Committee to Protect Journalists
Contribution to the 110th session of the UN Human Rights Committee
Submission on Kyrgyzstan

The Committee to Protect Journalists welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to provide input on Kyrgyzstan’s violations of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). This submission serves to underscore our concern about Kyrgyzstan’s deteriorating climate of press freedom in recent years, as exemplified by impunity in anti-press attacks and murders of journalists; official harassment and censorship of critical news outlets; and the ongoing imprisonment of an investigative reporter.

The Committee to Protect Journalists is a New York-based independent nonprofit organization that was founded in 1981. We promote press freedom worldwide by defending the rights of journalists to report the news without fear of reprisal. This submission relies upon extensive research by CPJ and local partners.

I. INTRODUCTION

1. Kyrgyzstan ratified the ICCPR on October 2, 1994, declaring its international commitment to protect freedom of expression under Article 19. Articles 31 and 33 of the Kyrgyz Constitution (adopted on June 27, 2010), as well as the Law on Mass Media (adopted in August 1992), guarantee freedom of the press, and Article 151 of the Kyrgyz Criminal Code declares the obstruction of a journalist’s professional activities to be a criminal offense. But despite Kyrgyzstan’s domestic and international obligations, the climate of press freedom has deteriorated since the country underwent a review at the U.N. Human Rights Committee in 1999.

2. CPJ has documented multiple violations of Article 19 in recent years, many of which remain unaddressed by the Kyrgyz authorities. These violations include at least 14 violent assaults1 against reporters; the arrests2 and murders3 of journalists; politically motivated lawsuits against newsrooms and their staff; the withdrawal of printing licenses4 from critical news outlets; the closure5 of independent broadcasters; the arbitrary blocking of domestic access6 to critical news websites; and threats7 against critical journalists, some of whom have been compelled to seek exile.8 A deadly ethnic conflict,9 which engulfed southern Kyrgyzstan in June 2010, caused press freedom conditions in the country to deteriorate even further.

II. JOURNALISTS’ KILLINGS
3. CPJ has documented the killings\textsuperscript{10} of at least two journalists in Kyrgyzstan, one of which the organization is investigating to determine whether it was work-related. On September 15, 2003, the body of Ernis Nazalov,\textsuperscript{11} a journalist with the daily newspaper \textit{Kyrgyz Ruhu}, was discovered in an irrigation canal outside the southern city of Osh. Nazalov’s family and colleagues suggested that his death could have been connected to his reporting on government corruption and said that less than a month before his death unidentified assailants had attacked and robbed Nazalov in Osh. They said the attackers stole sensitive documents about the regional administration, as well as some of the journalist’s personal items.

Medical experts who examined Nazalov's body said he had been hit several times with a blunt object, one of his arms had been broken, and his legs had multiple stab wounds, a local human rights group reported at the time. The regional prosecutor's office in Osh classified\textsuperscript{12} Nazalov's death as an accidental drowning, and shelved the case.

4. On October 24, 2007, Alisher Saipov, editor of the now-defunct newspaper \textit{Siyosat}, was murdered\textsuperscript{13} outside his newsroom in the southern city of Osh. Saipov, an ethnic Uzbek who also contributed to regional news outlets, had reported on the aftermath of the mass killings in the nearby Uzbek city of Andijan in 2005, when government troops shot at anti-government protesters. Prior to his murder, Saipov had received anonymous threats warning him to stop his press and political activities, a local source told CPJ.

Authorities failed to carry out a thorough and transparent probe into the murder and refused to consider Saipov’s journalism\textsuperscript{14} as a motive, CPJ research\textsuperscript{15} shows. After suspending the probe\textsuperscript{16} in April 2008, authorities announced a year later\textsuperscript{17} that they had arrested a suspect. Although the suspect denied his involvement and said authorities had planted evidence in his car, he was tried and sentenced to 20 years in jail. Despite the high-profile status of the case, authorities failed to publicly name the motive in the killing and did not name or apprehend its mastermind.

In April 2012, Kyrgyzstan’s Supreme Court ordered a reinvestigation\textsuperscript{18} of the case after the defendant’s lawyers provided credible evidence\textsuperscript{19} in his defense. Kyrgyzstan has yet to report progress in the new investigation.

III. ETHNIC CONFLICT AND PRESSURE AGAINST UZBEK-LANGUAGE MEDIA

5. The climate of press freedom significantly deteriorated following the June 2010 conflict between ethnic Kyrgyz and Uzbeks that left hundreds dead and thousands displaced. Both during the conflict and in its aftermath, Uzbek-language news outlets and their staffers were targeted with violence, official intimidation, and prosecution.

6. In July 2010, law enforcement agents in the city of Osh raided\textsuperscript{20} at least two independent Uzbek-language broadcasters—Osh TV and Mezon TV. The agents intimidated and interrogated the outlets’ journalists and media directors, accused them of broadcasting extremist reports, and forced the newsrooms to shut down. The outlets’ media directors—Dzhavlon Mirzakhodzhayev of Mezon TV, and Khalil Khudaiberdiyev of Osh TV—fled the country in 2010, but authorities prosecuted them in absentia on accusations of airing content that triggered ethnic clashes. On
October 28, 2011, a court in Jalal-Abad sentenced Khudaiberdiyev to 20 years in jail and Mirzakhodzhayev to 14 years. The journalists spoke to CPJ from exile and denied the charges.

7. In February 2012, Kyrgyz authorities blocked domestic access to the independent regional news website Ferghana News in connection with its coverage of the June conflict. Authorities acted at the recommendation of the Kyrgyz parliament, which advised them to address the causes and effects of the clashes. The legislators advised the blocking of Ferghana News, but offered no explanation.

Facing protests and a court battle waged by the website’s lawyer, Kyrgyz authorities eventually unblocked the website in April 2013. But the government failed to repeal the ban against Ferghana News, leaving options open for future retaliation against the critical outlet.

IV. THE CASE OF AZIMJON ASKAROV

8. One case stands out as a clear example of Kyrgyz authorities’ violation of ICCPR provisions—including Article 7 (banning torture and other cruel treatment), Article 9 (banning arbitrary detention), Article 10 (on the humane treatment of detainees), Article 14 (on access to a fair trial), and Article 19 (on freedom of expression).

On June 15, 2010, amid the conflict between ethnic Kyrgyz and Uzbeks, regional authorities in the southern Jalal-Abad region imprisoned independent journalist and human rights activist Azimjon Askarov. Three months later, a Kyrgyz court sentenced Askarov to life in jail after convicting him on a set of criminal charges, including making public calls to extremism, inciting the public to take a hostage, and participating in the killing of a police officer. Askarov denied all of the charges. His appeals have been denied, including by Kyrgyzstan’s Supreme Court. Askarov is currently contesting the verdict at the U.N. Human Rights Committee.

After interviewing Askarov in jail, speaking to his lawyers and colleagues, and reviewing case documents, CPJ concluded in a June 2012 special report that the journalist had been imprisoned in retaliation for his reporting on official abuses committed by police and prosecutors and for his independent coverage of the June 2010 ethnic conflict. Askarov and his lawyers told CPJ that prior to his imprisonment regional police and prosecutors had threatened to retaliate against him after he uncovered instances of officials fabricating criminal cases, torturing and sexually abusing detainees, and imprisoning civilians.

CPJ research found that Kyrgyzstan committed numerous violations of ICCPR provisions during Askarov’s trial, including the fabrication of criminal charges; denial of access to his lawyer; the accusations of torture of the journalist and authorities’ refusal to investigate it, including most recently by the Supreme Court; threats against defense witnesses; and the denial of the journalist’s right to a fair trial.

V. AN UNINFORMED PUBLIC
9. Kyrgyz authorities have made numerous public pledges in support of press freedom, including decriminalizing libel as a step toward improving the media climate in the country. But they have failed to address impunity in anti-press crimes or the unjust prosecution of critical journalists and news outlets.

As a result, journalists and news outlets are forced to restrict their coverage of sensitive issues, such as rampant government corruption and widespread human rights abuses, including by the law enforcement agents. Crucial topics related to the causes of the 2010 conflict and pursuit of justice by the victims remain underreported or censored altogether. Impunity in Saipov’s murder, Askarov’s imprisonment, and investigators’ failure to probe the circumstances surrounding Nazalov’s death all serve as a grim reminder of the risks for independent journalists in Kyrgyzstan.

10. Lacking trustworthy news sources, Kyrgyz citizens, including those of ethnic Uzbek descent, are being deprived of their right to be informed about issues of public interest.

VI. RECOMMENDATIONS TO KYRGYZ AUTHORITIES

TO THE PRESIDENT OF KYRGYZSTAN:

• Take all legal steps necessary to ensure that jailed journalist Azimjon Askarov is released and his conviction overturned.
• Use the power of your office to demand a thorough and transparent investigation into the killings of Alisher Saipov and Ernis Nazalov.
• Publicly call for a timely, thorough, and professional investigation into anti-press attacks.
• End persecution of the independent, Uzbek-language press and ensure its revival in southern Kyrgyzstan.
• Publicly call for national law enforcement agencies, security services, and prosecutors to comply strictly with national and international laws on press freedom, human rights, and prevention of torture and other forms of cruel treatment against detainees.

TO THE KYRGYZSTAN’S MINISTRY OF JUSTICE, GENERAL PROSECUTOR’S OFFICE:

• Launch an open and thorough review of Askarov’s case, and bring all those responsible for his torture to justice; conduct the probe in compliance with the Istanbul Protocol’s guidelines on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
• Inform the families of Alisher Saipov and Ernis Nazalov, as well as the Kyrgyz public in general, of the status of the investigation into the murders; order a thorough and transparent probe into killings; and consider journalism as a motive. Take all necessary steps to bring all responsible—the killers as well as the masterminds—to justice.
• Ensure that Uzbek-language media representatives—Dzhavlon Mirzakhodzhayev of Mezon TV and Khalil Khudaiberdiyev of Osh TV—are given the opportunity to appeal their convictions and overturn the forced sale of their outlets, and that the process of redress is transparent and conforms to Kyrgyz law and international standards.
• Ensure that Kyrgyzstan adheres to domestic and international law by protecting freedom of expression and aggressively pursuing those responsible for attacks on the press.
Annex:
   1. CPJ Special report: In Kyrgyzstan, injustice and torture in Askarov case (June 12, 2012)

2. Endnotes:
   6 CPJ: Kyrgyz government blocks access to news website (February 23, 2012), http://cpj.org/2012/02/kyrgyz-government-blocks-access-to-news-website.php
   15 CPJ materials on Alisher Saipov’s case, see http://cpj.org/search/alisher%20Saipov
   18 Radio Azattyq: Дело об убийстве журналиста Алишера Саипова пересмотрят/ Alisher Saipov’s murder probe to be reviewed (April 10, 2012), http://rus.azattyq.org/content/saipov_alisher_killed_journalist_case_24543265.html
   19 Voice of Freedom: Дело об убийстве журналиста Алишера Саипова будет пересмотрено / Investigation into Alisher Saipov murder to be reviewed (April 10, 2012), http://vof.kg/?p=4458
   23 CPJ: Kyrgyz government blocks access to news website (February 23, 2012), http://cpj.org/2012/02/kyrgyz-government-blocks-access-to-news-website.php


Ferghana News: Верховный суд отклонил жалобу адвоката А. Аскарова на пытки во время следствия / Supreme Court denied the complaint, filed by Azimjon Askarov’s lawyer, against his torture during the probe (October 16, 2013), http://www.fergananews.com/news/21355