



**Submission on Kyrgyzstan to the UN Human Rights Committee
130th Session
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We write to you ahead of the United Nations Human Rights Committee's upcoming review of Kyrgyzstan to highlight key areas of concern that Human Rights Watch hopes will inform the Committee's consideration of the government of Kyrgyzstan's compliance with the International Covenant on Civil and Political Rights.

This submission covers key human rights developments since the Committee's last review of Kyrgyzstan, including persecution of human rights defenders, violence against women and girls, restrictions on speech and media freedoms, and rights violations perpetrated while countering terrorism. More detailed information can be found on Human Rights Watch's Kyrgyzstan page: <https://www.hrw.org/europe/central-asia/kyrgyzstan>.

Wrongful Imprisonment and Death in Custody of Azimjon Askarov (Covenant articles 6, 7, 9, 14)

On July 25, 2020, the human rights defender Azimjon Askarov died in prison. Askarov had been imprisoned for life in the aftermath of the June 2010 ethnic violence in southern Kyrgyzstan for his alleged role in the killing of a police officer. His trial was marred by violence, procedural violations, and allegations of ill-treatment and torture that authorities never investigated. Since 2016, Kyrgyz authorities have defied a United Nations Human Rights Committee ruling to release Askarov and quash his conviction. The committee's decision served as grounds for courts in Kyrgyzstan to re-consider his case, but they all upheld his life sentence.

Although Askarov's health was compromised by ten years in prison and had significantly deteriorated in the days preceding his death, prison officials failed to provide Askarov adequate medical treatment. Until a day before Askarov died, when they transferred him to a different prison with better medical facilities, prison officials insisted he was in fine health.

Askarov's death in state custody is a violation of his right to life, for which Kyrgyzstan's authorities are wholly responsible and should be held accountable.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about Askarov's wrongful imprisonment and death in custody:

- Why did Kyrgyz authorities continue to keep Askarov imprisoned after the Human Rights Committee issued its decision in 2016 calling for Askarov's "immediate release"?
- What medical care, if any, did prison officials provide to Askarov in the days leading up to his death? Why did officials not provide Askarov more urgent medical care in

the days preceding his death, falsely claiming that Askarov was in “fine health” until the day before he died?

- What are the Kyrgyz authorities doing to ensure that an impartial, independent investigation is carried out into Askarov’s wrongful imprisonment, treatment, and death, for the purpose of holding those responsible for the violations of his rights accountable?
- What steps are Kyrgyz authorities taking to ensure that Askarov’s family is provided a full remedy, including compensation, for his wrongful imprisonment and death?

Justice and Accountability for June 2010 Violence (Covenant articles 2, 6, 7, 9, 14, 17)

Over 400 people were killed and nearly 2,000 homes were destroyed in ethnic violence that raged in southern Kyrgyzstan between June 10 and 14, 2010. While horrific crimes were committed against both ethnic Uzbeks and Kyrgyz, most of those who were killed or lost their homes in the violence were from the ethnic Uzbek community. In the decade since, Kyrgyz authorities have failed to ensure accountability for crimes committed during the violence or provide justice for the people who were arbitrarily arrested and convicted in trials marred by widespread allegations of ill-treatment and torture in the aftermath. The Kyrgyz government has not acknowledged that ethnic Uzbeks disproportionately were the victims of attacks or that attacks on ethnic Uzbek neighborhoods were systematic.

Although Kyrgyz authorities have held some people responsible for crimes committed during the June 2010 violence, the majority of criminal investigations – nearly 4,000 of over 5,000 cases, according to government data published in 2017 – have been suspended because the accused could not be identified or could not be found.

Even though criminal investigations and trials, mainly affecting the ethnic Uzbek minority, were marred by widespread arbitrary arrests and ill-treatment, including torture, prosecutorial authorities have refused to investigate the widespread torture allegations. The government stated that the authorities opened a total of five criminal investigations into allegations of torture, but Human Rights Watch is unaware if any officers were ever formally charged or prosecuted as a result of these investigations.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about the administration of justice for the June 2010 events:

- What steps has the government of Kyrgyzstan taken to ensure accountability for the June 2010 interethnic violence?
- What steps has the government of Kyrgyzstan taken to review cases in which trials were marred by violations of international fair trial standards, including credible torture allegations that were never investigated?
- How many criminal investigations into allegations of ill-treatment and torture made during investigations into the June 2010 events were opened? How many officers were charged? How many officers were prosecuted?

Persecution of Human Rights Defenders and Repression of Civil Society (Covenant articles 7, 9, 10, 14, 17, 19, 21, 22)

Civil society groups and human rights activists have variously faced pressure and harassment by authorities in recent years. The Kyrgyz parliament is currently considering an anti-NGO bill aimed at tightening controls over civil society. The bill, if adopted, would impose additional burdensome financial reporting requirements that would unduly interfere in activists’ ability to

carry out their work. The anti-NGO bill passed a second reading in parliament in June and is pending its third after which it will be sent to the president for signature. The initiative to adopt the anti-NGO bill follows parliament's efforts in 2015 and 2016 to adopt a Russia-styled "foreign agents" law. After significant public outcry, the "foreign agents" bill was withdrawn.

In late May 2020, the Kyrgyz national security agency (GKNB) brought a dubious criminal case against a well-known rights defender Kamil Ruziev. The case is ongoing. Ruziev had previously filed a lawsuit against the GKNB and the prosecutor's office for failing to investigate how law enforcement officers had threatened him, including at gunpoint.

On March 8, police rounded up about 70 activists who had participated in a peaceful International Women's Day march in Bishkek, Kyrgyzstan's capital. Police held them without informing them of the grounds for their detention or providing them access to lawyers. A handful of activists later contested the legality of their detention, but in June a Bishkek court ruled against them.

In 2018, two reports by human rights organizations — including one about the 2010 interethnic violence — were included on a list of "extremist" material and banned by court order. The court also prohibited ADC Memorial, a Brussels-based organization and co-author of one of the reports, from operating in Kyrgyzstan. After the Supreme Court reversed that decision, a lower court returned the case to the prosecutor's office in January 2019. The reports are no longer banned in Kyrgyzstan.

Several human rights monitors, including Mihra Rittmann of Human Rights Watch and Vitaliy Ponamarev of Memorial, as well as Chris Rickleton, an *Agence-France Presse* journalist, remain arbitrarily banned from Kyrgyzstan.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about the persecution of human rights defenders and repression of civil society:

- What steps is the government taking to ensure that human rights defenders in Kyrgyzstan can carry out their important work without arbitrary interference or retaliation, including with criminal charges?
- What steps is the government taking to lift the entry ban imposed on Mihra Rittmann, Vitaliy Ponamarev and Chris Rickleton so they can return to Kyrgyzstan and resume their human rights and journalist activities?

Torture and Ill-treatment (Covenant articles 2, 7, 10, 14)

Torture by law enforcement officials continues in Kyrgyzstan and impunity for torture is the norm, despite amendments to Kyrgyzstan's criminal code in 2019 which helped to strengthen legal protection against torture and increase punishments for perpetrators. According to government statistics sent to the anti-torture group Voice of Freedom, 171 allegations of torture were registered in the first half of 2019, though only one case had been sent to court in that time. While conducting research in 2018 on possession of extremist material, Human Rights Watch received more than two dozen complaints of ill-treatment, including torture, of suspects charged with terrorism or extremism related offences in Kyrgyzstan. They included complaints from lawyers, former suspects, or family members that the police or members of the State Committee on National Security (GKNB) physically abused or otherwise mistreated suspects held on charges of possessing extremist material.

As a part of restrictions imposed in March under a state of emergency in response to the Covid-19 pandemic, authorities denied lawyers and monitors from the National Center for the Prevention of Torture access to prisons and other places of detention.

Despite the prohibition against torture, Kyrgyz authorities on August 22 extradited to Uzbekistan the journalist Bobomurod Abdullaev, violating its obligations under international human rights conventions to which it is party. Abdullaev alleged that Kyrgyz security agents ill-treated him while he was in their custody. His lawyers in Kyrgyzstan filed a complaint with the Prosecutor General's office on his behalf.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about ill-treatment and torture in Kyrgyzstan and lack of impunity for perpetrators:

- What is the government of Kyrgyzstan doing to end impunity for ill-treatment and torture in places of detention?
- What steps does the government envisage to ensure that the general prosecutor's office will fulfill its responsibility under Kyrgyz law to investigate in a thorough, impartial, and timely manner all allegations of torture and other abuse involving law enforcement officials, regardless of rank and whether the victim has filed a formal complaint?
- What plans does the government of Kyrgyzstan have to ensure that victims of torture or ill-treatment can receive appropriate compensation and rehabilitation?

Restrictions on Media and Speech Freedoms (Covenant article 19)

There has been a notable decline in media and speech freedoms in recent years in Kyrgyzstan. In June, the Kyrgyz parliament adopted in a third reading a vague and overbroad law that allows the authorities, without judicial oversight, to order the removal of information that officials consider "false" or "inaccurate" from internet platforms. The offense of circulating false or inaccurate information is so vague and overbroad that it can easily be misused to criminalize lawful speech protected by human rights law. The bill was sent to President Sooronbai Jeenbekov for his signature, but in August he returned the bill to parliament for amendments, where it is now pending further review.

In recent years, journalists have been harassed by law enforcement, and in some cases threatened with sanctions, including criminal sanctions, for critical reporting. Police in November 2019 detained Aftandil Zhorobekov, a blogger who had written about corruption on social media, on charges of inter-regional incitement. In May 2020, charges were dropped and his case was closed.

During Kyrgyzstan's state of emergency, declared on March 22 in response to the Covid-19 pandemic, neither independent media outlets nor lawyers were initially granted permits to pass police checkpoints, interfering with their ability to do their jobs. Journalists also told Human Rights Watch that they submitted questions to government officials for online briefings, but that their questions were answered selectively, if at all. The State Committee on National Security (GKNB) either posted or distributed among media outlets photographs and personal information of at least 27 people it accused of "spreading knowingly false information" about the virus. The GKNB said that in most cases the person was released after apologizing to the public but said that "spreading false information provides for criminal liability."

In June 2017, Bishkek courts awarded crippling multi-million som damages after Kyrgyzstan's prosecutor general brought defamation lawsuits against media outlet Zanoza, its founder

Narynbek Idinov, editor Dina Maslova, and against the human rights defender Cholpon Djakupova for discrediting the president's honor and dignity and spreading false information. Courts ordered Idinov's and Djakupova's bank accounts frozen and seized their property as collateral, and banned Idinov, Maslova, and Djakupova from leaving Kyrgyzstan. In October 2017, a Bishkek court also awarded then-presidential candidate Jeenbekov 10 million som (US\$143,000) against news portal 24.kg and Kabay Karabekov, a journalist and former member of parliament.

In February and May 2018, Kyrgyzstan's current and former presidents withdrew their respective claims to damages that courts had awarded in the unfounded defamation lawsuits. President Jeenbekov withdrew his claim to compensation only after the journalist he sued issued a formal apology. In June 2018, the travel bans imposed on Idinov, Maslova, and Djakupova were lifted.

In June 2017, authorities charged Ulugbek Babakulov, a freelance journalist and contributor to Moscow-based Ferghana News, an independent news website, with inciting ethnic hatred after a May article about the increase of nationalist and anti-Uzbek sentiments in social media. On June 10, a Bishkek court ordered Ferghana News' website to be blocked. Babakulov, fearing for his safety, fled Kyrgyzstan.

Authorities have taken television stations off the air in what appear to be politically motivated cases. In August 2017, a Bishkek court ordered the closure of Sentyabr television station – which is tied to the opposition politician Omurbek Tekebaev – for disseminating “extremist material.” Authorities did not inform Sentyabr of the allegations or the court case until two hours before the hearing began. When former President Almazbek Atambaev was arrested and charged with inciting unrest, conspiracy to murder, and kidnapping among other crimes, the court ruled to freeze his assets, including Aprel TV's office space and equipment. In August 2019 special forces took Aprel off the air in a raid, forcing employees to exit the office and leave their equipment behind. In November 2019, Aprel announced that it would resume broadcasting.

Statutes containing overly broad definitions of acts such as “incitement” continue to be used selectively against those who peacefully protested or expressed their political opinions. In March 2019, a couple who held up posters condemning Russian President Vladimir Putin outside the Russian Embassy in Bishkek were detained and accused of “inciting national enmity,” though the charges were dropped in July 2019. Similarly, a teacher was charged with “inciting interethnic discord” for anti-Russian comments on Facebook but was acquitted in May 2019.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about restrictions on media and speech freedoms:

- What measures is the government taking to protect journalists and to ensure that they do not face arbitrary interference or retaliation, including criminal charges, for carrying out their work?
- How is the practice of pursuing crippling defamation lawsuits in the protection of the president's honor and dignity compatible with Kyrgyzstan's obligations under the covenant to uphold freedom of expression?

Violence against Women and Girls (Covenant articles 2, 3, 7, 17, 23, 26)

Kyrgyzstan has taken important steps in recent years to tackle domestic violence, including adopting a 2016 law to curb child and forced marriage, strengthening the domestic violence

law in 2017, and making amendments to the criminal procedural code in 2020 that provide better protections for victims. However, authorities do not routinely enforce protective measures for women and girls or hold perpetrators accountable.

At a meeting on June 14, 2020 of the National Council for Women and Gender Development, a government advisory body, Vice Prime Minister Aid Ismailova noted there had been a 65 percent rise in reported cases of domestic violence cases in the first quarter of 2020, including an increase while Covid-19 related lockdown measures were in place. During a state of emergency in the response to the Covid-19 pandemic, the government did not immediately categorize domestic violence services as "essential" or ensure that shelters and other support services remained operational, leaving victims of abuse at risk.

In June, after a video of a man abusing his wife by forcing her to stand weighed down by tires while he slapped and doused her with water emerged on Kyrgyz social media, police detained and charged the man with "cruel treatment," though only after public outcry. A court convicted him, but only sentenced him to two years' probation rather than jail time.

In December 2018, a man was sentenced to 20 years in prison for kidnapping Burulai Turdaaly Kyzy for marriage and stabbing her to death in a police station, a case that sparked national outrage. In April 2019, three police officers charged were sentenced on charges of negligence and fined in connection to the case.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan on domestic violence and bride kidnapping:

- What steps is the government of Kyrgyzstan taking to ensure that all cases of domestic violence are investigated and prosecuted to the fullest extent of the law, and that law enforcement and judicial officers who fail to do so are held to account?
- What steps is the government of Kyrgyzstan taking to ensure the availability of adequate shelter, psychosocial, legal, and other services for survivors of domestic violence, including in rural areas and during periods of emergency?

Labor Rights (Covenant article 22)

Kyrgyzstan's parliament is considering amendments to a trade union law that would impose serious restrictions on workers' rights to freedom of association and the right to organize. The amendments would grant the Federation of Trade Unions a monopoly over all federal-level union activity and force industry and regional trade unions to affiliate with the federation. The draft law gives the federation power to control activities of the lower-tier unions, including heavily influencing the content of their charters. This would undermine the principle of trade union pluralism and would greatly interfere with the right of trade unions to freely determine their own structures and statutes. The bill has passed a second reading in parliament.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about trade union rights:

- How does the government of Kyrgyzstan plan to ensure that trade unions in Kyrgyzstan are not subject to a restrictive and rights-violating trade union law, but can freely join trade unions of their choosing and determine their own trade union structures?

Terrorism/Counterterrorism (Covenant articles 7, 19)

In January 2019, amendments to the criminal code entered into force decriminalizing possession of materials such as videos and pamphlets that the authorities classify as "extremist," provided they were not used or intended to be used for a purpose such as dissemination or to incite or carry out violence. Government officials told Human Rights Watch in May 2019 that persons who were previously convicted solely for possessing extremist material could seek judicial review of their cases. They said that where appropriate, those serving prison sentences would be released. Local human rights lawyers said that some judges ordered a prisoner's release upon review, but in other cases they rejected petitions and the detainees remained in prison.

Kyrgyzstan continues to employ an overly broad and vague definition of extremism that can capture non-violent behavior such as "affronts to national dignity," as well as "hooliganism" and "vandalism".

Kyrgyzstan in 2019 announced steps toward repatriating some of the hundreds of citizens detained in Iraq as spouses and children of Islamic State (ISIS) suspects, and said it already had an agreement to return about 70 of the children. However, as of this writing, Kyrgyz officials had not announced that any repatriations had taken place.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about terrorism and counterterrorism measures:

- Will the government commit to reforming its current definition of "extremism," as well as its proposed amendments to Kyrgyzstan's counterterrorism law, to ensure they do not capture acts protected under international human rights law, such as freedom of religion or belief and non-violent freedom of expression and association? What concrete steps has the government taken on this matter so far?
- What concrete measures is the government of Kyrgyzstan taking to ensure that anyone accused of terrorism or extremism is afforded their full rights at all stages of criminal investigation, prosecution, and, if applicable, sentencing and detention?
- How are authorities ensuring independent review of all cases relating to possession of material deemed "extremist" in order to ensure that convictions are vacated absent credible evidence that the accused did not use or intend to use such material to incite or commit violent acts?
- What steps is the government taking to repatriate nationals of Kyrgyzstan detained as ISIS suspects and family members in regions and countries including northeast Syria and Iraq?

Sexual Orientation and Gender Identity (Covenant article 2, 7, 9, 17, 26)

Lesbian, gay, bisexual, and transgender (LGBT) people face ill-treatment, extortion, and discrimination by state and non-state actors. Activists organizing a March 8th parade in 2019 for women's rights and equality said officials threatened to suspend the march if LGBT groups took part. The event, which went forward, provoked anti-LGBT rhetoric in parliament, where one member said LGBT people should be "not just cursed, but beaten." Other events hosted by LGBT groups have been targeted by nationalist groups who threaten and film participants without consent. An anti-LGBT bill banning "propaganda of nontraditional sexual relations" and which appears aimed at silencing anyone seeking to openly share information about same-sex relations, has stalled in parliament.

Human Rights Watch documented in a report in 2014 how gay and bisexual men in Kyrgyzstan are subject to a range of abuses by police, including physical, sexual, and psychological violence, as well as extortion and arbitrary detention. Police who commit these abuses are not

held to account, creating a climate of impunity. Victims are reluctant to report police abuses to the authorities, fearing retaliation or the disclosure of their sexual orientation to family members and/or employers by the police.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about protection of the rights of LGBT people:

- What concrete measures has the government of Kyrgyzstan taken to address discrimination on the basis of sexual orientation and gender identity?
- What remedies are available for lesbian, gay, bisexual, and transgender people who face violence and discrimination by their families, police officers, and others?

Children with Disabilities (Covenant article 24, 26)

In recent years, the government of Kyrgyzstan has taken some steps to acknowledge the importance of ending the segregation of people with disabilities and discrimination against them and taken foundational steps to enhance protections of their rights. For example, in March 2019, President Jeenbekov signed into law the bill enabling Kyrgyzstan to ratify the United Nations Convention on the Rights of Persons with Disabilities. Nonetheless, an estimated 3,000 children with disabilities in Kyrgyzstan continue to live in state institutions where they face abuse, neglect, segregation, and discrimination. For many parents, discrimination, the lack of reasonable accommodations in mainstream schools, and other barriers that block a child's entry into a school in the community can and often does accelerate their decision to place their child in an institution.

Human Rights Watch urges the Committee to question the government of Kyrgyzstan about the rights of children with disabilities to live in their community and access a quality, inclusive education:

- What steps has the government of Kyrgyzstan taken to implement quality, inclusive education at all levels, including for children with high support needs?
- What steps have authorities in Kyrgyzstan taken to ensure reasonable accommodations and make educational environments and curricula accessible for students with all types of disabilities in mainstream schools in their communities, including in rural areas?
- What steps has the government of Kyrgyzstan taken to adopt a time-bound plan to phase out the use of residential institutions for children with disabilities and prioritize accessible community-based services and support to families?
- How is the government of Kyrgyzstan ensuring that institutions for children with disabilities will be phased out on an equal basis with other institutions?