

**Submission from the Internal Displacement Monitoring Centre (IDMC)
of the Norwegian Refugee Council (NRC) for consideration at the
108th session of the Human Rights Committee
(8 - 26 July 2013), Geneva**

KYRGYZSTAN

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. All of the information contained in this submission can be found in the online IDMC database, which can be accessed at www.internal-displacement.org

I. Internal displacement in Kyrgyzstan

1. In June 2010, southern Kyrgyzstan was engulfed in inter-ethnic violence between Kyrgyzstan's two main ethnic groups, Kyrgyz (71.7 per cent of the population) and Uzbeks (14.3 per cent of the population). Before the security forces re-established order, both parties suffered savage killings, torture and sexual assault, widespread destruction of residential, commercial and state property and mass lootings.
2. In addition, an estimated 300,000 people fled for safety, mostly to other locations in south Kyrgyzstan, while about 75,000 persons sought refuge in neighbouring Uzbekistan. The vast majority of displaced persons returned within weeks or months. In January 2012, UNHCR reported there were 163,900 internally displaced people in Kyrgyzstan. This is the only and latest figure available.
3. There were multiple reasons for the June 2010 violence. These included economic hardship, burgeoning organized crime, political turmoil following the April 2010 overthrow of President Bakiev, and the poor preparedness and discipline of the security forces.
4. There has been no further large-scale violence since 2010 and tolerance and peace-building initiatives seem to have improved the human rights situation in southern Kyrgyzstan according to observers. Nevertheless, mistrust remains and the underlying causes of instability and displacement are still to be addressed adequately to ensure reconciliation takes hold and further violence and displacement is prevented.
5. This submission aims to inform the work of the Country Report Task Force on Kyrgyzstan as it develops a list of issues in connection with the consideration of the second periodic report of Kyrgyzstan (CCPR/C/KGZ/2).

II. Main issues of concern and questions for the Government of Kyrgyzstan

Articles 14, 26 - Equal treatment before the courts and protection under the law

6. Only some 7 per cent of cases of serious crimes committed during the June 2010 violence have been closed. Mostly ethnic Uzbeks have been detained, charged, found guilty and sentenced for these cases. Most recently in October 2012, courts in southern Kyrgyzstan sentenced two more ethnic Uzbeks to life in prison following trials on charges related to the 2010 violence. It is unclear why mainly Uzbeks have been tried thus far, when both Uzbeks and Kyrgyz reportedly committed the violence.
7. Trials have been flawed and based primarily on confessions that many international observers allege were coerced under torture. The fact that such investigations and trials have mainly affected the ethnic Uzbek minority undermines reconciliation efforts. With an absence of justice for the past for all affected groups, including violations suffered by IDPs, further violence and displacement cannot be ruled out.

8. In its fifth to seventh periodic report submitted on 8 June 2012 to the Committee on the Elimination of Racial Discrimination (paras 23, 24, 184), the Government of Kyrgyzstan acknowledged the small percentage of closed cases related to the June 2010 violence, explained that many perpetrators have not been identified or located and admitted human rights violations were committed during investigations and court proceedings. The Government also informed about current reforms of law enforcement authorities, judiciary and military.
9. Despite this acknowledgement, and the adoption of an action plan on judiciary reform for 2012-2014 towards the end of 2012, not all perpetrators have been held accountable for the June 2010 violence and ethnic Uzbek perpetrators continue to be the main ethnic group brought to trial. The right of ethnic Uzbeks to effective protection and remedies appears to be on hold as judiciary reforms take place and ethnic Kyrgyz are not investigated and tried. This limits the rights of ethnic Uzbeks under CCPR Art. 14, and is a barrier to reconciliation, a key criterion of durable solutions to displacement. The risk is further segregation of the Uzbek community and, ultimately, renewed conflict and displacement.
10. The 2nd Periodic State report (CCPR/C/KGZ/2) submitted to the Committee by the Government of Kyrgyzstan on 23 May 2012 does not contain information on treatment of Uzbeks under the law related to June 2010 violence in Osh and Jalal-Abad provinces.

IDMC invites the Committee to consider posing the following questions to the Government of Kyrgyzstan in relation to Article 14 and 26:

- Please outline efforts the government has made to solve criminal cases that have been opened in relation to the June 2010 violence in Osh and Jalal-Abad provinces.
- Please explain why mainly ethnic Uzbeks have been tried thus far for violence allegedly committed during June 2010 in Osh and Jalal-Abad provinces.
- Please outline efforts the government has taken to remedy human rights violations during investigations and court proceedings and how these are guaranteed in practice.
- Please detail the results of reforms of law enforcement agencies, military and judicial system to eliminate discrimination on ethnic and racial grounds by government agencies.
- Please explain how these reforms have created the right conditions for social healing and reintegration of the displaced.

Article 25 – Participation in public affairs

11. Uzbeks report the Kyrgyz majority has marginalised them by forcing them out of public and professional life since the June 2010 violence. International observers report the participation of Uzbeks in the public sphere has decreased dramatically and tensions over political representation of Uzbeks and their loyalty to the Kyrgyz state remain. This limits Uzbeks' participation in public affairs under HRC Art. 25 and serves as an obstacle to reconciliation efforts. Perpetuation of such marginalisation may instigate further violence and displacement.

12. In its fifth to seventh periodic report submitted on 8 June 2012 to the Committee on the Elimination of Racial Discrimination (paras 92, 93), the Government of Kyrgyzstan acknowledged that ethnic groups were not adequately represented in civil service, military, police or security forces and that over 90 per cent of internal affairs staff are ethnic Kyrgyz. The Government also informed about instructions that the ethnicity of public service applicants should be one factor in the candidate selection.

13. The 2nd Periodic State report (CCPR/C/KGZ/2) submitted by the Government of Kyrgyzstan on 23 May 2012, however, does not contain information on public participation of Uzbeks since the June 2010 violence.

IDMC invites the Committee to consider posing the following questions to the Government of Kyrgyzstan in relation to Article 25:

- Please provide statistics on the number and percentage of Uzbeks employed in public service in 2010, 2011 and 2012.
- Please outline whether affirmative measures have been introduced to meet the requirement for equal access of Uzbeks to public service and, if so, to what extent.
- Please explain how these measures have reinforced reconciliation efforts and addressed underlying causes of violence and displacement.