

**Monitoring of compliance with human rights,  
related to the events in Nookat on October 1, 2008**

The commission with the Ombudsman of the Kyrgyz Republic, which was appointed to monitor the events in Nookat, consisting of:

Ms. Aziza Abdurasulova – chairwoman,  
– Mr. Erlan Alimbaev,  
– Mr. Nazardi Bakirov,  
– Mr. Dmitri Kabak,  
– Mr. Sadykjan Mahmudov,  
– Mr. Zamirbek uulu Omurzak,  
– Ms. Dinara Oshurahunova,  
– Mr. Jenish Toroev,  
– Mr. Erik Chymyrov,  
– Mr. Almaz Esengeldiev,  
Members of the commission,

After having summarized the information they received, informs on the following:

***Celebration of Orozo-Ait***

1. Annual celebration of Orozo-Ait and Kurman-Ait is a state-wide event throughout the whole territory of the country. The population of Kyrgyzstan had the opportunity to watch the celebrations at the central square of Bishkek as well as other cities on TV. The festivities include the prayer (ait-namaz), cooking and distribution of food, including free meals. Starting from 2005 such celebrations have been conducted in the center of Nookat under the guidance of local public administration and usually were accompanied by free distribution of pilaf and drawing of prizes. The initiative group from among the local population collected the donations to create the prize fund and cook the meals. But on October 1, 2008 the celebration of Orozo-Ait in the center of Nookat, which has become a tradition since 2005 based on the permission of authorities, was unexpectedly prohibited. The population was told to celebrate the feast at home; the drawing of prizes was banned.
2. The akim of Nookat rayon (head of administration) issued an official permission to celebrate the feast at the stadium of Gulistan rural administration. Nevertheless, before October 1, 2008 the authorities conducted prophylactic measures with the population asking them to celebrate the feast at home, written information on the plan of celebration has been collected, local police units were strengthened with additional police forces from Osh and Kyzyl Kiya, on the day of celebration the stadium was surrounded by the police. While the local population was informed by the authorities on the celebration at the stadium beforehand, actual actions on prohibition were completely unexpected by the citizens and resulted in a spontaneous rally near the building of the rayon public administration.
3. The verdict of the court says that the mass disorder was a planned and organized event. The detainees were accused of giving stones to those who gathered near the building of the administration to continue the riot. Written communications from the staff of law enforcement structures<sup>1</sup> say that the rally near the building of the public administration was not a planned event. The participants in the rally asked the akim (head of

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<sup>1</sup> Special communication from the Chief of Nookat Rayon Police Department Mr. J.S. Atambaev to the Chief of Osh Oblast Police Department Mr. U.K. Tashkaraev

administration) for the explanation on the prohibition of festivities<sup>2</sup>. The akim addressed the crowd and told them that they should go home within half an hour; otherwise all measures envisaged in the law would be applied. According to the witnesses, the indignation of people increased after they saw faces covered with blood, as well as people who were detained and beaten by the police in the administration building. The rally turned into a forced confrontation only when the police started to disperse the people with batons. The stones that were thrown at the police by the people were the response to the use of force by the law-enforcement agencies and were picked by the participants at the construction site of Ak-Jol party near the administrative building.

4. Among those who organized mass disturbances in the center of Nookat city the law enforcement agencies name Hizb-ut-Tahrir and its members. Special communication from the head of Nookat Rayon Police Department to the head of Osh Oblast Police Department says that according to the available information, first deputy head of Nookat rayon public administration Mr. Zaitjan Abijanov disposed the participants in the rally to insist on their demands.
5. The resolution on conducting theological expertise dated October 7, 2008 as well as the testimony from witnesses during the trial say that the heads of the public administration and local self governance of Nookat rayon repealed the request to conduct the festivities related to the Orozo Ait due to the fact that other activities to celebrate the International Day of the Aged People were planned. But the activities related to the celebration of the Day of the Aged People were scheduled 2 days before the date of the feast, while the petition from the population to celebrate Orozo-Ait in the center of Nookat was submitted on September 25, this day was defined by the Presidential decree for the entire republic, moreover, Orozo Ait is the state holiday in accordance with the law.
6. The official communication from the Office of the Prosecutor of the Osh oblast dated October 3, 2008 stated that drawing prizes by invitation card during the celebration of Orozo Ait was illegal. But such drawing of prizes also happened in other rayons of the Osh oblast on October 1, 2008. According to the information from the Prosecutor of the Nookat rayon, no official statements had been made from the prosecutor in respect of such drawing of prizes on October 1, 2008. Such events have become the practice during the religious feasts since 2005.
7. No one among the questioned representatives of power structures was aware of who had been coordinating the actions of law-enforcement agencies and who ordered the dispersal of people crowded near the building of the rayon administration, except the information from the prosecutor of the Nookat rayon that such orders are issued by the police.
8. During the meeting deputy head of Nookat rayon administration said that he would never allow the gathering of people in the town center during the Orozo and Kurban Ait. The rayon police officers that were questioned answered that in future in case of such public events the police would wait for the instruction of their superior structures, whether to disperse them or not. As the preventive measure, the deputy head of local administration said that he was going to control the origin of finances for free distribution of pilaf and drawing of prizes.

#### ***Compliance with the right to freedom and personal immunity***

9. According to those detained, ten of them were shown a video, which recorded their presence in the center of Nookat on October 1, 2008. At the same time these video tapes did not contain any evidence of their complicity in mass disorder and other crimes that other detainees were incriminated with.
10. In addition to the State Committee of National Security and the Rayon Police Department, the lists of Hizb-ut-Tahrir religious extremists are also available in urban and rural municipalities, which informed on that the Investigation unit of Osh Oblast

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<sup>2</sup> Communication from the Chief of Nookat Rayon Police Department Mr. J.S. Atambaev dated October 6, 2008

Department of the State Committee of National Security upon their request. There are differences in terms of number and names with the lists of the State Committee of National Security and the Police Department, as the religious extremists' lists included complete families, minor children and aged citizens. Nobody knows what criteria were applied by local authorities for the compilation of these lists, as according to the available information, each representative of local administration has his own subjective concept of that. Among the criteria which were used to discover Hizb-ut-Tahrir members, the representative of rayon public administration used the following: wearing of hijab, a beard, presence of prohibited literature as well as behavior that differs from the behavior of other people.

11. For the majority of those convicted the information that they had been included in the lists of Hizb-ut-Tahrir members was a great surprise and they were first informed on that in the court. The lists compiled by urban and rural municipalities were later used for repressions, though the people that were in the lists never knew about that.
12. The case does not say anything on the registration of detention on the Nookat Rayon Police Department, while all those convicted claim that the first detentions, interrogation without the presence of the lawyer and the beatings happened in the Nookat Police department.
13. The extracts from the case which show the dates of detention and the dates of court warrant are evidence of a gross violation of the 48-hour detention period without the warrant of the court. According to one of those detained, he was twice brought to court for the issuance of the court order, actually such warrant was issued more than 15 days later, though according to the official documents, it was issued in time.
14. According to the population of Nookat, the representative of law-enforcement agencies asked them to pay money for the release of their relatives. Unlawful expropriation of property and money was also performed in respect of the detained persons. Those interviewed claimed that the police officers had been detaining the population of Nookat rayon until October 15, 2008 and asked them for the buyout to stay free.
15. According to the detainees and the people from Nookat, the law-enforcement officers insisted that those detained write a denunciation on 20 persons. One of those detained, who was unable to withstand the torture, called one fictitious named. After the law enforcement officers checked this information and realized that it was false, they again tortured the person under investigation.
16. In respect of one detained person the Nookat Police Department, the head of Gulistan municipality, the deputies of Gulistan local Kenesh as well as the Nookat Rayon department of State Committee of National Security provided the information that he was not included in the list of registered members of the Hizb-ut-Tahrir as well as on the absence of any compromising materials about him. Nevertheless, instead of releasing him from custody on the basis of the letter from the Nookat Rayon department of State Committee of National Security signed by its chief Mr. N. Ismailov, the criminal case on the grounds of forgery was initiated against one of clerical staffers of this department. Two weeks later this person was included in the list of Hizb-ut-Tahrir members registered with the 9<sup>th</sup> unit of Osh oblast police department.
17. Deputy head of the Nookat Rayon police department was not aware which hospitals offered medical assistance to the police officers of his department who had been injured during the events of October 1. There were no officers in charge of human resources management in the Nookat Rayon police department able to provide the time sheets or sick lists of those injured. There were no records on injured policemen either in the Crime record book or the Book of information messages.
18. The relatives of those detained were not informed by the investigation bodies on the facts of their detainment. According to the prosecutors, this was the responsibility of the lawyers who participated in the case.

19. The relatives of those detained also informed that they were not allowed to meet the detainees during the investigation. They saw them for the first time during the court proceedings. Some families managed to find their relatives only after they hired a lawyer, who subsequently informed them on their location.
20. One of those arrested was unable to walk due to the torture; another convicted person had to carry him to the court room. Despite bad health status of the persons who were tortured, as well as visible signs of bodily damage, the court, which had issued an arrest warrant in respect of those detained, did not take into account these circumstances and failed to take any action.

### ***Tortures and cruel treatment***

21. Tortures were applied during all states of investigations and consideration of the case: at the moment of detention, during the transportation, during the stay in pre-trial facilities of State Committee of National Security, in the court building – the tortures were stopped only after the detainees were transferred to the pre-trial facility No 5 (institution No 25) of the Ministry of Justice.
22. The police officers pointed their machine guns to the chests of two detainees without any resistance from them during their arrest, all this happened in the eyes of their aged parents. One person was hit with buttstock on his head and placed in the car being unconscious.
23. First tortures were applied to the detainees during their arrival and stay in Nookat Rayon Police Department.
24. During the transportation of the detainees from the Nookat Police Department to Osh they were put on the floor between the seats and were beaten with the machinegun buttstocks, kicked and not allowed to raise their heads. All along the road they were put their faces down and the policemen were placing their feet on the heads of the detainees.
25. The following types of tortures were applied: beating on the places which had the traces of previous blows; beating with batons on feet; suspending the persons under investigation with their hands behind their back and beating on their body; dousing with cold and boiling water; absence of medical aid after the injury; “learning” the Kyrgyz anthem and singing the anthem 5 times a day in the premises of the State Committee of National Security; putting plastic bags on the head; burning the beard with a lighter; tearing the beard; placement in the cold concrete room without clothes, where the floor is poured with chlorinated water ankle deep up to 3 days; prohibition to use the toilet; passing through special corridor; tearing the fingernails; putting the gas mask before or after the press-up exercises, sometimes they let the cigarette smoke in the air filter; pouring vodka in the throat, beating with palms on the ears (those who suffered from such tortures reported the bleeding from their areas and subsequent loss of hearing).
26. The tortures were applied with the following purpose: the victims were asked to identify the persons on the photos that were shown to them; to write a denunciation on 20 people; to ask forgiveness from the President of the Kyrgyz Republic (which is a widespread practice of special services in Uzbekistan), to make the victims learn the anthem in the Kyrgyz language, to sign admmissive evidence, punish and humiliate.
27. During the confinement in the punishment cell the persons under investigation were forced to stand from 6 AM to 11 PM, when the people tried to sit, they were punished.
28. One of the officers of the State Committee of National Security was keeping a part of the torn beard in his pocket and was showing it to other detainees and was saying that he was going to keep it as a memory.
29. Among the tortures the detainees mentioned “Afghani position”, this was the position when staff State Committee of National Security made the detainees stand for a long time with semiflexed legs on tiptoes, with their hands behind their head. As soon as the victims tried to stand in a normal position or tried to stand straight, they were severely beaten.

30. The procedures of “special room” (two of the accused thought that this was an operation room). This is a room in the premises of the Osh Department of the State Committee of National Security, it has a metallic trestle bed; the persons under investigation were placed on it belly down, handcuffed to the legs for their immobilization and then beaten on their bare feet with batons, beaten on the whole body, on their legs and on the opposite side of their knees with batons.
31. Tortures applied to two detained women had their own specificity. At first the investigators cut the plaits of two women under the pretext that they may hang themselves (both women had four minor children). On the next day the officer of the Department of the State Committee of National Security (SCNS) Nurlan Jumabaev ordered to shave their heads with the razor. Their heads were shaven for the second time before the session of the court. When one woman informed the investigators during the beating that she had two months’ pregnancy, the staff of the SCNS started to insult her and deliberately cause the miscarriage. For this purpose they handcuffed the pregnant woman, asked her to lift coat rack with concrete base and hold it in her hands for a long time. When she became unable to hold it anymore and dropped it, they beat her on her fingers, two her fingers were dislocated. Systematic beatings and placements in a cell resulted in a miscarriage, after that she was first brought to the Osh maternity home; the doctor there offered her first medical aid and said that should stay in bed. Instead of that she was placed in a cell without outer coat and footwear ankle deep in water with chlorine 10 cm deep. This resulted in high temperature and bleeding, again she received emergency medical aid and the doctors said that she had to stay in bed and undergo ultrasonic tests. Instead of that officer of SCNS Nurlan Jumabaev again put her in the cell. The investigators demonstrated to this woman how they beat other detainees and even made her dance waltz with one of them as she was handcuffed. Both women were beaten with batons or fists on their heads. Both women have scars on their heads. When one of them asked for water she was offered to drink urine. Five times a day they were brought before the men, asked to remove their kerchief and sing the Kyrgyz anthem. The women were also forced to clean the toilet and other rooms of the pre-trial prison of the SCNS.
32. Tortures were also applied to persons who had some mental disabilities. Father of one of such persons managed to get a medical certificate for his son confirming that he was mentally sane as he was afraid that his son would be unable to get married. After beatings by the staff of the pre-trial prison of the SCNS this person was always swearing, the officers were coming back and started to beat him again. According to other detainees, he did not realize what had been going on and that his action would result in other beatings – therefore he was beaten more often than the others.
33. One of the torture methods in the Osh oblast police department is the electric chair. The detainee is put on a metallic chair, his hands are tied to the armrest, they put a metallic circle with electric wire on his head and demonstrate the readiness to connect it to the mains.
34. The following injuries were recorded after the tortures: concussion of the brain, rib fractures, bruises, scars, worsened sight and hearing, inability to bend the knees and sit, finger displacement.

### ***Investigation***

35. The establishment of inter-agency investigation group to investigate the events in Nookat resulted in the absence of due supervision on behalf of the Prosecutor’s office over the legality of investigation activity conducted by other law-enforcement agencies.
36. The investigation authorities never informed the relatives of the detainees on their whereabouts.
37. The events of October 1, 2008 were the basis for the initiation of the criminal investigation by the Nookat Prosecutor’s office in respect of the mass disorder; while the

Office of the Osh oblast added additional crime components after the inter agency investigation group was established: 6 persons out of 32 were accused of involving the minor children in the criminal activity; 13 persons out of 32 were accused of organizing a mass disorder, all 32 persons were accused of the participation in mass disorders and sedition; deliberate destruction and damage to property using publicly dangerous methods; organization of association which encroaches upon the rights and personality of the citizens, as well as the advocacy of such activity; separatists actions; public appeals to forcible seizure of power or forcible change of the constitutional setup; agitation of national, racial, religious or inter-regional hatred by an organized group; use of force against the representative of power structure.

38. The materials of the case did not contain the original of the lottery ticket or the invitation card. In addition, the law-enforcement agencies use various descriptions for this document – some of them perceive it as a single document, some believe that these are two various documents. Some documents say that the invitation card was produced in a printing house on a color paper, some say that it was printed in a white paper. The commission was unable to receive the original of the invitation card from the rayon public administration, the investigation agencies of the SCNS, the police department or the offices of the Prosecutor of Nookat rayon or Osh oblast. All officials said that the invitation cards or the lottery tickets are part of the materials of the case.
39. The expert analysis of lottery tickets and invitation cards, which was conducted by the staff of State Agency on religious affairs contained a well-known statement that the activity of Hizb-ut-Tahrir Islamic party is prohibited by the Supreme court. When asked, whether the invitation cards or lottery tickets contained any appeals related to the agitation of national, racial, religious or inter-regional hatred, the experts answered that the materials contain the evidence of superiority of one religion over the other, agitation of inter-religious and national hatred, humiliation of attitude of citizens towards religion as well as insulting statements in respect of officials of power structures. The question on who were the author of the invitation cards and lottery tickets as well as the method of their manufacture remained unanswered.
40. The theological expertise was also conducted in respect of video recording. When asked whether the video tape contained any evidence of agitation of national or religious hatred, humiliation of national dignity as well as the propaganda of exclusiveness, domination or inferiority of population on the grounds of their adherence to certain religion or nationality, whether such actions are committed in public or via media, the experts from the State Agency on religious affairs produce a statement that the mass disorder contradict to the law and their organizers should be made accountable. The statement also says that these mass disorders are a threat to the state order and its integrity.
41. The theological expertise of the videotape was conducted not in respect of official recording, but on the DVD recording which contained materials from various sources.
42. During the investigation no one tried to determine whether the detainees took part in the manufacturing or the distribution of lottery tickets and invitation cards.
43. Despite the fact that the materials of the case were in the Kyrgyz, Russian and Uzbek languages, the investigators did not ensure the presence of the translator in the proceedings, while 25 of the accused were of Uzbek origin and 7 – of the Kyrgyz origin.
44. During the investigation the law-enforcement officers refused to accept and register the complaints and petitions of the detainees.
45. The International Red Cross submitted a petition on the violation of the rights of the detainees to the office of the prosecutor of the Osh oblast. The head of the Inter-agency investigation commission informed that full investigation was conducted in respect of the petition which resulted in a refuse to initiate a criminal case with the justification that the detainment and interrogations were conducted in the presence of lawyers.
46. After the detainees were delivered to Osh no medical examination was conducted and nobody registered bodily injuries of the detainees.

47. During the investigation the accused were threatened with beatings and punished with putting into cells when they asked for medical aid.
48. Three of the detainees received medical aid, but no documentary evidence was provided.
49. The medical aid was granted in exchange of signing confessionary statements.
50. Medical card confirming the fact of miscarriage was received from the Osh oblast hospital at the request of the Ombudsman institute.
51. Instead of providing the detainees with broken ribs with professional medical aid, the investigators advised them to blow into a plastic bottle. According to the investigators, this procedure “straightens broken ribs”.
52. The detainees were not allowed to read the records of investigation. Some of them were illiterate or did not know the language of the documents. The persons who did not know the language, were not provided with the interpreter, the content of the records was not read to those illiterate. One of the detainees asked for the explanation of each article of the accusation, but he was told that he would be informed about that in the court.
53. Under the pretext that the leaders and members of religious and extremist organization might disappear, the Department of the SCNS for Osh and Osh oblast on October 2, 2008 sent an information message to the commanders of the border guard units NN 2011 and 2024; the message contained the list of persons who should be detained. This list included children aged 4, 10 years as well as aged people of 71, 74 and 81 years of age.
54. The investigation of events in Nookat is not yet finished. A significant number of people are still among those wanted and they may also be brought to account. According to the information from the deputy prosecutor of the Osh oblast these persons are being officially wanted including abroad.

#### ***Compliance with the right to legal protection***

55. During the first interrogation in Nookat Police Department the lawyers were not present.
56. Since the time when the detainees were delivered to Osh, only one lawyer hired by the relatives participated in the proceedings. The detainees were not allowed to choose the lawyer.
57. At the initial stage of the investigation the investigation authorities invited one lawyer Mr. K. Sarbashov for 15 detainees and Mr. J. Erkebaev – for 7 detainees.
58. The lawyers that were hired by the relatives of the detainees had to search for their clients as they were not informed on their location.
59. During the meetings of lawyers with their clients in the Osh Department of SCNS, the representatives of the prosecution were present, they as well limited the duration of the meetings.
60. The majority of lawyers that were hired later by the relatives were denied the opportunity to read the materials of the case upon completion of the investigation. They were told that they could do that in court, but during the court proceedings they discovered that the fact of their acquaintance with the materials of the case was confirmed by the signatures of lawyers of the prosecution.
61. The lawyers hired by the relatives of the detainees stated that law enforcement agencies refused to accept and register their claims and petitions.
62. Two of the detainees had been without their lawyers during the whole investigation period and saw them for the first time in the court of the first instance.
63. Upon arrival to the court room of the first instance the lawyers and witnesses of the defense were searched for their mobile phones. All their mobile phones were taken away from them.
64. The court rejected to interrogate all witnesses for the defense, out of all those questioned 71 witnesses were representing the prosecution and 46 witnesses – the defense. Moreover, the court admitted and questioned 5 witnesses who claimed that they never saw these events, were not aware of them or stated that on October 1 2008 they were elsewhere.

### ***Compliance with the right to fair trial***

65. The decision on the justiciability and the initiation of case proceedings was taken formally. The resolution of the court dated November 11, 2008 contained no information that the court has determined all necessary circumstances in respect of each accused person in accordance with the Code of criminal procedures.
66. The court violated the rule of considering the criminal case at the site of the crime. The case was heard by the Nookat rayon court not in Nookat city but in Osh in the building of the Osh oblast court. The same building was used for the sessions of the court of appeal and the court of cassation to review the verdict of the court of the first instance. The resolution of the court dated November 11, 2008 which defined the venue of the court meetings did not contain any justification of such decision.
67. The process started on November 21, 2008; on November 22 and 23 there were breaks due to days off and then the process continued starting from November 24 until November 26 lunchtime. On November 26 the process was postponed until December 1, 2008. But in the evening of the same day the lawyers, two of which were in Bishkek for participation in the session of the Supreme Court, received telephone calls from the police department, Nookat court, the Ministry of justice and the Supreme Court asking them to arrive to Osh in the morning for the participation in the process. On November 27 the process was resumed and at 20.30 the court left the session hall to draft a verdict. The verdict was made and pronounced at 22.00, it took the judge 1.5 hours to draft the verdict.
68. The process was held in a small building of the Osh oblast court. Among those who were not admitted to the session hall during the first day of the process (November 21) under the pretext that the hall was overcrowded, were the representatives of international organizations, non-governmental media and the NGOs. The decision to admit to the process was taken by the police officers. Only after on the 3<sup>rd</sup> day of trial (November 25) the accused made a statement of distrust towards the judge and claimed that the public process should be conducted in Nookat the journalist from radio Freedom, the representatives from the OSCE and NGOs were admitted to the process.
69. There is no information in respect of what video evidence was considered by the court – either these were original recordings or recordings put on the CD from various sources of information. In accordance with the directive from the SCNS Department of Osh oblast on conducting theological expertise dated October 7, 2008, the Agency on Religious Affairs received one disc in DVD format which contained the recordings from various sources.
70. Many witnesses for the prosecution were unable to identify the accused which they mentioned during the prejudicial enquiry. When the witnesses for the prosecution (the policemen) were entering the court room, they were shown the photos that were made of the accused by the escort guards using the mobile phone.
71. The evidence of the witnesses for the defense did not receive proper recognition from the court.
72. According to the witnesses for the defense in the court verdict, 12 persons from among those accused were absent from the center of Nookat during the events of October 1.
73. According to the witness for the prosecution Mr. A. Turdugulov, the Chief of Nookat Traffic police station, he saw all those accused in the center of Nookat during the day of events. According to the official documents there were about 1000 people in the center of Nookat<sup>3</sup>.
74. During the court proceedings the first deputy head of Nookat rayon administration Mr. Abijanov testified that if the people arrived with stones in their hands, this meant that this was a planned event, while according to the special communication from the head of

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<sup>3</sup> The resolutions on conducting the theological expertise dated October 4 and October 7, 2008.



- Nookat Rayon Police Department to the head of Osh Oblast Police Department Abijanov was “exciting those participating in the rally to insist on their claims”.
75. The court failed to conduct proper investigations in respect of all the accused.
  76. According to those interviewed, the members of Hizb-ut-Tahrir never conceal their membership in the party, while only one person among 32 accused admitted his membership in Hizb-ut-Tahrir.
  77. The court verdict uses the reference on the membership of the accused in Hizb-ut-Tahrir as well as the prohibition of the activity of this party, while there is no description of the actions of each accused person to prove the accusation.
  78. The court has made a decision to claim the damage in the amount of KGS 319 992 in favor of the rayon public administration. But the documents from the administration that were received by the court show the figure of damage amounting to KGS 210 327 (KGS 144000 for the glasses + KGS 11400 for the computer + KGS 9000 for the printer + KGS 600 for the glass + KGS 49327 for other property as per the act dated October 2, 2008).
  79. The court of appeal started its proceedings and ended them on the same day on January 17, 2009 – the verdict of the court was the same as the one of the court of the first instance. Out of 30 convicted who submitted the appeals, the verdict was revised towards reduction for only one person of minor age – 18 years of imprisonment were substituted by 10 years. The cassation court which had its meetings on the basis of the petitions of two convicts left the verdict unchanged.
  80. The representatives of OSCE, NGOs and media were also not admitted to the sessions of the court of appeal and cassation. The building of the Osh oblast court was surrounded by the police.
  81. The court of appeal without any motives and appropriate reference to the provisions of the Criminal and procedural Code decided upon the destruction of part of the evidence, i.e. “lottery”, while the disks were ordered to be kept with the materials of the case.

#### ***Compliance with the rights of the minors***

82. One of the minors was tortured for the purpose of getting from him the information on his father, though his father was no longer living with the family. The boy was under the guardianship of his cognate grandfather. The second minor was tortured to make him confess his guilt.
83. Accused minors were sentenced to the maximum length of imprisonment - 9 and 10 years as defined in the Criminal Code for the minors. It is worth mentioning that the court failed to recognize the age of one of them and initially sentenced him to 18 years in prison.
84. Tortures were applied in respect of the minors. When the investigators realized that the person was not married, they beat and kicked him on his genitals (“so that he would be unable to marry and the hizbuts would never have children”). The boy was placed in the basement of SCNS without clothes in a metallic tub with cold water, placed one end of electric wire in water and the other was given in his hands and switched the electricity on (“I was stricken with electricity and my hair stood on end, they asked me to find my father who is no longer living with our family. When I became unconscious, they poured cold water on me and switched electricity again. This was repeated 10 times”). Moreover, investigators poured boiled water on his neck and beat him with the buttstock of the machine gun.
85. The investigators lifted another child and hit him on the wall, after he fell on the ground they kicked him. They put a metallic key between his squeezed fingers and turned it with force. He was kept for three days in a cold concrete cell without clothes, with cold water with chlorine. After these tortures this boy confessed that he was throwing stones and shouted “Allah akbar”.
86. When the children were shouting or crying during tortures, the investigators were putting a hat in their mouth.

87. The child who was tortured with electricity, still is unable to sit because he can not bend his knees.
88. The children were kept in the status of “incommunicado” for a long time, their relatives received no information on the places where they were kept.
89. Legal representatives were not allowed to participate in the investigation.
90. One of the boys is illiterate. The investigator did not make a decision to invite a psychologist or a teacher for the interrogation.
91. The minors were kept under arrest before the trial.
92. Minor children were allowed to visit their detained mothers only for money (KGS 300) and talked to them through the lattice. According to the established rules in the institution No 25 of the Ministry of justice the visits are allowed only on a payment basis.
93. The commission discovered that the lawyer of one detained woman was taken away by the escort when her children visited her.

***Additional information***

94. Some representatives of power structures, who were informed about the visit of the Commission, were not in the office at scheduled time.
95. The payment of social benefits to the families of those accused was terminated after their arrest for unknown reason.
96. Two interviewed officers of the 9<sup>th</sup> section of the Ministry of internal affairs said that they received information materials on Hizb-ut-Tahrir from the oblast police, this information is insufficient and additional training is required. They also said that after the events in Nookat and the adoption of the new Law “On freedom of faith and religious organizations” it would be much difficult to reveal the members of Hizb-ut-Tahrir as they would conceal their membership in this party.