groups and clear the neighbourhoods to proceed with urban re-development plans. This narrative puts the number of Uzbek dead at well over 2,500 and accuses local authorities and security forces of having buried scores of Uzbeks in unmarked mass graves in order to disguise the real number of fatalities.

#### DISPUTED FIGURES OF THE DEAD

The death toll from the days of violence in southern Kyrgyzstan remains disputed. The exact number of the dead is hard to establish, as many people reportedly were buried in unmarked graves within 24 hours of dying, in keeping with Islamic custom.

On 12 July, the official death toll was given as 312 people.<sup>32</sup> On the same day, however, the deputy Head of the Interim Government claimed that the death toll was 893 and that the actual figure was likely to be higher.<sup>33</sup> At the end of September 2010, however, official figures recorded 413 dead. Of these, about 65 per cent had been identified as ethnic Uzbek and about 26 per cent as Kyrgyz fatalities (see: Table 1: Dead bodies by ethnicity). At the same time, some local and diaspora Uzbek organizations have claimed that over 2,000 people may have been killed. The most reliable independent sources have estimated that the final death toll is unlikely to be significantly higher than the September 2010 figures, but until comprehensive lists are published and cross-checked, there will be no way of knowing for sure and speculation will continue.

Table 1: Dead bodies by ethnicity

Source: Amnesty International's meeting with the Deputy Prosecutor-General, Osh, 27 September 2010.

Ethnicity	Dead bodies
Kyrgyz	108
Uzbeks	268
Unidentified	47
TOTAL	413

To date, the authorities have not published any lists of the dead with names and other identifying information. Human rights defenders have pointed to this failure as one of the exacerbating factors in fuelling ethnic tensions between the Kyrgyz and Uzbek communities. With no official list of the named dead, both communities continue to advance rival figures, claim unidentified bodies as their own, accuse each other of stealing bodies to amplify the numbers of their dead, and claim the authorities have hidden bodies in unmarked mass graves in order to downplay the number of dead.

In October the chairman of the National Commission of Inquiry said that the active members of the Commission agreed that it was essential to publish the names of those who had died and that the Commission would attach a list of the names of the dead to their final report.

Publishing the official lists of the dead would allow relatives, human rights and civil society organizations as well as international organizations to cross-reference the names and details against their own information and lists. It would also be an important tool for both the criminal investigations and the commissions of inquiry in the conduct of their investigations. Amnesty International believes that such a list should be published promptly by the relevant authorities, either the Ministry of Health or the Inter Departmental Investigative Group under the General Prosecutor's Office (see below) who are in possession of this information in order to ensure transparency, impartiality and accountability as well as contributing to disclosing the truth about what happened.

### 3.4. NON-JUDICIAL INVESTIGATIONS

At its 36<sup>th</sup> meeting on 18 June 2010 the UN Human Rights Council "call[ed] upon the Government of Kyrgyzstan to conduct a full and transparent investigation that holds perpetrators accountable for the loss of life in relation to the events of 7 April 2010 and during the recent inter-ethnic violence".<sup>34</sup>

In a welcome recognition of the need to ensure independent investigations into the June violence, the Kyrgyzstani authorities mandated two commissions of inquiry: one national, one international. In addition the Kyrgyzstani national Ombudsman also announced that he would conduct his own inquiry. At the time of writing none had yet published their reports. However, Amnesty International is concerned that neither of the two national inquiries appear likely to provide comprehensive, unbiased accounts of the June events and that the hopes for such an investigation now rest squarely on the shoulders of the Independent International Commission of Inquiry.

#### THE NATIONAL COMMISSION OF INQUIRY

The National Commission of Inquiry was established by Presidential Decree on 15 July. It was tasked with "the comprehensive study of causes, consequences and recommendations in connection with the tragic events in the south of the republic".<sup>35</sup> The decree listed the members of the commission and asked the commission to present its findings in a report to be published by 10 September. No further terms of reference were included in the decree and members of the commission confirmed to Amnesty International that they had not received any detailed terms of reference. The Commission's original mandate, due to expire on 10 September 2010, was later extended to 10 December 2010.

Amnesty International has serious concerns about the independence, impartiality and range

of competencies of the Commission, as well as on the methodology it has used in conducting its investigations.

The Commission's members were selected by the office of the President, without any prior consultation with NGOs, civil society, victims of the June violence or other interested parties. Some members of the Commission reported being contacted by the office of the President individually to inquire about their willingness and availability to serve on the Commission, then learning about the Commission's establishment and its membership from mass media.<sup>36</sup> Local human rights defenders expressed regret that they did not have a chance to participate in the consultation process.

The 30 members – of different ethnic origins, competencies and professions – appeared to have been chosen to reflect the interim government's commitment to ensure impartiality and independence – on paper, at least. At closer inspection, however, doubts about the Commission's political independence can be raised. Several members, including the Chairman, ran as candidates in the parliamentary elections of 10 October 2010, some for parties with a clear Kyrgyz nationalist platform. Other members were serving members of such agencies as the office of the Prosecutor General, departments of the Ministry of Internal Affairs or the Ministry of Health, who could not be reasonably expected to fulfil an independent role without clear terms of reference which mandated them to do so and protected them from any consequences.

The Commission had no independent forensic scientists and only two active members with competence in human rights, both of them independent human rights defenders.

The majority of the members actively participating in the work of the Commission were men, which presented a clear limitation to the Commission's ability to conduct interviews with women reporting gender-based violations, especially sexual violence. Indeed, questions have been raised as to the willingness of the Commission to examine such allegations thoroughly. In October 2010, during a working session of the Commission to which the media had been invited, one member objected to a journalist's question about how the Commission had addressed the numerous reports of rape and sexual violence against women during the June violence and its aftermath. The member stated that the media were exaggerating the number of reported rapes and that the Commission had only had confirmation of one instance of rape.<sup>37</sup> While it is almost certainly true that many reports of sexual violence have exaggerated its scale, sufficient credible reports have been made to necessitate further detailed investigations.

Of the 30 members of the Commission, not more than half actively participated in the work of the commission.<sup>38</sup> This may partially be explained by the fact that members of the commission who were based outside the capital Bishkek had difficulties travelling to meetings in the capital at short notice, especially given that travel and accommodation costs were at members' own expense. This was particularly problematic as it meant that most of the members based in the south of the country, including most of the Commission's Uzbek members, were not able to participate fully in its work.

Although the decree establishing the Commission did not grant it the power to compel the attendance of witnesses and the production of documents, members of the Commission told

Amnesty International that they had, by and large, enjoyed good cooperation from Kyrgyzstani authorities. In particular, the Commission was able to meet and interview representatives from the office of the Prosecutor-General, the Ministries of Internal Affairs and Defence, the National Security Service, and other relevant central and local government departments.<sup>39</sup> Prosecution authorities were said to have readily shared information requested by the Commission.

The Commission travelled to Osh and Jalal-Abad regions twice to conduct investigations on the ground. However, human rights defenders reported that the commission had invited mostly government officials and only a few civil society activists, lawyers and Uzbek victims to give evidence.<sup>40</sup> Additionally, the Commission does not seem to have taken any measures aimed at ensuring that victims of the violence, from any ethnic background, could present information to the Commission in a safe environment. Human rights defenders told Amnesty International that the Commission had conducted most of their interviews in buildings belonging to the regional or city administrations of Osh and Jalal-Abad. No anonymity was offered to any of the victims and witnesses who agreed to talk to the Commission, as all those invited by the Commission to testify were called for the same time and were made to wait their turn together in a public waiting room. No witness protection programme had been set up. In another instance, a supposedly closed session with human rights organizations that had documented the June violence in Bishkek was attended by journalists, who later publicized comments made by individual human rights defenders.

All in all, the Commission does not appear to have made a determined effort to go beyond the official version of the June events accepted by the Kyrgyzstani authorities. Indeed, in November 2010 the Chairman stated that the violence had been carefully planned in advance, most likely by leading members of the Uzbek community in Osh.<sup>41</sup> Other members of the Commission expressed similar views in earlier meetings with Amnesty International, blaming Uzbek political and community leaders for having made repeated calls for autonomy for Uzbeks in the south from May onwards, thereby inciting sections of the Uzbek community in Osh and Jalal-Abad regions to prepare for such an event.

Human rights defenders, independent lawyers and civil society activists – of Kyrgyz, Uzbek, Russian and other ethnic origins – told Amnesty International that they had serious misgivings about cooperating and sharing confidential information with the national commission. Representatives of Uzbek communities and organizations explained that they had no confidence that the national commission was unbiased and independent, and stressed that they would only cooperate with an international commission of inquiry.

Several of the independent civil society members resigned from the Commission, including in August Alexander Kniazhev, a well-known academic and political analyst, in November human rights defender Aziza Abdirasulova and in December independent journalist Alla Piatibratova, expressing serious concern about the professionalism, procedures and integrity of the Commission.<sup>42</sup>

#### THE OMBUDSMAN'S COMMISSION

In August, the national Ombudsman established his own Commission of Inquiry into the June violence. The Commission, composed of 13 members, includes the Ombudsman, the Head of the Department of Civil and Political Rights in the Ombudsman's Office, as well as

representatives of civil society organizations, unions, academia and elders. The Commission includes two Deputy Chairpersons, one ethnic Kyrgyz and one ethnic Uzbek, and is composed of members of different ethnicities.

When Amnesty International delegates met members of the Commission in September 2010 they were told that the Commission was drafting a report based on the findings collected by members of their investigative teams and local representatives of the Ombudsman's office, which was to be sent to the President for her information and approval.<sup>43</sup> At that meeting the organization's delegates were told by members of the Ombudsman's office that because of the "sensitivity" of the investigations into the June violence, however, the report's publication was likely to be delayed.<sup>44</sup>

Human rights defenders, domestic and international observers and representatives of international organizations have all expressed concern about the impartiality and the competence of members of the Commission of inquiry into the June violence created under the Ombudsman's office.

At the meeting with Amnesty International delegates, members of the Ombudsman's Commission said little to dispel these concerns. They strongly endorsed the predominant Kyrgyz version of events. According to this version of events, a spontaneous outbreak of fighting was followed by fireworks in some of the mahallas. This was reportedly a signal for Uzbeks to attack; the azan (call to prayer) was called in some of the Uzbek mosques in Osh city in the middle of the night to urge Uzbeks in the mahallas to fight.<sup>45</sup> Ethnic Kyrgyz living in those areas were attacked. They called their relatives who lived in the mountains by mobile phone, asking for help. The Kyrgyz from the mountains came to help their relatives. Many were shot and killed by Uzbeks. The Kyrgyz left Osh, took weapons from the police, then came back to Osh. Then they burnt the houses. When announcing the imminent publication of the report by the Ombudsman's Commission at a press conference on 13 December, according to the AKIpress news agency, the Ombudsman went on to explain that according to the commission's findings the June violence was a localized conflict organized and financed by Uzbek leaders who wanted autonomy for Osh and Jalal-Abad regions. They were aided and abetted by wealthy oppositionists in neighbouring Uzbekistan who wanted to overthrow President Karimov and rule Uzbekistan from Osh and Jalal-Abad. The Commission reportedly concluded that the Kyrgyz responded with extreme violence to the provocation and that both ethnic groups are guilty of human rights abuses.<sup>46</sup>

The Ombudsman has also himself publicly criticized Human Rights Watch and accused them of bias towards the Uzbek community following the publication of their report on the June violence in August. He also accused human rights defenders, and in particular Aziza Abdirasulova, of having provided Human Rights Watch with fabricated and seditious information and of having betrayed the Kyrgyz nation. Following these public accusations Aziza Abdirasulova was assaulted by a mob of ethnic Kyrgyz men and women in Osh in August.

### 3.5. THE INTERNATIONAL INDEPENDENT COMMISSION OF INQUIRY

The apparent ethnic bias and investigative short-comings in the conduct of the national inquiries, has increased the need for a Commission of Inquiry that is truly independent, competent, thorough and impartial in its investigations.

On 17 June 2010 Amnesty International called for an international inquiry to investigate the human rights violations and abuses committed during the June violence and its aftermath. The organization believed that an invitation to a team of international independent investigators would send a clear signal of the authorities' willingness to provide accountability in an unbiased way, regardless of the ethnic origin or affiliation of alleged perpetrators.<sup>47</sup>

On 6 July 2010, the interim government announced that it had requested "an official of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)" to "coordinate the preparation process" for an independent international commission of inquiry into the violence. The commission would be chaired by the OSCE Parliamentary Assembly's Special Representative for Central Asia, Kimmo Kiljunen.<sup>48</sup>

The Kyrgyzstani government sent the "Terms of Reference of the International Independent Commission of Inquiry into the events in the Southern part of the Kyrgyz Republic" to the United Nations Secretary-General on 29 September 2010.<sup>49</sup> According to the Kyrgyzstani government, the Commission is mandated to:

- Investigate the facts and circumstances of the events of June 2010 in Osh and its surrounding provinces in the Kyrgyz Republic including the causes and course of events as well as actions taken in the aftermath;
- Qualify the violations and the crimes under international law;
- Determine responsibilities and, where possible, identify those responsible; and
- Make recommendations, including, in particular on accountability measures, so as to ensure non-repetition of the violations and to contribute towards peace, stability and reconciliation.

The terms of reference however explain that "in determining responsibilities the Commission will not conduct a criminal investigation; the conduct of such an investigation will remain the responsibility of the authorities of the Kyrgyz Republic".

The International Independent Commission of Inquiry will need to answer all the questions that the National Commission of Inquiry has apparently been either unable or unwilling to explore in sufficient depth. This would include investigating:

- allegations of serious crimes and human rights violations committed by all sides involved, both ethnic Kyrgyz and ethnic Uzbeks, as well as other ethnic groups if relevant;
- allegations of collusion or involvement in any way of law enforcement and security officials, as well as other government officials, in serious human rights violations, both during the June violence and its aftermath. This would include, where relevant, establishing responsibility of superior officers for crimes committed by subordinates under their effective authority and control;
- allegations of gender-based violations;

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- any pattern in the human rights violations committed, including whether crimes against humanity were committed;
- the conduct of investigations and prosecutions by the Kyrgyzstani authorities in the aftermath of the violence, including reports of torture and ill-treatment in custody, unfair trials and discriminatory prosecutions.



## 4. WHOSE JUSTICE? CRIMINAL INVESTIGATIONS AND PROSECUTIONS

### 4.1. INVESTIGATIONS AND PROSECUTIONS BY THE INTERDEPARTMENTAL INVESTIGATIVE GROUP

In order to investigate the June violence, an Interdepartmental Investigative Working Group was established in the days following the worst violence, led by the Office of the Prosecutor General and including representatives of prosecution authorities, the Ministry of Internal Affairs (including criminal police, and financial police) and the National Security Agency. The Working Group includes three interdepartmental investigational teams: one for the city of Osh; one for the region of Osh (oblast); and one for Jalal-Abad (city and oblast)) and is led by the deputy Prosecutor General.

While acknowledging that considerable efforts and resources have been devoted to initiating criminal investigations and prosecutions, Amnesty International has serious concerns about the manner in which many have been conducted and the early indications that ethnic bias has influenced investigative and law enforcement priorities.

According to the Office of the Prosecutor General, 4,540 criminal cases had been opened by the end of September 2010. Prosecution authorities have released a breakdown of these criminal cases by the most serious charge (see Table 2: Criminal cases opened at 27 September 2010 by most serious charge). As each criminal case could cover more than one suspect, the total number of suspects exceeded 5,000.<sup>50</sup>

By the end of September 2010, official figures revealed that 259 individuals had been arrested and charged in relation to the June violence. A further 32 individuals were released on bail.<sup>51</sup> By 10 November, 301 individuals had been detained in relation to the June violence with 271 remanded in custody. In total 5,094 criminal investigations had been opened.<sup>52</sup>

**Table 2: Criminal cases opened as of 27 September 2010 by most serious charge**

Source: Amnesty International's meeting with the deputy Prosecutor-General, Osh, 27 September 2010.

Most serious charge (Article in the Kyrgyzstan Criminal Code)	Criminal cases opened at 27 September 2010
Art. 97 (murder) and Art. 233 (mass disturbance)	396

Art. 340 (killing of a law-enforcement agent)	16
Art. 341 (resistance to a law-enforcement agent)	35
Art. 104 (grievous bodily harm)	8
Art. 123 (kidnapping) and Art. 125 (illegal confinement/ deprivation of liberty)	23
Art. 129 (rape)	4
Art. 164 (theft)	1,353
Art. 165 (stealing cattle)	14
Art. 167 (robbery)	43
Art. 168 (violent attack by a group of people)	21
Art. 170 (extortion)	1
Art. 172 (stealing a car)	449
Art. 174 (deliberate destruction of property)	1,966
Art. 234 (hooliganism)	25
Art. 241 (illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, ammunition, explosives and explosive devices)	37
Art. 245 (illegal acquisition of weapons)	26
Art. 247 (illegal acquisition and distribution of narcotics)	1
Art. 299 (inciting ethnic hatred)	2
Art. 346 (illegally crossing the border)	5
Art. 316 (negligent discharge of duty)	2
Art. 339 (concealment of crime)	1
Art. 360 (desertion)	1
TOTAL	4,429

Unfortunately, the official figures do not distinguish between cases opened on charges of murder (Art. 97 of the Kyrgyzstani Criminal Code) and cases opened on charges of organizing or participating in mass disturbances (Art. 233 of the Kyrgyzstani Criminal Code). This makes it impossible to make an assessment of how thoroughly and effectively the prosecution authorities are investigating the most serious offences, especially since some the offences covered by Article 233 are relatively minor infractions. This is particularly important given the imbalance in the ethnic breakdown of deaths.

According to the Deputy Prosecutor of Osh oblast, by the end of September 2010, 44 cases had been filed to court in the Osh oblast (for a total of 118 defendants). Fifteen cases had resulted in convictions, while the rest (29) were pending trial.<sup>53</sup> Amnesty International was not able to obtain separate statistics of charges and indictments in the other region. However, the Office of the Prosecutor General announced on 28 September that 119 cases had been filed to court in relation to 253 individuals for their alleged part in the June violence and by 10 November 152 criminal cases in relation to 284 defendants had been filed to court.

By December at least six more cases in both regions had resulted in convictions. The majority of the cases were characterized by heavy long-term sentences handed down for murder and mass disturbances, including at least 24 life sentences and six long-term sentences of between 15 and 25 years.

## 4.2. INVESTIGATIONS INTO THE ROLE OF THE SECURITY FORCES IN THE JUNE VIOLENCE

The exact role of the Kyrgyzstani security forces, including the military and law enforcement agencies, which are predominantly ethnic Kyrgyz, in the different phases of the June violence is still unclear.

Allegations that Kyrgyzstani security forces may have failed to intervene to prevent violence have persisted. Additionally, allegations that Kyrgyzstani security forces colluded or participated in human rights violations, for example by distributing weapons, have also been made.<sup>54</sup> Reports of security forces failing to stop the escalating violence appeared to be substantiated by some video material and consistent and credible eye witness accounts.

According to the office of the Prosecutor-General, by the end of September 2010 a total of 30 criminal cases had been opened by both military and civilian prosecution authorities against military and law enforcement-officers for crimes such as abandoning their arms and not fulfilling their duties and obligations.<sup>55</sup>

In a meeting with President Otunbaeva in July the Commanding Officer for Osh city stated that more than 100 law enforcement officials had been sanctioned for their role in the June events; they were dismissed, reprimanded or subjected to administrative measures.<sup>56</sup> Amnesty International is concerned that most had been held responsible for dereliction of duty and not for human rights violations against civilians caught up in the June events, and by the growing evidence that the Kyrgyzstani investigative authorities are either unwilling or unable to investigate allegations of collusion or complicity of security forces in the commission of human rights abuses.

### 4.3. DISCRIMINATION IN INVESTIGATIONS AND PROSECUTIONS

Prosecution authorities have refused to disclose information about the number of alleged perpetrators involved in the more than 5,000 criminal cases opened and details of their ethnic origin. The Deputy Prosecutor General told Amnesty International that “criminals have no ethnicity for us”.<sup>57</sup> Although refusing to provide an ethnic breakdown of the alleged perpetrators of crimes committed during the June violence, the deputy Prosecutor General told Amnesty International that the criminal cases opened against ethnic Uzbeks outnumbered the criminal cases opened against ethnic Kyrgyz, at least with respect to the most serious charges.

According to the Deputy Prosecutor-General, this was because suspects in the 15 cases of law-enforcement officials killed during the violence were all ethnic Uzbek. However, as the handful of these cases that have been tried to date have each involved between eight and 20 accused, these cases cannot alone account for the disproportionate number of Uzbek suspects.

Even allowing for the fact that the evidence may be stronger, or easier to gather in respect of crimes believed to have been committed by Uzbeks, the disproportionate number of Uzbeks facing charges relative to Kyrgyz is striking; particularly as the majority of victims of crimes committed during the June violence were themselves Uzbeks, which leads to the strong presumption that the majority of perpetrators were, in turn, Kyrgyz.

Many local human rights defenders expressed doubts to Amnesty International that the criminal investigations into the violence were being conducted impartially. There was concern that there was a clear bias in the investigations and prosecutions with predominantly ethnic Kyrgyz police and National Security Service investigators and prosecutors giving priority to investigating the deaths of ethnic Kyrgyz police officers and of Kyrgyz civilians. From the information gathered by human rights defenders and independent lawyers it appeared that deaths of Uzbek civilians were not investigated with the same urgency and that the majority of those detained by law enforcement officers and charged with serious offences were Uzbek.

By 10 November 2010, official figures revealed that 271 individuals had been arrested in relation to the June violence.<sup>58</sup> Human rights defenders and lawyers said that information gathered from monitoring detentions, giving legal advice and taking up the defence of suspects showed that the majority of those arrested were ethnic Uzbek. Amnesty International was told that suspected Kyrgyz perpetrators in Osh, Jalal-Abad and Bazar-Korgan were not apprehended in the same numbers and that the police did not have enough resources to pursue those who had come from Alai or Batken, for example. The human rights NGO Kylym Shamy (Torch of the Century) put the figure of ethnic Kyrgyz arrested for crimes committed during the June violence at 10-15 per cent.<sup>59</sup> In November President Roza Otunbaeva said in a speech addressing the country’s judiciary that according to figures she had been given 36 Uzbeks and 22 Kyrgyz had been arrested in Jalal-Abad region and at least 100 Uzbeks and nine Kyrgyz in Osh region. She went on to explain that in her opinion these figures were not indicative of discrimination.<sup>60</sup>

Court schedules, which are publicly displayed outside or on the premises of court buildings, include information about the ethnic origin of the defendants. As of September it appeared from these lists that Uzbek men constituted by far the majority of defendants prosecuted for

crimes committed during the June violence.<sup>61</sup> Some criminal cases were opened against ethnic Kyrgyz on charges of murder during the June violence. However, by the end of September none of these cases had been filed to court. Officials told Amnesty International that prosecuting Kyrgyz suspects in the run-up to parliamentary elections on 10 October would heighten ethnic tensions and could lead to further violence.<sup>62</sup> On 5 November, some three weeks after the elections, a court in Jalal-Abad convicted two Kyrgyz men of murdering three Uzbek civilians on 13 June and sentenced them to 25 and 20 years in prison.<sup>63</sup> This was the first and, to date, the only conviction of ethnic Kyrgyz for a serious offence committed in the course of the June violence.

## 5. HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE CONDUCT OF THE INVESTIGATIONS

In November 2010, President Otunbaeva told prosecutors that she was concerned about the number of complaints she had received of torture and other ill-treatment by security forces in relation to the June events which apparently had not been properly investigated. Earlier in August the news agency Agence France Press quoted the President as telling them that she was aware that human rights violations were committed by security forces during the June events and their aftermath, but that she had effectively no control over law enforcement in the south of the country.<sup>64</sup>

### 5.1. THREE PHASES OF VIOLATIONS

Multiple sources described to Amnesty International how human rights abuses committed by security forces and non-state actors in the course of the investigation into the six days of violence followed a three-phase pattern:

#### ARBITRARY DETENTIONS AND ALLEGATIONS OF ILL-TREATMENT IN THE IMMEDIATE AFTERMATH OF THE VIOLENCE

In the immediate aftermath of the June violence and following the imposition of a curfew between the hours of 20:00 and 06:00 on Osh and Jalal-Abad regions, reports emerged of numerous arbitrary detentions carried out by unidentified armed individuals wearing camouflage.<sup>65</sup> Those detained were taken to offices of law enforcement agencies, where many were reportedly ill-treated. The curfew, which was temporarily lifted for the Constitutional Referendum on 27 June, remained in place until 10 August, the beginning of Ramadan. In a meeting with Amnesty International, in September 2010, the deputy Prosecutor General, accounted for these arrests by saying that more than 2,500 people had been detained for violating the curfew during this period, the vast majority of whom were fined or cautioned and released. However, Amnesty International received numerous reports of persons being detained outside curfew hours or without having violated the curfew. The deputy Prosecutor General further noted that the Interdepartmental Investigative Working Group under his authority had received very few complaints about ill-treatment in detention, none of which were confirmed by investigations conducted by prosecutors and police.<sup>66</sup>

#### THE RAIDS

After the initial violence subsided security forces started to carry out search operations in villages and homes, ostensibly to seize weapons and detain those responsible for committing violent crimes. These large scale operations were carried out over a couple of weeks until the end of June. There were numerous reports that security forces were using excessive force during these operations and that they were targeting Uzbek neighbourhoods. Human rights organizations, journalists and community leaders reported that hundreds of men, the majority of them Uzbek, were arbitrarily detained and beaten or otherwise ill-treated and tortured during such raids and subsequently during their detention.

Early in the morning of 21 June, for example, security forces entered the Uzbek village of Nariman in Osh region, and reportedly beat people with rifle butts and destroyed people's personal documents during house searches<sup>67</sup>. According to a spokesperson for the Ministry of Internal Affairs, the operation aimed at dismantling the barricades which had been erected, arresting suspects and seizing weapons following the violence. Human rights organizations reported that one man was shot and died on the way to hospital, another was beaten to death and many more were injured. Several men were detained. Security forces carried out a similar raid on 23 June in the ethnic Uzbek neighbourhood of Shai-Tepe in Osh city. Residents reported that troops had beaten villagers with rifle butts, destroyed personal documents and stolen money and jewellery.

To date no independent, impartial and thorough investigations have been conducted into alleged human rights violations committed in the course of search-and-sweep operations.

#### DAILY HARASSMENT

Large scale search-and-sweep operations were replaced by frequent smaller scale security operations once the barricades from the Uzbek neighbourhoods had been removed by the security forces and the curfew had been lifted. Human rights monitors reported that scores of people, mostly Uzbek men, continued to be arbitrarily detained by security forces, often in early-morning raids on tents provided to those whose homes had been destroyed in the mahallas. Others were stopped in the streets or in their cars at checkpoints. Many reported being held incommunicado in police or national security custody, beaten, or otherwise ill-treated and tortured to force them to confess to a crime or to incriminate a relative, a neighbour, an employer or a friend. Relatives and lawyers claimed that on the basis of this information security officers proceeded to detain those incriminated, while extorting money from the families in order to secure the release of their relative, improve their conditions of detention or prevent others from being detained. Relatives were obstructed in their attempts to submit complaints about allegations of torture to police and prosecutors.

During this period, law enforcement agencies failed to prevent groups of Kyrgyz civilians, often women, assaulting relatives outside police stations or the prosecutor's offices. These groups of Kyrgyz women<sup>68</sup> have also assaulted relatives of Uzbek detainees outside detention facilities and Kyrgyz, Uzbek and Russian lawyers defending Uzbek suspects on court premises and inside police compounds, most often in the presence of police officers who did not intervene to stop the assaults. To Amnesty International's knowledge no investigations have been opened into offences committed by these groups of women. The deputy Minister of Internal Affairs told Amnesty International that his officers were instead doing outreach and awareness-raising with these groups to explain that they should not spontaneously demonstrate their grief or express their grievances using violence. Several sources expressed concern that the women's actions were not spontaneous and random as the authorities claimed but appeared to be planned and targeted, and – given that the women knew when certain suspects were being brought to court or the prosecutor's office – that law enforcement officials appeared on occasion to be colluding with them to perpetrate human rights abuses.

## 5.2 DISCRIMINATORY LAW ENFORCEMENT OPERATIONS

There are serious concerns that the security operations in the aftermath of the June violence have disproportionately targeted Uzbeks and Uzbek neighbourhoods, while failing to identify and investigate alleged Kyrgyz perpetrators.

Search-and-sweep operations to apprehend and disarm suspects conducted by security forces in the days following the violence concentrated on predominantly Uzbek neighbourhoods and the majority of those detained in these operations were Uzbek men. Human rights monitors pointed out that security forces did not conduct search-and-sweep operations in predominantly Kyrgyz districts and villages even though large numbers of weapons had reportedly been stolen or seized by groups of ethnic Kyrgyz.

Human rights organizations reported that Uzbeks in Osh, Jalal-Abad and Bazar-Korgan complained about being singled out by law enforcement officials for document checks, stop-and-search operations, aggressive questioning and racial abuse. Many reported frequent beatings accompanied by racial abuse. Some ethnic Kyrgyz complained about being beaten up by police officers because they mistook them for ethnic Uzbeks.<sup>69</sup>

### 5.3. TORTURE AND ILL-TREATMENT OF DETAINED SUSPECTS

As noted above, reports of torture or other ill-treatment in the aftermath of the June violence have been widespread. Beatings by law enforcement officers appeared to continue to be routine, especially in the street during apprehension, during transfer to detention centres, during initial interrogation, or in pre-charge detention facilities.

Impunity for such serious human rights violations appears to date to have been almost total. The office of the Prosecutor-General, responsible for the coordination of investigations and prosecutions into the June violence, told Amnesty International in September that it did not have figures regarding complaints of torture and other ill-treatment of detained suspects, but all complaints regarding torture and other ill-treatment were being registered and investigated. By the end of November, however, not a single prosecution for ill-treatment in police custody following the June events appeared to have taken place. According to the deputy prosecutor for Osh region his office had received very few complaints of torture in detention. This contrasts starkly with the allegations of widespread beatings or other ill-treatment of Uzbek detainees raised by human rights organizations and defence lawyers.<sup>70</sup>

For his part, the first deputy Minister of Internal Affairs admitted to Amnesty International in September that there had been isolated cases of torture and ill-treatment of detained Uzbek suspects and that the Ministry had ordered investigations into the most serious of these cases. In some instances, the deputy Minister had conducted investigations personally. For example, the deputy Minister explained that he had gone to interview prominent human rights defender and prisoner of conscience Azimzhan Askarov, who had denied outright any torture or other ill-treatment by police officers when asked directly by the minister. This brief interview in the presence of local police officers constituted the extent of the investigation to date into the torture allegations repeatedly raised by Azimzhan Askarov's lawyer, in spite of previously documented evidence, including photographs, of injuries sustained whilst in custody. While in detention Azimzhan Askarov consistently denied that he had been ill-treated because his treatment worsened if he spoke out. Since his transfer to a prison detention facility outside Bishkek in November he has given more details about the torture and ill-treatment he was subjected to in police custody in Bazar-Korgan and Jalal-Abad (see further details of the case below).<sup>71</sup>



#### 5.4. UNFAIR TRIALS AND THE FAILURE OF THE STATE TO PROTECT DEFENDANTS, LAWYERS AND FAMILY MEMBERS

Trials of Uzbek suspects charged with murder and other crimes in relation to the June violence have been seriously flawed. The trial of human rights defender Azimzhan Askarov and seven co-defendants accused of the murder of a Kyrgyz police officer during violence in Bazar-Korgan is representative of the failure of the authorities to guarantee fair trial rights to all defendants, regardless of their ethnic origin, in line with their international human rights commitments.

The trial took place between 2 and 15 September in Nookan and was itself marred by repeated acts of violence against Azimzhan Askarov's family and lawyers both inside and outside the courtroom. Court officials, including the judge, reportedly intervened only sporadically to stop the violence and restore order.

Human rights activists monitoring the trial reported that relatives of the accused were not given access to the courtroom, apparently because there was no room. However, relatives of the police officer who was killed as well as scores of plainclothes and uniformed police officers were allowed in. Relatives of the dead officer threatened and attacked the defendants' lawyers in court hitting them with sticks and throwing a glass at them. The glass smashed against the bars of the cage holding the defendants, and splinters hit one of the lawyers. The defendants' lawyers were not given the opportunity to question witnesses or submit petitions, nor able to call defence witnesses as the authorities were not able to guarantee their safety. When the lawyers expressed concern that they would not be able to defend their clients under these conditions the judge reportedly threatened to have their licences to practice revoked.

The defendants denied their guilt and maintained in court that they had been forced to confess under duress. Their allegations were not investigated and five of them, including Azimzhan Askarov were sentenced to life imprisonment. Although security was increased both inside and outside the courtroom during the subsequent appeal hearings, the Jalal-Abad regional court did not examine any of the allegations of forced confessions by the defendants or order an investigation into these allegations. Defence lawyers were not able to call witnesses and relatives and colleagues of the murdered police officers continued to threaten the lawyers. The appeal court upheld the sentences imposed by the court of first instance.

In a separate case 14 ethnic Uzbek men were sentenced on 30 October to life imprisonment after being convicted of killing 16 people, including ethnic Kyrgyz civilians and law enforcement officers, on 13 and 14 June in the so-called SANPA case, when violence broke out near a cotton factory of that name in the southern region of Suzak. The trial began on 30 September in the town of Nookan, in the Jalal-Abad region. However, it was postponed until 14 October after the families of the "SANPA" victims reportedly beat some of the relatives of the defendants and one of the lawyers provided by the independent human rights NGO Spravedlivost (Justice) during the court hearing. According to the lawyers provided by Spravedlivost their defendants had been tortured in police custody to confess to the killings. However, the presiding judge refused to take into consideration these torture allegations and order an investigation. Again, witnesses for the defence could not be called out of fear for their safety. Prior to the trial defence lawyers were not given regular and private access to their clients held in police custody.

In October in several other trials of Uzbek suspects charged in relation to the June violence, defendants who had been on bail were attacked by relatives of their alleged Kyrgyz victims and groups of Kyrgyz civilians, including women, as they made their way to the court. Relatives of Uzbek defendants were also attacked either outside the court building or on the premises of the court. Several relatives had to be hospitalized because of the severity of the injuries sustained. In one case a foreign journalist was punched in the face and an international human rights monitor was pushed to the ground by Kyrgyz civilians. The law enforcement officers present were slow to intervene.

### 5.5. HARASSMENT OF LAWYERS AND HUMAN RIGHTS DEFENDERS

There have been several reports of the authorities having attempted to obstruct the legitimate work of human rights defenders, lawyers and other civil society actors in documenting the June events, including attempts to confiscate evidence and documentation.

In a climate of mutual blame and growing nationalist discourse, human rights defenders find themselves in the difficult position of having to justify their work to both ethnic communities. Uzbek human rights defenders and lawyers are particularly at risk of violence and have been threatened, beaten, in some cases detained and tortured and in the case of Azimzhan Askarov sentenced to life imprisonment after a blatantly unfair trial. Their Kyrgyz colleagues and those of other ethnic origins, have also come under increasing pressure and several have been threatened and assaulted by Kyrgyz civilians for defending the rights of Uzbek suspects.

Law enforcement officers who were present during these assaults or were called to assist the victims regularly failed to intervene. For example, Uzbek human rights defender and lawyer Abdumanob Khanapov was assaulted and beaten by a group of women inside the building of Osh regional court when he tried to submit a complaint about arbitrary detention and ill-treatment in police custody to the court. He said that the women identified him as Uzbek and beat him for several minutes. He called for help but none of the police officers or court officials present intervened. He had to seek medical help for the injuries sustained. He reports that to date his complaints have not been investigated.

In another case related to the June violence, lawyer Tair Asanov was attacked in court after calling for an investigation into police ill-treatment against his client and nine other men during their trial in Osh, southern Kyrgyzstan. Tair Asanov's client was accused with nine other men of charges ranging from involvement in the death of the Kara Suu District Police Chief and his driver, to taking part in riots. After he requested an investigation into the beatings, Tair Asanov describes how the relatives of the murdered police chief present in the courtroom shouted insults at him and attacked him. After the hearing ended, relatives followed Tair Asanov outside the courtroom and attacked him again, beating him for about 10 minutes. Police were present while he was being beaten but did not intervene.

Tatiana Tomina, an ethnic Russian lawyer, has repeatedly been targeted by groups of Kyrgyz civilians and relatives of victims. She has been physically assaulted outside police stations and prosecution offices as well as inside court buildings, including in court rooms during hearings. She has been the object of numerous racial insults and has received frequent death threats.

## 6. CONCLUSIONS

It is imperative that those who have perpetrated human rights violations during the June violence and in its aftermath, regardless of their ethnic origin, status and affiliation, are brought to justice in fair procedures that strictly adhere to international human rights law and standards. It is also important that an objective and unbiased version of the events can be established.

Time and again Amnesty International was told that the failure to independently, thoroughly and impartially investigate the human rights abuses committed during ethnic violence in the south in 1990 and to hold those who committed crimes accountable allowed for the seeds of further crimes to be sown.

Twenty years on, the Kyrgyzstani authorities are in danger of repeating and compounding these mistakes. The early indications are that the national inquiries and criminal investigations will offer, at best, only partial truths and selective justice.

The apparent ethnic bias of investigators, the ongoing human rights violations and the seeming inability of the criminal justice system, and unwillingness of key figures within it, to investigate and prosecute abuses impartially, effectively and fairly can only increase the sentiment of impunity among perpetrators and injustice amongst victims. Unless this trend is reversed quickly, the opportunity to ensure that justice prevails will be lost.

In the current climate of fear, mistrust, rumour, polarization among ethnic communities, increasing nationalist rhetoric and continuing political instability, the international inquiry now offers the best hope for a comprehensive, unbiased and credible investigation. It is essential that it delivers this.

## 7. RECOMMENDATIONS

Amnesty International calls on all relevant Kyrgyzstani officials, including the President, members of the interim and incoming government and parliament, senior regional government and central and regional prosecution officials:

### **In relation to establishing the facts**

- To promptly publish official lists of those who died in the June violence to allow relatives, human rights and civil society organizations to cross-reference the names and details against their own information and lists. This would contribute to clarify the fate of missing persons and end speculation and disputes about the number and ethnic origin of the dead and ensure transparency, impartiality and accountability;
- To fully support the Independent International Commission of Inquiry and to ensure that all authorities cooperate with the investigation. Those conducting the investigation should enjoy freedom of movement and have access to all materials, information and persons whom they consider to be relevant;
- To ensure that those involved in the investigation and those who provide information to the Commission and their families are not subjected to any form of harassment or reprisal;
- To ensure that human rights defenders, lawyers and other civil society actors are able to carry out their legitimate activities without fear or threat of reprisal or obstruction.

### **In relation to criminal investigations and prosecutions into the June violence and its aftermath**

- To condemn the use of torture and other ill-treatment and to ensure prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment regardless of their ethnic origin, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint was made;
- To ensure that no statements obtained as a result of torture or other ill-treatment are used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- To ensure that all people deprived of their liberty are informed promptly of the reasons for their detention and any charges against them, and allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner;
- To ensure that that criminal investigations, prosecutions and trials for crimes committed during and in the aftermath of the June violence are conducted without ethnic bias and in strict accordance with international human rights standards.
- To ensure full public access to the trials of people charged in connection with the June violence, including to relatives of the defendants and human rights monitors, and representatives of intergovernmental bodies;

- To ensure that officials at all levels refrain from making public statements that violate defendants' right to the presumption of innocence;
- To ensure that up-to-date registers of all detainees and prisoners are kept and maintained in every place of detention and centrally, and that this information is made available to all those who have a legitimate interest. No one should be secretly detained;
- To ensure the conduct of thorough, independent and impartial investigations into the full circumstances of all serious crimes or other human rights abuses, including killings, rapes, torture by security forces and non state actors during the June violence regardless of their ethnic origin with those found responsible to be brought to justice in accordance with international standards for fair trial.

#### **In relation to the International Independent Commission of Inquiry**

The International Independent Commission of Inquiry will need to investigate all the claims that the National Commission of Inquiry has been either unable or unwilling to review in sufficient depth. Amnesty International calls on the International Independent Commission of Inquiry to investigate:

- allegations of serious crimes and human rights violations committed by all sides involved, both ethnic Kyrgyz and ethnic Uzbeks, as well as other ethnic groups if relevant;
- allegations of collusion or involvement in any way of law enforcement and security officials, as well as other government officials, in serious human rights violations, both during the June violence and its aftermath. This would include, where relevant, establishing responsibility of superior officers for crimes committed by subordinates under their effective authority and control;
- allegations of gender-based violations;
- any pattern in the human rights violations committed;
- the conduct of investigations and prosecutions by the Kyrgyzstani authorities in the aftermath of the violence, including reports of ethnic bias, torture and ill-treatment in custody, unfair trials and discriminatory prosecutions.

# ANNEX I: AMNESTY INTERNATIONAL'S GUIDELINES, JULY 2010

27 July 2010

AI Index: EUR 58/009/2010

## **Kyrgyzstan: Recommendations for an effective investigation into human rights violations and abuses committed during the June violence and its aftermath**

On 17 June 2010, Amnesty International called for an international inquiry to investigate the human rights violations and abuses committed during the June violence in Kyrgyzstan and its aftermath.

The violence which devastated large parts of the south of Kyrgyzstan started on 10 June and rapidly escalated into large-scale arson, looting and violent attacks, including killings and sexual violence, on mainly Uzbek-populated districts in Osh, Jalal-Abad and surrounding towns and villages. While most of the victims appear to be Uzbek there are also reports of armed Uzbek gangs attacking Kyrgyz people. During the violence and in the following days, an estimated 400,000 Uzbek and Kyrgyz people were forced to flee their homes.

Amnesty International is concerned that the Kyrgyzstani authorities lack both the independence of investigative institutions and the expertise to carry out prompt, effective, independent and impartial investigations into the June violence.

Since the interim government claimed to have regained control of the situation in the southern regions of Osh and Jalal-Abad, allegations have been mounting that Kyrgyzstani security forces, which are predominantly ethnic Kyrgyz, may have failed to intervene to prevent violence or colluded in human rights abuses. Reports that during the violence armoured personnel carriers and men in military uniforms forcibly entered barricaded Uzbek villages and neighbourhoods and of security forces failing to stop the escalating violence appear to be substantiated by video material and consistent eyewitness accounts.

Amnesty International has also received credible reports that in the aftermath of the violence in June human rights defenders, journalists and other civil society actors who have documented or are trying to document the events are being targeted by the authorities in an attempt to confiscate their material and obstruct their work.

In the days following the violence and since then, the Kyrgyzstani authorities detained hundreds of people on allegations of having organized or participated in the June violence. Amnesty International is concerned that in this respect the authorities appear to be disproportionately targeting the ethnic Uzbek community, particularly in Osh, where many have reportedly been arbitrarily detained. Moreover, there are widespread reports that detainees are being subjected to torture and other ill-treatment in order to extract confessions, that they are denied medical care and access to their lawyers, and that families

are being intimidated and, in some cases, made to pay large sums of money to ensure their relatives' release. There have also been reports of deaths in custody.

As a party to the International Covenant on Civil and Political Rights (ICCPR), Kyrgyzstan is required to ensure that allegations of human rights violations are promptly, independently, impartially and thoroughly investigated. The UN Human Rights Committee has made it clear that the failure to effectively investigate an alleged human rights violation could, in and of itself, give rise to a breach of the right to an effective remedy (Article 2(3) of the ICCPR).

In the light of concerns about the investigative procedures carried out by the Kyrgyzstani authorities, about the confiscation of documentation and other evidence, and the need for special investigative expertise, including forensic, Amnesty International believes that only an international commission of inquiry would be able to carry out a prompt, independent and effective investigation which would be considered impartial by all affected groups.

Amnesty International therefore urges the international community to ensure the establishment of an effective international commission of inquiry into the June violence in Kyrgyzstan and its aftermath. Most urgently, there is a need for international experts to engage without delay to secure and preserve evidence, which is key to effective investigations.

Furthermore, Amnesty International calls on the Kyrgyzstani interim government to initiate the establishment of an international commission of inquiry, which should include the elements set out below. These principles are equally applicable for investigations undertaken at the national level.

In particular, the organization recommends full respect for the following principles of an effective, independent and impartial investigation into the violence during June 2010 and in its aftermath.

1. A commission of inquiry to investigate the human rights violations and abuses committed during the June violence and in the subsequent investigations by the authorities should be part of a broader, long term, comprehensive action plan to uphold the right of victims to obtain truth, justice and reparations. Such an action plan should also include human rights-compliant prosecutions, mechanisms to ensure reparation, vetting, and legislative, institutional and other reforms. A commission of inquiry to investigate these violations is not and should not be considered as a substitute for criminal investigations and judicial processes which meet international human rights standards to establish individual criminal responsibility.
2. The commission of inquiry must, in carrying out its functions, respect, protect and promote human rights. In particular, it should:
  - a. clarify, as far as possible, the facts about the human rights violations it investigates;
  - b. make available the information it obtains to the relevant authorities, victims and others as appropriate for use in criminal and civil judicial proceedings; and

- c. formulate effective recommendations for the establishment of judicial and non-judicial measures of accountability and the granting of full reparations to victims and their families, including measures to strengthen the national justice system.

#### **Competence, independence and impartiality**

3. Members of the commission of inquiry should be selected on the basis of their competence in human rights and other relevant fields, such as forensic pathology, crime scene investigation, etc.
4. Members of the commission of inquiry should be independent of any institution, agency or person who may be the subject of, or otherwise be involved in, the investigation.
5. Members of the commission of inquiry should be chosen for their recognized impartiality and for their personal integrity.
6. The composition of the commission of inquiry should reflect a fair balance of women and men and, where relevant, pluralism in the society.

#### **Mandate, powers and resources**

7. The mandate of the commission of inquiry should cover the range of human rights violations and abuses that occurred during the June violence and its aftermath, including but not limited to crimes under national and international law.
8. In particular, the commission of inquiry should investigate cases of violations and abuses committed by all sides involved (including state agents and non-state actors) as well as violations of international humanitarian law, where applicable. Its investigation should establish whether law enforcement officials colluded or in any way were complicit in human rights violations during the June violence and its aftermath and, where relevant, establish responsibility of superior officers for crimes committed by subordinate officials under their effective authority and control. It should also seek to identify any systematic patterns in human rights violations.
9. The investigation should include an analysis of all physical and documentary evidence and statements from witnesses. The investigation should seek to establish the number of people that were killed or wounded as a result of the violence, as well as their identities, and should seek to ascertain the fate and whereabouts of individuals who remain missing.
10. As part of its work, the commission of inquiry should identify the suspected perpetrators of human rights violations and gather information indicating individual criminal responsibility. It should forward such information (on a confidential basis) to the relevant prosecution authorities for further investigation, with a view to ensuring that those who are criminally responsible for human rights violations are brought to justice.
11. The commission of inquiry should be mandated with the powers and authority to gather all information it considers relevant, including the power to compel the production of information and the attendance of officials and other persons as and when necessary. It



should have freedom of movement and be granted free access to all relevant places.

12. The commission of inquiry should be guaranteed the material, personnel and financial resources it needs to effectively carry out its mandate.

13. The commission for inquiry should be guaranteed the full co-operation of the Kyrgyzstani government and authorities. It should have the power to require the authorities to suspend from active duty during the investigation any official suspected of responsibility for human rights violations.

14. The commission of inquiry should not have any power to recommend amnesties or similar measures of impunity with respect to human rights violations and abuses.

#### **Consultation with civil society and the public**

15. All interested parties, including national and international civil society organizations, victims, human rights defenders and persons belonging to minorities and vulnerable groups should be given an effective opportunity to contribute to discussions on the commission's establishment, mandate and powers, the selection of its members, and its functioning.

16. In collecting information, the commission of inquiry should seek the cooperation of the widest possible range of sectors of society, paying special attention to information and testimonies provided by victims and their families, national and international human rights organizations. It should pursue all available sources of information, including: statements from victims, witnesses and alleged perpetrators; material evidence from sources such as government records, medical records or reports, and police investigation files; court files; media reports; and information of NGOs, human rights defenders, lawyers, and families of victims.

#### **Respect, protection and promotion of the rights of victims and their families**

17. The commission of inquiry should ensure that, in all aspects of its work, victims and others providing information and assistance to the inquiry are treated with respect for their dignity and with humanity. Particular care should be taken to ensure that victims are not re-traumatized as a result of their participation in the process.

18. The commission of inquiry must ensure that participants in the investigation, witnesses, victims and their respective families, are protected from reprisals, including violence, threats, arbitrary detention and other forms of intimidation. This may require the establishment of a comprehensive, long-term and effective victim and witness protection programme.

19. The commission of inquiry should take special measures to assist victims and witnesses, especially those that are traumatized, children, elderly or victims of sexual violence, in presenting views and concerns, registering their case, participating and giving testimony.

#### **A fair procedure**

20. The procedures of the commission of inquiry should be fair. In particular, the

commission should:

- a. exclude granting any form of immunity for human rights violations and abuses;
- b. ensure that witnesses, alleged perpetrators, or others who may be implicated have the right to legal counsel and a right to reply;
- c. respect the right of suspected perpetrators to be presumed innocent.

21. The suspension of officials suspected of responsibility for human rights violations should be without prejudice to the outcome of the investigation, to their careers of the officers concerned or to any eventual judgment regarding their suspected involvement.

**Public information; final report and recommendations**

22. Throughout its operations the commission of inquiry should regularly disseminate information about its work, through a range of media, languages and formats to ensure the information is accessible to all interested sections of the public.

23. The scope, methods and results of the commission's investigation and its recommendations should be officially proclaimed, published and widely disseminated without undue delay, including by means of a written report describing its findings in detail.

24. In addition to measures of restitution, rehabilitation, compensation and satisfaction, any investigative body should recommend a broad range of other reparations for victims. These include measures that would prevent repetition of past violations, such as reforming laws, administrative procedures and practice; strengthening the justice system; and promoting human rights education. Recommendations for reparation should never be seen as a substitute for bringing perpetrators of crimes under international law to justice or preclude victims from also seeking compensation through the courts.

25. As a matter of principle, all aspects of the work of the commission of inquiry should be made public. So far as possible, the media and public should be given access to the proceedings and to the information on which the body bases its findings. However, confidentiality may be required to protect the rights of individual victims and witnesses and the rights of suspected perpetrators.

# ANNEX II: DECREE ESTABLISHING A NATIONAL COMMISSION OF INQUIRY

Decree establishing a National Commission for the comprehensive study of the causes, consequences and the production of recommendations on the tragic events that occurred in the South of the Republic in June 2010, 15 July 2010

**A National Commission for the comprehensive study of the causes of the tragic events that occurred in the South of the Republic in June 2010 is formed.**

Date: 15.07.2010

By Decree of the President of the Republic Rosa Otunbayeva it is established a National Commission for the comprehensive study of the causes, consequences and the production of recommendations on the tragic events that occurred in the South of the Republic in June 2010.

According to the Decree, in order to study the causes, consequences and to produce recommendations on the tragic events that occurred in the cities of Osh and Jalalabad, and the Osh and Jalalabad regions, it is decided:

1. To establish a National Commission to study the causes, consequences and to produce recommendations on the tragic events that occurred in the cities of Osh and Jalalabad, and the Osh and Jalalabad regions (thereinafter the Commission), composed as follows:

A. Erkebaev: Public figure, academician of the Kyrgyz Republic, Chairman of the Commission

Fattahov B.A.: I.o. Director of the National Agency of the Kyrgyz Republic on Local Self-Government, Vice-Chairman of the Commission

Orozaliev V. K.: Deputy Secretary of the Security Council of the Kyrgyz Republic, Executive Secretary of the Commission

Tabaldiyev B.B.: Deputy Chief of Staff VP – Head of Department of Defense, security, law enforcement and emergency

Atakhanov Sh.E.: Chairman of the NPF “Kyrgyzstan”

A. Asankanov: Doctor of Historical Sciences, professor, corresponding member of the National Academy of Sciences of the Kyrgyz Republic, teaches history at KSU im.Arabaeva

Balkin, VV: Major General, Kyrgyzstandard

J. Zheksheyev: public figure, former deputy LCD Kyrgyz Republic

B. Juraev: public figure, ex-deputy LCD Kyrgyz Republic

NK Krasiyev: Director of the National Cancer Center

AA Knyazev: Doctor of Historical Sciences, a political scientist, professor of political science and journalism department of the Kyrgyz-Russian Slavic University

RK Kadyrov: Foundation for Tolerance International

Ch.D. Murataliev: Expert on security issues, public service employees of the Kyrgyz Republic

OA Moldaliyev: Expert on security

A. Yusupov: Head of the Department of the Kyrgyz-Uzbek University, Ph.D. in Economics

NO Mirzahmetov: Head of the Department of Surgery, Bazar-Korgon District Hospital

ZM Moldoshev: General-Major

K Mambetov: Deputy Minister of Health

SH Nasiza: Head of Institutional Inspectorate, Department of the General Prosecutor of the Kyrgyz Republic

AY Pyatibratov: Employee of the newspaper "The Echo of Osh"

RA Sabirov: President of the Society of Tajiks in Kyrgyzstan

A. Saparbayev: Chairman of the Osh Branch Assembly of the Peoples of Kyrgyzstan

A. Elebaeva: Doctor of Philosophy, professor

A. Zhusypbek: Doctor of Philology

A. Narmatov: Rector of the Islamic University

LS Sagynbaev: Social worker

VT Talipov: Member of the Osh Regional Council of Veterans

AS Toksonbaev: Correspondent of "Azattyk" radio

NA. Toktakunov: Chairman of the affiliate group "Precedent"

A. Abdrasulova: GS "Kylym Shamy"

2. The Commission should:

- Submit a report on the events to the President of the Kyrgyz Republic before 10 September 2010;
- If necessary, involve specialists from Ministries and administrative departments, as well as international experts and consultants;
- To acquaint the public with the results of the Commission's work through the media.

[Press service of the provisional government of the Kyrgyz Republic.]

# ANNEX III: TERMS OF REFERENCE OF THE INTERNATIONAL INDEPENDENT COMMISSION OF INQUIRY INTO THE EVENTS IN THE SOUTHERN PART OF THE KYRGYZ REPUBLIC

## Terms of reference

Following the outbreak of violence in June 2010 in the city of Osh and its surrounding provinces, an International Independent Commission for Inquiry (“Commission”) to investigate the facts and circumstances of these events is established.

## Mandate

The Commission shall be mandated to:

- Investigate the facts and circumstances of the events of June 2010 in Osh and its surrounding provinces in the Kyrgyz Republic including the causes and course of events as well as actions taken in the aftermath;
- Qualify the violations and the crimes under international law;
- Determine responsibilities and, where possible, identify those responsible; and
- Make recommendations, including, in particular on accountability measures, so as to ensure non-repetition of the violations and to contribute towards peace, stability and reconciliation.

It is understood however that in determining responsibilities the Commission will not conduct a criminal investigation; the conduct of such an investigation will remain the responsibility of the authorities of the Kyrgyz Republic.

## Composition:

The International Independent Commission for Inquiry will be composed of a panel of eminent personalities as well as a group of experts. The Panel shall be chaired by Dr Kimmo Kiljunen, Special Representative for Central Asia of the OSCE Parliamentary Assembly.

In the overall composition of the panel and experts, there will be the requisite expertise in human rights, conflict analysis, international humanitarian law and international criminal law; and knowledge of the country and language skills. The need for gender and geographical diversity amongst members of the Commission will also be taken into account. The Commission will request panelists and experts from Justice Rapid Response.

#### **Cooperation with the Government:**

In the conduct of its inquiry, the Commission shall enjoy the full cooperation of the Government and the National Commission for Inquiry. The Government, (including all relevant Departments) shall assist to the requests of the Commission for collection of the required information and testimony. In accordance with the laws of the Kyrgyz Republic, it shall, in particular, guarantee to the Commission:

- Freedom of movement throughout the territory of Kyrgyzstan;
- Free access to all places and establishments relevant to the work of the Commission;
- Freedom of access to all sources of information, including documentary material and physical evidence. Freedom to interview representatives of governmental, as well as community leaders and representatives of civil society and other institutions and, in principle, any individual whose testimony is considered necessary for the fulfillment of its mandate;
- Appropriate security arrangements for the personnel, documents, premises and other property of the Commission;
- Protection for all those who appear before or provide information to the Commission in connection with the inquiry; no such person shall, as a result of such appearance or information, suffer harassment, threats of intimidation, ill-treatment, reprisals, or any other prejudicial treatment;
- Similar privileges and immunities necessary for the independent conduct of the inquiry as are enjoyed by UN experts on mission under article VI of the 1946 Convention on the Privileges and Immunities of the United Nations and to officials under articles V and VII of the Convention.

#### **Reporting:**

The Commission will submit its report by the end of January 2011. The results of the inquiry will be presented to the Government of the Kyrgyz Republic giving it opportunity, within reasonable time, but not exceeding one month, to present comments to the findings and recommendations of the Commission. The Commission will make the report, with the comments of the Government, public by presenting it to the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Commonwealth of Independent States (CIS).

## ENDNOTES

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<sup>1</sup> Terms of reference of the International Independent Commission of Inquiry into the Events in the Southern Part of Kyrgyzstan, <http://www.k-ic.org/en/about-kic.html>, see Annex III

<sup>2</sup> CCPR, *General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13.Idem.

<sup>3</sup> See *Basic Principles and Guidelines on the Right to a Remedy and Reparation For Victims of Gross Violations of Human Rights and Serious Violations of International Humanitarian Law*, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

<sup>4</sup> Rising tensions between the government and the opposition escalated in early April 2010 and resulted in violent clashes between security forces and demonstrators on 7 April in the capital, Bishkek. Eighty-seven people were killed and hundreds were wounded, including police officers, armed men and unarmed members of the public. In the days that followed, the opposition dissolved the parliament and formed an interim government, led by Roza Otunbaeva as interim head of government and interim president. President Kurmanbek Bakiev and his family left the country. The former president remains in Belarus where he has been granted asylum.

<sup>5</sup> The report into the June violence and its aftermath by the International Crisis Group “Pogroms in Kyrgyzstan” explores such claims further and provides a detailed review of the events at the time in a way that Amnesty International’s present report does not aim to. See International Crisis Group, *Pogroms in Kyrgyzstan*, Asia Report No. 193, 23 August 2010, <http://www.crisisgroup.org/en/regions/asia/central-asia/kyrgyzstan/193-the-pogroms-in-kyrgyzstan.aspx> [hereafter, ICG report]

<sup>6</sup> Human Rights Watch in their report “Where is the Justice” published on 16 August give a more detailed chronology of the events based on hundreds of interviews conducted by researchers on the ground during and in the aftermath of the June violence. Human Rights Watch, “Where is the Justice?” *Interethnic violence in Southern Kyrgyzstan and its aftermath*, 16 August 2010, <http://www.hrw.org/en/reports/2010/08/16/where-justice-0> [hereafter, HRW report]

<sup>7</sup> The majority of the injured were men presenting with gunshot wounds. Statistics from Ministry of Health, Kyrgyzstan, September 2010

<sup>8</sup> According to Ministry of Health figures for 6 October 2010, 408 people died during the violence in Osh and Jalal-Abad regions.

<sup>9</sup> According to UNOSAT 291 buildings were totally destroyed in Jalal-Abad and 409 in Bazar Korgan, see [http://www.humansecuritygateway.com/documents/UNOSAT\\_Kyrgyzstan\\_DamageAnalysis\\_9July2010.pdf](http://www.humansecuritygateway.com/documents/UNOSAT_Kyrgyzstan_DamageAnalysis_9July2010.pdf)

<sup>10</sup> Figures given by the UN Office for the Coordination of Humanitarian Affairs (OHCA) on 6 August 2010

<sup>11</sup> Domestic NGOs such as Kylum Shamy, Spravedlivost, Citizens Against Corruption conducted wide-ranging interviews in Osh and Jalal-Abad regions. Please also see reports by International NGOs such as Human Rights Watch and the International Crisis Group, referred to earlier, as well as The International Federation for Human Rights who published their report “Kyrgyzstan-A Weak State, Political Instability: The Civil Society caught up in the Turmoil” on 3 October 2010. The Central Asia director of the Russian NGO Memorial presented a summary of the findings by its researchers in August 2010.



<sup>12</sup> Amnesty International was told that “Sart” is also used by Kyrgyz in the North to describe Kyrgyz from the south whom they see as having assimilated among the Uzbeks. Again, the term is used in a derogatory manner. “Sart” is historically the name for the settled inhabitants of Central Asia, including the Ferghana Valley and appears to have been used first in the 11<sup>th</sup> century. The name “Sart” did not necessarily describe individuals of one particular ethnic origin but was most often used to refer to individuals settled in towns or villages. When the Uzbek Soviet Socialist Republic was created the language spoken on its territory was officially known as “Sart”.

<sup>13</sup> Interviews with contacts in Osh September 2010 – names withheld for security reasons.

<sup>14</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10150&LangID=E>,  
<http://www.guardian.co.uk/world/2010/jun/15/kyrgyzstan-violence-refugees-aid>

<sup>15</sup> “A Russian resident... noted that supplies – drinking water, vodka, flammable liquids – were periodically brought to the marauders” [ICG report, p.12].

<sup>16</sup> “The witness said firearms were handed out from the back of a BMW 735 without number plates.” [ICG report, p.12]. “The Kyrgyz government’s investigation into the June events... established that during the violence in Bazar-Kurgan, people in at least two civilian cars distributed weapons among the Kyrgyz” [HRW report, p.33]. “Witnesses also observed the distribution of weapons and ammunition by unknown sources to ethnic Kyrgyz” [HRW report, p.41].

<sup>17</sup> Amnesty International’s interviews with confidential sources, September-October 2010.

<sup>18</sup> Interviews with contacts in Bishkek, Osh and Jalal-Abad September 2010, names withheld

<sup>19</sup> “The mobs that roamed Osh... were well organised and often well supplied. ... Many witnesses say that small groups of ten to fifteen young marauders answered to one person, usually a somewhat older male, dressed in causal or sports clothes.” [ICG report, p.12].

<sup>20</sup> “Attack on many Uzbek districts followed a similar pattern. Gunmen armed with automatic rifles led the way. They were usually described as being older than the looters... The gunmen would fire at any defenders, forcing them back from defensive barricades... The next stage, burning and then looting, went on for several days and was meticulous in its execution” [ICG report, p.12]. “The attacks on Osh’s Uzbek neighbourhoods... show a consistent pattern. In many accounts, individuals in camouflage uniforms or armoured military vehicles entered the neighbourhood first, removing the makeshift barricades that Uzbek residents had erected. They were followed by armed men who shot and chase away any remaining residents, and cleared the way for the looters” [HRW report, p.4]. We will look unbalanced if we don’t also give some indication of the dimensions of the attacks on Kyrgyz

<sup>21</sup> The chairman of the National Commission of Inquiry said in an interview on Radio Azzattyk in November that the violence had been carefully planned in advance, most likely by leading members of the Uzbek community in Osh. Interview RFE/RL

<sup>22</sup> Amnesty International, meeting with the Ombudsman’s Office, Bishkek, 29 September 2010. Four muezzins were convicted of calling the azan in the night of 10 to 11 June and sentenced to four years in prison in October for inciting violence and ethnic hatred and calling for mass disturbances.

<sup>23</sup> Amnesty International meeting with members of the National Commission of Inquiry, Bishkek, 29 September 2010

<sup>24</sup> ICTY, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, Prosecutor v. Dusko

Tadic, Case No. IT-94-1-AR72, 2 October 1995. See also ICTY, Kunarac et al. Case No.'s IT-96-23-T, and IT-96-23/1-T, 2001.

<sup>25</sup> The terms was defined by the International Criminal Tribunal for Rwanda as “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims”. See *The Prosecutor v. Akayesu*, Case N° ICTR-96-4-T, Sept. 2 1998. See also *Blaskic case*, where the ICTY refers to the scale of the attack and the number of victims, ICTY, Blaskic, Trial Chamber I, 2000.

<sup>26</sup> See *The Prosecutor v. Akayesu*, Case N° ICTR-96-4-T, Sept. 2 1998. See also *Blaskic case*, where the ICTY relates the term systematic to the organized nature of the conduct concerned which will very often be evidenced by planning or organization, ICTY, Blaskic, Trial Chamber I, 2000.

<sup>27</sup> Premeditation and planning are not requirements for conduct to amount to a crime against humanity.

<sup>28</sup> Amnesty International meetings with local human rights defenders, names and organizations withheld, Bishkek, 22 September 2010.

<sup>29</sup> This particular narrative went on to say that shops and casinos belong to Uzbeks, while Kyrgyz live badly. Land is also an issue, together with government corruption. As Kyrgyz don't have any money, they can't get land because they can't pay bribes. The assumption being that Uzbeks have the money to pay the bribes and so they get all the land.

<sup>30</sup> It should be noted that before June 2010, manifestations of aggressive Kyrgyz nationalism have also targeted ethnic groups other than Uzbeks. In several episodes in April 2010 Kyrgyz mobs attacked Kurdish, Meskhetian Turk and Russian villages across the country, looting and destroying properties and killing livestock. In one case, five villagers were killed. During the mass trial in November 2010 of former President Bakiev, his relatives and members of the elite special forces unit Alfa, accused of authorizing the use of force as a result of which 87 protesters died in April 2010, relatives of those killed shouted racist abuse at ethnic Russian lawyers and defendants and threatened to kill them if they did not leave the country. Some party campaign posters during the parliamentary election campaign in September 2010 had slogans such as “stay or leave our country – it is your choice” which many citizens from ethnic minorities perceived as an implicit threat.

<sup>31</sup> Statement by the Russian embassy on nationalism, 22 September 2010  
<http://www.telegraph.co.uk/news/worldnews/asia/kyrgyzstan/8018546/Ethnic-Russians-in-Kyrgyzstan-could-be-driven-out.html>.

<sup>32</sup> Figures given by the Ministry of Health <http://www.24kg.org/osh/78619-na-yuge-kyrgyzstana-chislo-pogibshix-dostiglo-312.html>

<sup>33</sup>

[http://centralasiaonline.com/cocoon/caii/xhtml/en\\_GB/newsbriefs/caii/newsbriefs/2010/07/12/newsbrief-08](http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/newsbriefs/caii/newsbriefs/2010/07/12/newsbrief-08)

<sup>34</sup> Resolution adopted by the Human Rights Council at its fourteenth session, Agenda item 10, 14/14 Technical assistance and cooperation on human rights for Kyrgyzstan, A/HRC/RES/14/14, 18 June 2010

<sup>35</sup> Decree establishing a National Commission for the comprehensive study of the causes, consequences and the production of recommendations on the tragic events that occurred in the South of the Republic in June 2010, 15 July 2010, reproduced in Annex II.

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<sup>36</sup> Independent journalist Alla Piatibratova speaking to journalists on 6 December 2010 following her resignation from the National Commission of Inquiry. <http://www.24.24kg.org/osh/88227-v-kyrgyzstane-eshche-odin-chlen-nacionalnoj.html> Other members gave similar descriptions to Amnesty International in September 2010.

<sup>37</sup> Comments made by deputy Minister of Health, a member of the Commission during a session of the Commission on 1 November 2010 attended by journalists, <http://www.24kg.org/osh/86005-chleny-komissii-po-rassledovaniyu-iyunskix.html>

<sup>38</sup> Amnesty International's interview with a human rights defender, name withheld, Bishkek, September 2010.

<sup>39</sup> The Commission also requested a meeting with the head of the National Security Service, which could, however not be arranged.

<sup>40</sup> One community leader, who was granted an interview with the Commission, was reportedly questioned about his relationship to Uzbek political leaders, rather than asked to present the evidence of human rights abuses and violations committed in his neighbourhood. Commenting on her resignation from the Commission, human rights defender Aziza Abdirasulova explained that she had to personally inform human rights activists and lawyers about the Commission's visits to Osh and Jalal-Abad and extend a personal invitation to them as no official invitations were forthcoming.

<sup>41</sup> Interview on Radio Azzattyk, Radio Free Europe/Radio Liberty's Kyrgyzstan Service, November 2010.

<sup>42</sup> Aziza Abdirasulova explained in her resignation statement that she was concerned that the Commission did not have a mandate and terms of reference and that her repeated requests for the Commission to work out and adapt such guidelines were dismissed by the Chairperson and other members.

<sup>43</sup> The Ombudsman himself was out of the country during the visit by Amnesty International, hence the meeting with other members of the commission.

<sup>44</sup> Amnesty International, meeting with the Ombudsman's Office, Bishkek, 29 September 2010.

<sup>45</sup> According to the Uzbek version, the call to prayer in the middle of the night was a warning to the Uzbek community that their lives were in danger.

<sup>46</sup> The Commission under the Ombudsman finds that the conflict in the south of Kyrgyzstan was provoked by Uzbek diaspora leaders, AKIpress 13 December 2010, <http://kg.akipress.org/news:302551>

<sup>47</sup> Please see Annex I for Amnesty International's Recommendations for an effective investigation into human rights violations and abuses committed during the June violence and its aftermath, AI Index: EUR 58/009/2010, 27 July 2010. Please also see 17 June: Public Statement: Kyrgyzstan: Call for an international independent and impartial investigation <http://www.amnesty.org/en/library/info/EUR58/002/2010/en> and 17 June: Press release: International investigation needed into Kyrgyzstan violence: <http://www.amnesty.org/en/for-media/press-releases/international-investigation-needed-kyrgyzstan-violence-2010-06-17>

<sup>48</sup> Human Rights Watch, Kyrgyzstan: International Investigation Planned, press release, 7 July 2010, <http://www.hrw.org/en/news/2010/07/07/kyrgyzstan-international-investigation-planned>.

<sup>49</sup> Terms of reference of the International Independent Commission of Inquiry into the events in the Southern part of the Kyrgyz Republic, 29 September 2010, <http://www.k-ic.org/en/about-kic.html>,

accessed 26 November 2010.

<sup>50</sup> Amnesty International meeting with deputy Prosecutor General, Osh September 2010

<sup>51</sup> Information from the Prosecutor General's office published on 24.kg on 29 September 2010, url: <http://www.24.kg.org/osh/83521-generalnaya-prokuratura-kyrgyzstana-zaversheno.html>

<sup>52</sup> Information from the Prosecutor General's office published on 24.kg on 11 November 2010, url: <http://www.24.kg.org/osh/86599-v-kyrgyzstane-52-ugolovnyx-dela-pooshskim.html>

<sup>53</sup> Amnesty International meeting with the deputy Prosecutor of Osh region, September 2010.

<sup>54</sup> "A prominent opposition politician admitted that a member of his party in the south had 'with the permission of the [local] mayor and in his presence received weapons in June, during the events, and had distributed them to people for their protection'. ... A local Kyrgyz politician in Osh said, approvingly, that 'city officials' had also distributed weapons" [ICG report 14].

<sup>55</sup> Amnesty International, meeting with the Deputy Prosecutor General, Osh, 27 September 2010.

<sup>56</sup> Kommandant – the officer in charge of all military and law enforcement operations during a curfew. "Some Osh policemen were involved in riots in June," the [military] commandant's office in the city [Osh] has said. Interfax news agency, Moscow, in Russian 0753 gmt 31 July 2010

<sup>57</sup> Amnesty International meeting with the deputy Prosecutor General, Osh, 27 September 2010.

<sup>58</sup> Information from the Prosecutor General's office published on 24.kg on 11 November 2010, url: <http://www.24.kg.org/osh/86599-v-kyrgyzstane-52-ugolovnyx-dela-pooshskim.html>

<sup>59</sup> Uznews.net interview with Aziza Abdirasulova on 12 November 2010 [http://www.uznews.net/news\\_single.php?lng=en&cid=32&nid=15626](http://www.uznews.net/news_single.php?lng=en&cid=32&nid=15626). Kylym Shamy representatives have conducted monitoring of detentions in Osh and Jalal-Abad Regions since the outbreak of the violence.

<sup>60</sup> Speech by President Otunbaeva at the extraordinary assembly of the Kyrgyzstani judiciary on 12 November 2010 Мне часто говорят, что наши правоохранительные органы изначально вели следствие предвзято, арестовывая по подозрению в разжигании межнационального конфликта на юге страны исключительно представителей узбекской национальности, и не трогали кыргызов. Должна заметить, что это не совсем так. Приведу цифры. Так, в Джалал-Абадской области по расследованным делам привлечены к ответственности 30 узбеков и 22 кыргыза, в Ошской области - 100 узбеков и 9 кыргызов. Большая разница в Ошской области, видимо, сформировала мнение о дискриминации. Но хочу сказать, что ни о какой дискриминации речи нет. Действительно, в Ошской области есть значительный перекоп по национальному составу среди обвиняемых в тех кровавых преступлениях. Однако я надеюсь, что в ходе объективного и справедливого разбирательства все невиновные независимо от национальной принадлежности будут отпущены на свободу, а виновные понесут заслуженное наказание, - сказала Роза Исаковна. [http://slovo.kg/index.php?option=com\\_content&task=view&id=1412&Itemid=99999999](http://slovo.kg/index.php?option=com_content&task=view&id=1412&Itemid=99999999)

<sup>61</sup> Amnesty International interview with international monitors, Osh, September 2010

<sup>62</sup> Amnesty International meetings with officials in Osh and Bishkek, September and October 2010

<sup>63</sup> Talant Akkuzoev, the deputy prosecutor of Jalal-Abad's Suzak district, told RFE/RL on 22 October that "six ethnic Kyrgyz" had been tried and convicted for theft and looting. The Jalal-Abad prosecutor's

office told RFE/RL that 88 people faced charges in relation to the June violence, and that 26 were ethnic Kyrgyz.

<sup>64</sup> Speech by President Otunbaeva to prosecutors in Bishkek on 22 November 2010 Kyrgyz Television 1, Bishkek, in Russian 1330 gmt 22 Nov 10 and interview to Agence France Presse on 5 August 2010 <http://www.youtube.com/watch?v=fNv19QeVroA>.

<sup>65</sup> Camouflage clothing is ubiquitous and popular with young men in the south of Kyrgyzstan and is widely available in markets and shops. Security forces also wear different types of camouflage uniforms and eyewitnesses and human rights monitors told Amnesty International that it was often not possible to determine whether detentions were carried out by armed non-state actors/civilians or members of the security forces.

<sup>66</sup> Amnesty International meeting with the Deputy Prosecutor-General, Osh, 27 September 2010.

<sup>67</sup> See HRW report and reports by Memorial, Kylum Shamy, Citizens Against Corruption.

<sup>68</sup> They are colloquially referred to as OBON, Otriad Bab Osobogo Naznachenia. OBON is a play on words with reference to OMON, the Russian acronym for riot police. OMON stands for special purpose police units, and OBON replaces the word for police with a rude colloquial word for women.

<sup>69</sup> Amnesty International meeting, Citizens against Corruption, Bishkek, 22 September 2010

<sup>70</sup>: Amnesty International meeting with the deputy Prosecutor General, Osh, 27 September 2010

<sup>71</sup> Amnesty International interview with the deputy Minister of Internal Affairs, Bishkek, 1 October

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