

**Submission from the Internal Displacement Monitoring Centre (IDMC)  
of the Norwegian Refugee Council (NRC) for consideration at the  
82nd session of the Committee on the Elimination of Racial Discrimination  
(11 February-1 March 2013)**

**Kyrgyzstan**

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**Internal Displacement Monitoring Centre**

The Internal Displacement Monitoring Centre (IDMC) is a world leader in the monitoring and analysis of the causes, effects and responses to internal displacement. Through its monitoring and analysis of people internally displaced by conflict, generalised violence, human rights violations, and natural or human-made disasters, IDMC raises awareness and advocates for respect of the rights of at-risk and uprooted peoples. IDMC is part of the Norwegian Refugee Council (NRC). All of the information contained in this submission can be found online at [www.internal-displacement.org](http://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 September 2011, there were 3,600 internally displaced people who had not returned. This figure has not been further investigated or updated.
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 peacebuilding 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 prevent further violence and displacement.
5. This submission aims to provide information on the following issues in the Committee's List of themes for the consideration of the fifth to seventh periodic reports of Kyrgyzstan (CERD/C/KGZ/5-7), namely:

### Ethnic conflicts (art. 2, 5, 6)

6. (a) Root causes;
7. (b) Short-term and long-term measures to eliminate them;
8. (c) Ethnic clashes at Osh and Jalal-Abad in June 2010: situations of persons prosecuted (convictions, condemnations and detentions);
9. (d) Steps taken to establish a working group reforming the armed forces, police bodies, security forces, prosecutor services and the judiciary following the Decision of the Parliament of June 2012.

## **II. Main issues of concern and recommendations**

### **Article 5a – Equal treatment before tribunals**

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 the violence was reportedly committed by both Uzbeks and Kyrgyz.

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 to the Committee, 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<sup>1</sup>.
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 Uzbeks under CERD Art. 6, obstructs full reconciliation and contributes to a risk of further violence and displacement.

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<sup>1</sup> The Government of Kyrgyzstan wrote the following in its fifth to seventh periodic report:

“23.The Office of the Procurator-General, reporting on its work over the first six months of 2011, noted the low detection rates for crimes related to the June 2010 events in the south of the country. The law enforcement agencies have opened 5,627 criminal cases related to the unrest in Osh and Jalal-Abad provinces, but only 6.2 per cent of those have been cleared up. A large proportion have not been solved for objective reasons – the persons who committed the crimes have not been identified because it was outsiders, rather than local residents, who were involved in the riots, and most of those suspected of having committed offences are not in the country.

24.The Head of State has noted cases of human rights violations during both investigations and court proceedings. Speaking at a meeting with a group from the southern provinces in Osh on 1 February 2011, President R.I. Otunbaeva called on the senior management of the internal affairs agencies to put a stop to illegal acts during arrests, raids and property redistribution...

184.The country’s leadership, in the persons of the President, the Chair (*Torag*) of the Zhogorku Kenesh, and the Prime Minister, have clearly reiterated their commitment to the policy of inter-ethnic peace and harmony in the country and the elimination of discrimination on ethnic, racial or other grounds. This is demonstrated by the reforms of the law enforcement agencies, the military and the judicial system, and the decisive changes that have been made to the bureaucratic State apparatus in favour of the democratization of power and the elimination of any discrimination on ethnic, racial or other grounds at the higher and middle levels of the administration and in local government agencies.”

**IDMC invites the Committee to consider the following recommendations to the Government of Kyrgyzstan in relation to Article 5a:**

- Bring all perpetrators of the June 2010 violence to justice under the current system, simultaneously with judicial reforms, in an effort to address underlying causes of displacement and reinforce reconciliation efforts.

**Article 5c – Participation in public affairs**

10. In its fifth to seventh periodic report to the Committee, the Government of Kyrgyzstan acknowledged in paras 92-93 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<sup>2</sup>.

11. Uzbeks report that 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' public participation under CERD Art. 5c.

**IDMC invites the Committee to consider the following recommendations to the Government of Kyrgyzstan in relation to Article 5c:**

- Take measures to ensure Uzbeks do not face any barriers to accessing public service opportunities based on their ethnic affiliation as one measure to reinforce reconciliation efforts and address underlying causes of violence and displacement.

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<sup>2</sup> In its fifth to seventh periodic reports, the Government of Kyrgyzstan wrote the following:

“92. Currently ethnic groups are not adequately represented on the staff of the military, police or security forces. Information on the ethnic composition of the Ministry of Internal Affairs staff shows a similar situation. A total of 92.7 per cent of all the staff of the internal affairs agencies are of Kyrgyz origin.

93. Decision No. 567 of 9 June 2011 of the Zhogorku Kenesh on the outcome of the work of the temporary parliamentary commission to investigate the circumstances and conditions that led to the tragic events in the country in April–June 2010 and their political assessment instructs the President, the Zhogorku Kenesh and the Government to adhere strictly to a balanced staffing policy; the law enforcement agencies and military are required to take particular account of the multi-ethnic composition of the population, as well as the personal, moral and professional qualities of the candidates for the work, and their command of the State language, in setting up and maintaining the roster of applicants and in making appointments.”

## **Article 5d(v), 5e(iii) – Housing tenure security**

12. Around 2,000 homes were severely damaged or destroyed as a result of the June 2010 violence, leaving some 15,000 displaced people without a home. Many of the predominantly Uzbek neighbourhoods were looted and burned to the ground. Hundreds of shops and cafes, most of which were ethnic Uzbek enterprises, were destroyed in the violence, leaving many in the minority community unemployed and without alternative sources of income. Two ethnic Uzbek schools were also destroyed in the violence.
13. Emergency construction of the 2,000 homes was completed by the end of 2010 and rooms were added to these homes in 2012 with further international funding. Reconstructed homes in Jalal-Abad have been registered, while registration in Osh has been delayed. At the end of 2012, 1059 out of 1654 reconstructed houses were registered in Osh.
14. Political will on the national and local level in Osh to have the remaining houses registered is lacking. International observers report a possible reason for this lack of will is the Osh authorities' non-public "Master Plan" for urban development. It purportedly aims to demolish areas where mainly Uzbeks reside, including those who recently returned after being displaced during the June 2010 events.
15. During 2012, as in 2011, some of IDPs' reconstructed homes were subject to expropriation and demolition whether registered or not. In May, Osh authorities passed a resolution to widen a street with a number of homes reconstructed following the June 2010 violence. The implication was that some of the reconstructed houses, among others, were destined to be expropriated and demolished.
16. The authorities offered most households compensation in exchange for their property, which they agreed to. These home owners reported they found the applied procedures acceptable. At least three reconstructed homes were demolished by the end of 2012. The expropriation process requires further improvement to meet international standards, however, especially in terms of consultation, notification, clear procedures and transparency.
17. Access to adequate housing and the protection of housing, land and property rights for IDPs remain of serious concern. In addition to not being able to fully dispose of their property, the lack of registration of reconstructed homes leaves returned IDPs vulnerable to infringement of their property rights such as the right to compensation in case of expropriation or demolition, as they lack the required registration documents necessary to file compensation claims. They are therefore at risk of further displacement. This limits IDPs' rights under CERD Article 5e(iii).

**IDMC invites the Committee to consider the following recommendations to the Government of Kyrgyzstan in relation to Article 5d(v) and 5e(iii):**

- Register all houses reconstructed following their destruction in the June 2010 violence with no further delay and ensure the owners receive all the documents confirming the houses as their private property;
- Resettle citizens according to international standards, such as the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement, and without particularly targeting minority groups;
- Continue efforts to develop and fully fund a comprehensive national housing strategy with privileged access for vulnerable groups, including IDPs, to ensure their right to adequate housing is fully realised.