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## **Intervention of Front Line on Azimjan Askarov case at OSCE Review Conference Warsaw, 30 September - 08 October 2010**

### Working Session 3: Fundamental freedoms II

Mr Azimjan Askarov is prominent human rights defender and director of the human rights organisation "Vozdukh" (Air) based in Bazar Korgon, Jalalabad region of Kyrgyzstan. He was arrested in Bazar Korgon on 15 June 2010. Azimjan Askarov, who is one of the leaders of local Uzbek community, was accused of complicity in the murder of a policeman during the ethnic violence which took place in Bazar Korgon on 13 June 2010. Azimjan Askarov has in the past campaigned against the use of torture in the very prison in which he was being held. At the same time there is a strong climate of anti Uzbek feeling and a clear wish label the Uzbek community as being the instigators of the violence.

Kyrgyzstan's ombudsman Mr Tursunbek Akun, who has been ordered by interim president Roza Otunbaeva to follow the case closely, gave a press conference on 17 June 2010 in which he declared that the detention and accusations against Azimjan Askarov are unfounded. On the same day, numerous human rights organisations sent a letter to the interim government calling for the immediate release of Azimjan Askarov.

This is a reliable information that Azimjan Askarov was beaten and tortured during the interrogation. Nevertheless, on 26 July 2010, Jalalabad City Court upheld a decision by the General Prosecutor's Office of Jalalabad not to investigate claims that Azimjan Askarov was tortured or ill-treated after his arrest. The General Prosecutor's office claims that bruises to Azimjan Askarov's body which were photographed by Askarov's lawyer, Mr Nurbek Toktakunov were caused by his cellmate, that the human rights defender has denied that he was ill-treated and that he does not want the cellmate to be investigated for assault. In addition Azimjan Askarov has reportedly been prevented from meeting Nurbek Toktakunov in private to work on the case.

Ms Turdihon Askarova, sister-in-law of imprisoned human rights defender, was assaulted on the morning of 22 July 2010, near Bazar Korgon police station, where Azimjan Askarov is detained, where she came in order to give him a food parcel. Law enforcement representatives present at the scene did not intervene. On 2 August 2010, lawyer of Azimjan Askarov Mr Nurbek Toktakunov was attacked while visiting his client.

Azimjan Askarov has been charged with various offences under the Criminal Code of Kyrgyzstan, including Art. 28, 30-227 ("attempting to participate in hostage taking"), Art. 241 ("illegal acquisition and storage of ammunition"), Art. 299-2 ("acquisition and storage

of extremist information”) , Article 299 (“initiation of national, race, religious hatred, insult of national dignity, propaganda of supremacy or deficiency of citizens on the basis of their religious, national or race background”), Art. 233 (“mass riots”), Art. 30-97 (“co-participation in murder”), and Art. 30-340, (“co-participation in murder of police officers”).

Front Line, the Dublin based International Foundation for the Protection of Human Rights Defenders was represented by an observer at the trial which took place on 6 September 2010 at the regional court at Nookan, a small town near Bazar Korgon in the Jalalabad region of southern Kyrgyzstan.

The trial hearing was not in conformity with the Kyrgyz constitution nor with international fair trial standards. Azimjan Askarov, showed visible signs of having been beaten. In addition to the allegations of ill-treatment and torture Front Line is also concerned at breaches of fair trial procedure during the course of the hearing. Nurbek Toktakunov's request to meet with his client was rejected by the Judge.

Posters were placed on the doors of the courthouse in Nookan demanding the execution of Azimjan Askarov, along with seven other individuals of Uzbek ethnicity who are also accused of involvement in the murder of the policeman. These posters were largely of an anti-Uzbek, racist nature. The Front Line observer who attended the hearing reported that the courtroom was filled with policemen in uniform, along with the family of the deceased policeman and their supporters. When the eight defendants entered the courtroom, the family of the deceased policeman attempted to violently attack them, shouting insults, many of them of an ethnic nature, and demanding the execution of the accused.

During the hearing, Azimjan Askarov's lawyer, Nurbek Toktakunov, was heckled by supporters of the prosecution, who shouted “You are working for western money, we will kill you. We will kill your family and will eat your children”.

Azimjan Askarov was one of 8 defendants found guilty on September 15 of killing a policeman during ethnically charged clashes in the southern Kyrgyz village of Bazar-Korgon in June. He was condemned to life sentence.

Kyrgyzstan's human rights Ombudsman Tursunbek Akun, said in a statement that the court case against Askarov was unfair and "fabricated." He also indicated that his office had carried out a parallel investigation and found no evidence to link Azimjan Askarov to the crime.

Front Line is gravely concerned for the physical and psychological security and integrity of 60-years old Azimjan Askarov in prison, and for the safety of his relatives and supporters.

### **Front Line urges the Kyrgyz authorities to:**

1. Release Azimjan Askarov immediately and unconditionally;
2. Pending his release - take immediate and effective measures to ensure the safety and physical and psychological integrity of Azimjan Askarov, in particular through his immediate transfer from Bazar Korgon police station to a more secure place of detention in Bishkek;
3. Immediately carry out a comprehensive and impartial medical examination of Azimjan Askarov, in addition to providing him with all necessary medical care;
4. Carry out an immediate, impartial and thorough investigation into the alleged torture and ill-treatment of Azimjan Askarov whilst in detention, as well as into the physical attacks and harassment of his lawyer and relatives, with a view to publishing the results and bringing those responsible to justice in accordance with international standards.