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Kyrgyzstan: Immediately release peaceful demonstrators detained in Bishkek

A peaceful march in support of the right to freedom of expression in Kyrgyzstan that took place on Saturday 18 March in Bishkek, the capital, was disrupted when police arrested a number of participants. Five demonstrators were subsequently sentenced to five days' administrative detention for "petty hooliganism", following a hurried hearing that did not meet international fair trial standards.

The detention of peaceful demonstrators by authorities in Kyrgyzstan appears to be a deliberate attempt to obstruct the conduct of a peaceful protest and to deny participants their right to freedom of peaceful assembly and freedom of expression. They should be immediately and unconditionally released. Their detention also appears designed to scare others from participating in future protests.

The organisers of the march had notified the office of the mayor of Bishkek and other relevant authorities of their intention to hold the peaceful demonstration, and of the route that they intended to take. The organisers of the march, the mayor's office, and the police agreed on the planned route, which ran from a park on the outskirts of Bishkek to a monument in the centre of the city. However, just as the march was due to start, the police presented the organisers with a court order stating that they were not allowed to walk in the road, and would have to walk on the pavement instead.

Having started out from the park at around 10.30am, as planned, around 100 demonstrators were walking on the pavement along this route towards the centre of the city. At a main intersection nearing the city centre, a small number of demonstrators stepped off the pavement into the main road. Seven people were immediately detained for blocking traffic, and bundled into waiting police vans, from which they were taken to a police station. Two individuals – a member of the national parliament, Kanybek Imanaliev, and a journalist working for the BBC, Abdybek Kaziev – were released after a short while. The remaining five – Mavlyan Askarbekov, Azamat Attokurov, Aibek Myrza, Mukhit Mamytov and Rasul Umbetaliev – were taken into police custody and transferred to a temporary detention centre. Around 40 people continued marching and were able to hold a small rally next to the central monument, as planned.

Later that day, the Sverdlovsk District Court in Bishkek held a closed hearing in which Mavlyan Askarbekov, Azamat Attokurov, Aibek Myrza, Mukhit Mamytov, and Rasul Umbetaliev were each sentenced to five days' administrative detention for breach of order and blocking the road, under the administrative charge of "petty hooliganism". The police denied access to their lawyers, who had arrived to represent the five men, and the defendants did not have assistance of legal counsel during the trial. Independent monitors were also not allowed to enter the court room.

The hearing at which these peaceful protestors were sentenced did not meet international norms governing the right to a fair trial, including the right to a defence.

Background

Human rights defenders, journalists, and other activists organised a peaceful demonstration on 18 March to protest what they see as the deteriorating situation in regard to the right to freedom of

expression in Kyrgyzstan. The President of Kyrgyzstan, Almazbek Atambaev, has recently publicly attacked independent media outlets. In a statement published on the website of the presidential administration Almazbek Atambaev accused independent journalists, media outlets, and politicians of attempting to destabilise the country prior to presidential elections, due to be held in November 2017. At a meeting with diplomats on 15 March, Almazbek Atambaev accused unspecified media outlets of defamation. Furthermore, the General Prosecutor's office has opened civil cases against three media outlets, Azzatyk (the Kyrgyzstani service of Radio Free Europe / Radio Liberty), Zanoza.kg and 24.kg, as well as against lawyers representing opposition politician Omurbek Tekebaev (who is currently in pre-trial detention on corruption charges). They face charges for purportedly insulting the honour of the president and "spreading false information". If convicted, they would face heavy fines.

Under international human rights law and standards, authorities have a duty to enable people to exercise the right of peaceful assembly, and not to place restrictions on this right going beyond those permitted under international law. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has expressed concern in regard to administrative sanctions imposed in the context of peaceful assemblies, because of the severe risk that these will result in arbitrary deprivation of liberty, and the chilling effect they have on the exercise of the right to freedom of peaceful assembly.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Kyrgyzstan is a party, guarantees the right of everyone to peaceful assembly. Furthermore, Article 14 states that "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law" and "be tried in his presence, and to defend himself in person or through legal assistance of his own choosing".

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