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Kyrgyzstan: International fair trial standards and security must be ensured at the forthcoming review of the case of prisoner of conscience Azimjan Askarov

The Supreme Court of Kyrgyzstan will review the case of prisoner of conscience Azimjan Askarov on 11 July 2016. The Kyrgyzstani authorities have announced that the review will be open to the public. International observers, including senior delegates from Amnesty International, will attend the review in the capital Bishkek.

The Supreme Court's decision to review the case follows findings by the UN Human Rights Committee in April 2016 that Azimjan Askarov had been arbitrarily detained, tortured and otherwise ill-treated, held in inhumane conditions and denied his right to a fair trial.¹ The Committee concluded that his conviction should be quashed and that he should be released promptly.²

In accordance with Article 14(1) of the International Covenant on Civil and Political Rights, of which Kyrgyzstan is a member "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law...". It is paramount that international standards for a fair and public hearing are fully ensured during the review. These include providing adequate facilities for the attendance of all interested members of the public and independent trial observers.

Furthermore, the authorities must take all necessary steps to put in place adequate security measures to allow safe access to the Supreme Court for all those attending the review, including Azimjan Askarov's lawyers. This is essential given instances of violence at previous court hearings into cases in relation to violent clashes that took place in southern Kyrgyzstan in June 2010 when relatives and supporters of ethnic Kyrgyz victims assaulted lawyers representing ethnic Uzbeks.³ Human rights defenders in Kyrgyzstan have expressed concern that there may be violent incidents at the Supreme Court review following reports that local authorities in the southern regions affected by the June 2010 violence have been encouraging relatives and supporters of ethnic Kyrgyz victims to organize attendance at the Supreme Court review.

¹ Amnesty International, *Kyrgyzstan: Release prisoner of conscience Azimjan Askarov*, 4 May 2016, AI Index: EUR58/3960/2016, available at <https://www.amnesty.org/en/documents/eur58/3960/2016/en/>.

² Human Rights Committee, "Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2231/2012", CCPR/C/116/D/2231/2012, 21 April 2016.

³ Amnesty International, *Kyrgyzstan: Five Years On: Justice Still Denied*, 10 June 2015, Index: EUR 58/1846/2015, available at <https://www.amnesty.org/en/documents/eur58/1846/2015/en/>.

Human rights defender Azimjan Askarov was sentenced to life imprisonment in September 2010 following a trial that did not meet international fair trial standards. Azimjan Askarov also reported that he was tortured while in police custody. Appeals lodged by his lawyers in 2013 and 2014 to reinvestigate the case were rejected. Azimjan Askarov's health has significantly deteriorated during the time he has spent behind bars.

Azimjan Askarov, an ethnic Uzbek, had witnessed and documented some of the June 2010 violence including killings and arson attacks on mostly ethnic Uzbek homes and other buildings in his home town of Bazar-Korgon. He was subsequently accused of being an accomplice to the murder of a police officer during the June 2010 violence. Amnesty International believes that the charges against him were fabricated and politically motivated in an attempt to stop his legitimate human rights work. He is a prisoner of conscience, imprisoned solely for exercising his right to freedom of expression, and should be immediately and unconditionally released and given the urgent medical attention that he needs, in compliance with the UN Human Rights Committee's decision.

Background

Four days of violence between ethnic Kyrgyz and ethnic Uzbeks in southern Kyrgyzstan in June 2010 left hundreds dead, thousands injured, and hundreds of thousands displaced. In May 2011, the International Kyrgyzstan Inquiry Commission found that there was strong evidence that crimes against humanity had been committed against ethnic Uzbeks in the city of Osh during the violence. To date, the authorities in Kyrgyzstan have failed in their duty to fairly and effectively investigate the violence and its aftermath and provide justice for the thousands of victims of the serious crimes and human rights violations, including crimes against humanity.

While serious crimes were committed by members of both ethnic groups, the majority of the damage, injuries and deaths were suffered by ethnic Uzbeks. The latter has since been confirmed on numerous occasions by officially released figures. Nevertheless, in the period immediately following the June 2010 violence and in the six years since, ethnic Uzbeks have been disproportionately targeted for detention and prosecution in connection with the violence, and have also faced discrimination and violent attacks on the basis of their ethnicity that have not been properly investigated.

Further information

Kyrgyzstan: Release prisoner of conscience Azimjan Askarov (AI Index: EUR58/3960/2016) <https://www.amnesty.org/en/documents/eur58/3960/2016/en/>

Kyrgyzstan: Five Years On: Justice Still Denied (Index: EUR 58/1846/2015) <https://www.amnesty.org/en/documents/eur58/1846/2015/en/>

Will there ever be justice? Kyrgyzstan's failure to investigate June 2010 violence and its aftermath (Index: EUR58/001/2013) <https://www.amnesty.org/en/documents/eur58/001/2013/en/>

Kyrgyzstan: Dereliction of Duty (Index: EUR58/001/2012) <https://www.amnesty.org/en/documents/eur58/001/2012/en/>

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