

Warsaw Human Dimension Session of the 2010 OSCE Review Conference
Working Session 5: Rule of Law II, Tuesday 5 October 2010 (10.00-13.00)
Tolekan Ismailova: oral intervention

Dear ladies and gentlemen,

My organization - the Human Rights Center "Citizens against Corruption", the Fiery Hearts Club and the International Partnership for Human Rights have prepared a joint written statement for this working session. I would like to use this opportunity to highlight some major points from it. During the inter-ethnic violence that rocked southern Kyrgyzstan this summer, arson, looting, killings, rapes and other abhorrent acts took place at a large scale. Hundreds of people died,¹ and thousands were injured. Hundreds of thousands of people were forced to flee, and many of those who later returned are now sheltering in camps or staying with host families since their homes have been destroyed.

It is the obligation of the authorities of Kyrgyzstan to investigate the crimes that were perpetrated during the ethnic clashes and to bring to justice those responsible. However, all actions taken to this end must be carried out in strict accordance with national and international law. It is therefore of utmost concern that law enforcement authorities have committed serious human rights violations as part of efforts to investigate and hold accountable those who organized and participated in the violence.

In our written statement, which is based on information obtained by my organization and other NGOs working on the ground in southern Kyrgyzstan, we describe violations such as: arbitrary arrests (often carried out with the use of threats and force); unsanctioned searches of homes; widespread use of ill-treatment and torture to force people accused of involvement in the violence to confess or testify against others; planting of evidence; and extortion of bribes in exchange for releasing or dropping part of the charges against people detained in the aftermath of the violence. Lawyers and family members of those accused of participating in the violence continue to be intimidated and harassed.

Legal proceedings that already have taken place have involved gross procedural violations and have deprived defendants of the right to a fair consideration of the charges against them. Trials have also been conducted in an atmosphere of insecurity and hostility. In particular, members of the audience have shouted nationalist slogans and threats and physically attacked and beaten defendants and their lawyers and family members without any adequate response from the side of judges, prosecutors and police officers present.

While the inter-ethnic violence of the summer primarily affected ethnic Uzbeks, ethnic Uzbeks are also in overwhelming majority among those who have been detained on suspicion of involvement in the violence. The defendants in all trials known to be under way or to have ended are likewise ethnic Uzbeks. This obvious ethnic unbalance, together with the human rights violations that have characterized the process of investigation and prosecution have deeply disappointed and dismayed members of the Uzbek community in southern Kyrgyzstan. Many of them have now lost confidence in the authorities of Kyrgyzstan and are instead looking to the international community for justice.

In our statement, we discuss the issues I have mentioned in more detail, and provide a number of concrete examples that can help illustrate our concerns. We also make recommendations to the authorities of Kyrgyzstan, as well as to other OSCE participating States. A key recommendation is for the OSCE States to help ensure that the International Independent Commission for Inquiry, which is coordinated by the OSCE Parliamentary Assembly's special representative for Central Asia, is given a broad and comprehensive mandate to investigate abuses and human rights violations perpetrated during and in the aftermath of the inter-ethnic violence of the summer. It is also crucial that the Commission includes experienced and independent experts with proven competence in human rights and other relevant fields; is granted all the powers and resources it

needs to carry out its work effectively; and is tasked to consult and cooperate closely with civil society.

I encourage you all to familiarize yourself with our statement. Thank you for your attention.