Alternative report on the execution of the International Covenant on the Civil and Political rights by Kyrgyz Republic (for spreading at 110 session of UN Committee for Human rights).

Public Foundation «Kylym Shamy», Kyrgyz Republic, January 2014

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The report covers the information on the violation of the human rights - to life, fair trials, freedom from torture, freedom to association, freedom to peaceful assemblies, and the guarantees during the emergency situation from the period of 2008. The materials and the documents on human rights observance in Kyrgyzstan collected by the Public Foundation «Kylym Shamy» during the monitoring were used in the report.

KR- Kyrgyz Republic
ICCPR- International Covenant on Civil and Political Rights
Koshara - Sheepyard-http://ru.wiktionary.org/wiki/кошара
PF – Public Foundation
APC- Armored personal carrier
ROVD- Department of Internal Affairs of the district
DNS- Department of National Security
Kapterka- Depot of military unit
Military unit- Military unit
GAI - State car inspection
GUPOPT- Chief Directorate on crime control
IVS- Detention center
CCKR- Criminal Code of KR
SIZO- Investigative Isolation Ward
IK- Penal colony
AK-74- The Kalashnikov gun-74

Article of the Pact 4.

In accordance with the article of the law 6 of the Constitution of KR, the international agreements taken into force, and the Kyrgyz Republic is the member state of these agreements, and also the universally recognized principles and the rules of the international law are the integral parts of the legal system.

At 2 a.m. from June 10 - 11, 2010, the Provisional Government of KR took a decision on imposing the state of emergency and the curfew in Osh city and and Kara-Suu region. The state had not informed the population in advance on imposing the state of emergency and after imposing the state of emergency in 15 minutes, the firearms were used by the military men and as a result of it, many people died and others received gun shot wound. Therefore, the state did not take any measures for guaranteeing the citizens with the right to life (article of the law 6 of ICCPR), the right to freedom from torture (article of the law 7 of ICCPR), the right to recognition as a person before the law (article of the law 16 of ICCPR). The state also did not inform the member states of ICCPR, which is required by International Covenant on Civil and Political Rights.

It is important for UN Committee for Human Rights to request an information from Kyrgyz Republic, why it did not inform the other states, the member states of International Covenant on Civil and Political...
Rights. If Kyrgyz Republic admits it’s violation of the articles of the law 6, 7 and 16 International Covenant on Civil and Political Rights during imposing the state of emergency.

Article of the Pact 6.

The article of the law 21 of the Constitution of Kyrgyz Republic introduces inalienable right of each person to life, prohibition on the arbitrary deprivation of somebody’s life, prohibition on the death penalty. Accordingly, everyone must take a responsibility for the violation of the established standards of the international norms.

Human Rights Violation during the execution of the anti-terrorist operations.

The legislation of Kyrgyz Republic on the «Counteraction against terrorism» defining the principles of the counteraction against terrorism does not make provision for the guarantee of the observance of the citizens’ rights during the execution of the anti-terrorist operations, compensation for the damage of property and moral damage made during the anti-terrorist operations, the responsibility of the people for the damage, made during the anti-terrorist operations or taking the decision on the liquidation of the terrorists.

Article of the law 22 determines using of the special weapons and killing the terrorists, however it does not define the rules of using of the special weapons (proportionality, necessity, and legitimation).

Article of the law 36 reads as follows, that the dead bodies of the «terrorists» are not given out, their burial is carried out in accordance with the orders established by the Government, and their burial ground is not informed.

Article of the law 43 releases from the responsibility those, who participate in the terrorist fighting measures for the damage caused during the anti-terrorist operations, or taking decision on the liquidation of the terrorist.

Therefore, the Legislation excluded completely the Constitutional guarantee to the trials and investigation, the compensation of the damage of property and moral damage.

1) On June 23, 2009 the special operation on the liquidation of the terrorists was carried out in Jalalabad by the special service of Kyrgyz Republic. During the special operation, the brothers Satybaldiev Abdusamat born in 1965 and Satybaldiev Abdukarim born in 1967 were killed.

The wife of the killed Satybaldiev Abdusamat – Satybaldieva Tajihon was detained and taken to the detention center of the Department of Interior Affairs of Jalalabad. The representatives of the special service attempted to detain and take the head of the family – 70 year old Abdulhamid Satybaldiev. Satybaldiev’s family have not received the dead bodies of their sons in order to bury according to their religious ceremony, the state did not pay any compensation to the family. The family has 9 children of different ages.

The relatives of citizens died during the anti-terrorist operations are not given any documents on reasons of the death of their relatives, the lack of the documents did not allow for other members of family for making up the documents and getting the social benefits for their children.

2) On November 29, 2010, the house of Nurmatov’s family in Majrum Tal street, in Osh city was surrounded and exploded, two sons of the family – Nurmatov Zakir and Nurmatov Farhad were shot. The head of the family Murmatov Omon, mother of the family Murmatova Patilahon, their daughter
Dilfusa with her children and the grandson Nurmatov Abdulla were detained and taken to the Department of National Security of Kyrgyz Republic. They were interrogated there, and released in two days, except Nurmatov Abdulla, who was 21. This incident was broadcast on TV as the struggle against terrorism. Nurmatov's family has not received any reasonable reply from the state on the fact of the explosion of their house and killing of their sons.

3) On January 5, 2011, during the operative investigative operation two gunmen were killed and one gunman was wounded by the officers of the special service unit «Alfa» of the Department of National Security of Kyrgyz Republic. During shooting incident and powerful explosion the building of the sheep yard was burnt. Topozov. M lived with his four children and his wife in this sheep yard. On the day of the special operation, Topozov's wife went to her relatives with her two children. Topozov was detained by the police officers, where he was subjected to torture and ill treatment. (see. the report 7). He was interrogated by the officers, and then he was not arraigned and released. However, the state did not make any investigation on the fact of the explosion of the sheep yard, where Topozov. M was living with his family and the compensation on the fact of the damage of property was not paid out.

The monitoring of the anti-terrorist operation conducted by the human rights defenders show that any attempts of the restoration of the justice and demanding the compensations are ended with the threats by the special service.

The lack of the investigation on the facts of seizing and the distribution of the arms in June 2010 in Kyrgyz Republic.

In June 2010 the armed conflict occurred in the southern oblasts of KR, which caused a lot of death of the people. According to the list of the PF «Kylym Shamy», 492 people died, among them 60% of people died of the gun wound. In accordance with the research made by PF «Kylym Shamy» 282 units of the firearms, 4 fighting equipment and 43 045 units of ammunition being under the responsibility of the state – the Ministry of Interior Affairs, Defense Ministry, Border Service were seized during the conflict (between June 11 – 14). 136 units of the arms including the fighting equipment (48%), 16701 units of ammunition (38%) were returned. 29 criminal proceedings were instituted against the military men for losing the arms, among them 21 cases were sent to the courts, 23 people were held criminally liable, 13 cases were suspended by the court for committing a crime due to extreme necessity. The criminal proceeding was not instituted against those people, who seized the arms forcibly.

It is important for UN Committee for human rights to ask from Kyrgyz Republic the information on who was held criminally liable for the distribution of the arms (the officials ), including seizing of the arms (civil population), their ethnicity. Who allowed seizing the arms, firearms and the ammunition? Who is keeping the unreturned arms and the ammunition? For whom were the arms, firearms and the ammunition used against? What measures were taken on returning of the firearms seized and distributed during the inter – ethnic conflict? About the measures of the security of the firearms and ammunition being under the responsibility of the state?

The lack of the appropriate investigation on the applications of the firearms used by the military men.

The decision on imposing of the emergency situation was taken at 2 a.m. between June 10 – 11, 2010. The first citizens died and wounded of the firearms were registered at night 2.30 a.m. between June 10 - 11. The firearms were used by the unknown men in the military uniforms, who were in the armed personal carrier.
From the period of 2.30 a.m 5.15 a.m between June 10- 11, 2010, 28 citizens wounded of firearms were taken to Nariman territorial hospital, others were taken to Tuleikan territorial hospital. 8 citizens died, and more than 40 people with gun wound mainly the ethnic Uzbeks were brought to the hospitals.

The relatives of the citizens died and wounded during the inter-ethnic conflict happened in June 2010 in the south of KR applied to the military prosecutor’s office of KR and asked to hold criminally liable the guilty people for the death of Joroev Temurmalik, Nomanov Isroil, Ibragimov Aibek, Umarjanov Tursinbai, Gulamov Azzam, Tulanova Abdumalik, Sharipov Jumabai and Dildorbek ulu Azzizullo and wounding Begishova Aigul and Nomanov Osmanjon. The relatives stated in their applications, that their relatives died and were wounded as a result of the shooting of the military men from the armed personal carrier.

The investigator of the Department of Internal Affairs of Osh city Ulan Shamatov passed a resolution from June 1, 2013 on suspending of the criminal persecution against the military men «due to lack of the corpus delicti in their action». On July 26, 2013 on the basis of the application of the advocate Tayir Asanov, the prosecutor’s office of Osh city cancelled the resolution of the investigator Shamatov. However, on November, 19, 2013, the same investigator passed a resolution on suspending the criminal persecution against the military men «due to lack of the corpus delicti in their actions». It is important to note that, the texts of the resolution are identical.

At the same time, according to the text of the official report of the executive officer 52870 «On June 10 2010, at 12. 10 the personnel of the military unit 52870 consisted of 42 people in 3 personal carriers -80 (under lieutenant colonel A. Kalmurzaev’s and captain R. Kidebaev’s command) were sent «for dispersal of the crowd» in the district of «Alai» hotel, ATF bank, Osh market, the building of the municipal inspection department. These districts were mentioned in the above mentioned applications of the relatives died and wounded during the conflict.

It is important for UN Committee for human rights to request from Kyrgyz Republic the information about taken measures of the investigation litigation, proportionality and the necessity of using of the arms by the military men between June 10-11 from 2.15 a.m.- 5.15 a.m.

**Human rights violation during cleaning up in June 2010.**

During the conflict in June 2010 in the south of KR, the inhabitants blocked the passageway for defending themselves. On June 18, 2010 the President of the Provisional Government Roza Otunbaeva took a decision on cleaning up the passageways to the residential quarters from the barricades. The people involved in the conflict took part in cleaning up the passageway from the barricades. For instance: on June 21, 2010 the colleagues of the head of the Department of Internal Affairs of Karasu region died during the conflict participated in cleaning up in Nariman village. According to the words of the inhabitants of this village, the cleaning up of the passageways was accompanied with violation–beating of the inhabitants, destruction of the documents and taking out the people’ valuable things and money. As a result of the executed operation on cleaning up, 37 people were taken to the Nariman territorial hospital, they had injuries and hematoma received from beating including stab wound, among them 4 people died of the received injuries.

It is important for UN Committee for human rights to request from Kyrgyz Republic the information on the number of criminal cases instituted against on the facts of the death of people during cleaning up? On the number of criminal cases passed to the court?

**The facts of the death of the military personnel of involuntary service.**
The armed forces of KR consisted of the subdivision of the boarding service, the Defense Ministry, interior troops, the state departments of national security, the state service of the execution of the punishment are closed, and the community does not have an access to them. According to the official information of the armed forces of KR, for the period of 2011 – 2012, 21 military men committed suicide during their service, 9 of them died because they could not use the firearms.

1) On October 5, 2012, Nurlanbek ulu Chyngyz died of gun wound under unknown circumstances. Before, his parents visited the frontier guard’s post № 2026 on the fact of beating, where Nurlanbek uulu Chyngyz served.

2) On January 10, 2013, Sapar ulu Temirlan died of gun wound under unknown circumstances. Sapar ulu Temirlan served in the third battalion of rota 8 of penal colony № 16.

It is important for UN Committee for human rights to request from Kyrgyz Republic the information on the number of the criminal proceedings instituted on the fact of death of the military personnel during their service? On the number of the criminal proceedings passed to the court? How many families of the died military personnel received a compensation?

The article of the Pact 7.

The Constitution of KR guarantees every citizen with the right to freedom from torture and other degrading inhuman ill treatment, cruel or humiliating dignity or punishment. Each person deprived of his/her liberty has the right to the human treatment and observe of the human dignity. (article 22). Each citizen has the right to the compensation for the damage made by the state.

PF «Кылым Шамы» gives some cases in the present report on the fact of the human rights violation to freedom from torture, which took place in the law enforcement agencies.

1) On December 27, 2010, the citizen of KR Usekeev Kazybek Junushovich was subjected to torture for the whole day by the officers of the Department of National Security of KR for getting confession from him in the participation in the terrorist–extremist group, the electroshock was used for Usekeev. Usekeev Kazybek was released after signing that he does not have any complaints to the officers of the Department of National Security of KR. The prosecutor’s office refused to institute the criminal proceeding against the officers the Department of National Security of KR on the fact of torture Usekeev for 9 times, 8 of them were appealed against. At present time, the criminal proceeding is not instituted against the officers on the fact of torture.

2) On January 5, 2011, Topozov was detained by the police officers and subjected to torture and ill treatment. As a result of this beating, his several ribs and teeth were broken, his collarbone was broken and his both kidneys were beaten off. Topozov was interrogated by the officers and next day he was released the accusation was not brought against him. The prosecutor’ office refused to institute a criminal proceeding against the officers the Department of National Security of KR on the fact of torture Usekeev for 4 times, it was appealed against for 3 times. At present time, the criminal proceeding is not instituted against the officers on the fact of torture.

3) On September 29, 2011, Kachibekov’s shoulder was wounded with the pistol by the police officers of (GUBOPT) of Bishkek during the detention. Then, he was taken to Osh oblast, where the officers continued beating him and subjecting to torture, they put polyethylene packet on his head (suffocation), pulling out his nails from his little fingers and little toe, and then, they removed a rubber bullet from his shoulder without anesthesia, and made a psychological pressure on him and tried to make him confess.
of killing a man. His relatives learned about his detention only in three days. The prosecutor’s office refused to institute criminal proceeding against the officers for 5 times, but all of them were appealed against. However, the same investigator received the materials of the criminal proceeding, who had refused to institute a criminal proceeding before. At present time, the criminal proceeding is not instituted against the officers on the fact of torture.

We recommend the UN Committee for human rights to request the information from Kyrgyz Republic on taking measures on conducting the effective investigation on the facts of torture of above mentioned examples.

4) On December 23.2008, Ibraimov Said Ali born in 1989 was detained by the officers of the Department of Internal Affairs ofjayil region of Chu oblast. After the detention, he was subjected to torture and threatened, that his mother and his sister would be punished. In April 2009, Ibraimov Said Ali was found hung in the detention center of ROVD of Jayil region. Three hours before his death, Ibraimov Said called his mother and told about torture, humiliation and promised to tell about everything in the court. He told about the officers, who tortured him and all about beating in his letter to his mother. The investigator refused to institute a criminal proceeding against the police officers on the fact of Ibraimov Said Ali’s death, no one was held criminally liable on the fact of torture and Said Ali’s death.

We recommend the UN Committee for human rights to request the information from Kyrgyz Republic on the reasons of the requalification of the articles of the law 304 and 305 of the Criminal Code of KR to the article of the law 316 of the Criminal Code of KR, and the suspension of the criminal persecution of the police officers.

5) On July 29, 2011, Fiziev Firuzhan Halitovich¹, the officer of the customs service of Kyrgyz Republic was detained by the officers of State Committee of National Security Service of KR, on the same night the ambulance was called to the building of the Department of National Security of KR and the doctor fixed Fiziev’s death. There were a lot of marks of beating on the dead body of Fiziev F. H. and his breast and ribs were broken, there were the marks of the animal bite and many marks of the electroshock on his dead body.

The criminal proceeding was instituted against two officers of the State Committee of National Security Service of Kyrgyz Republic in accordance with two articles of the Criminal Code (exceeding of power and malicious severe damage to the health causing death). We should note that, according to the testimony of the eye witness, about 10 police officers of State Committee of National Security Service of Kyrgyz Republic tortured Fiziev. On November 20, 2013, the Military court of Bishkek garrison passed a sentence and found the accused police officers not guilty.

We recommend the UN Committee for human rights to request the information from Kyrgyz Republic on taking effective measures on the investigation of the case on the fact of torture of Fiziev F.H., particularly, if the investigation was conducted on the identification of other officers of State Committee of National Security Service of Kyrgyz Republic, who tortured and killed Fiziev F.H..

6) On August 7, 2011, Holmirzaev Usmanjan was taken to the police station by force by the police officers of Bazar–Korgon region of Jalalabad oblast, and he was tortured and extorted money by the police officers in the building of the department of interior affairs. After being beaten Holmirzoev was

¹ See the page 76 « the REPORT of NGO on the implementation of UN Convention against torture and other degrading inhuman ill treatment and punishment by Kyrgyz Republic»
hospitalized and was in coma, however on August 10, 2011 he died. Two years have been passed since Holmizoev’s death, though the prosecutor’s office instituted a criminal proceeding against 4 police officers of ROVD of Bazar–Korgon region, no one was not held criminally liable.

7) Abdyrazak uulu Nurdooolot the student of the military college by Asanov. On October 5, Nurdooolt was taken into the deport and beaten by the captain, because he had a flu and could not attend the lessons. After he went on leave, the health condition of Abdyrazak uulu Nurdooolot became worse and he was hospitalized and diagnosed, that Nurdooolot suffers from the diabetes mellitus of 1 category and became insulin-dependent, though before it, he never suffered from diabetes.

On May 17, 2012, the criminal proceeding was instituted against the platoon leader by the military prosecutor’s office of Kyrgyz Republic in accordance with the article of the law (exceeding the power). The case was passed to the Military court of Bishkek garrison, where on July 18, 2012 the judge discharged the former platoon leader. On January 16, 2013, Abdyrazak uulu Nurdooolot died, on the day of his death, he was just 17. At present time, no one was held criminally liable.

8) Bizurukov Mamataziz born in 1948, died on September 1, 2011 in SIZO №5 of Osh city. When he arrived to the closed institution №25, he complained to the ache on the area of his kidney, and told that he suffered from the chronic prostatitis. As a result of it, the doctor of the closed institution №25 prescribed the medicine and it was bought by Bizurukov’s relatives. However, the medicine did not help him and his kidney ache was complicated. He was examined by ultrasound in the hospital of Osh city and was consulted by the urologist. The medical examination showed that, Bizurukov had a complication and he was recommended to have «an urgent operation in the hospital», and a surgical operation. However, the administration and the doctors of the SIZO did not take any measures. The criminal proceeding was instituted against the acting head of the medical unit, but later he was discharged.

9) Nurlanbek uulu Chyngyz born in 1992, on October 5, 2012, the military of the involuntary service of the frontier troops died of the gun wound together with other conscripts during the turning movement of the territory. We should note, that the gun wound was received from another gun, it did not belong to Nurlanbek uulu Chyngyz.

10) Sapar uulu Temirlan born in 1994, on January 10, 2013, according to the official version, when he was standing the guard in the penal colony №16, he shot his chest on the area of his heart with the gun AK-74. His relative doubt about the truth of the official version of his death, because during the forensic medical assessment, the dead soldier had a bruise on his lower jaw. The criminal proceeding on the fact of death of the soldier was not instituted.

11) On February 16, 2013, Erkinbek uulu Erlan was found hung in the toilet of his house, when he went on the leave. He had a suicide note in his pocket. His parents doubt that Erkinbek uulu Erlan wrote the suicide note, because his handwriting did not conform with it. His parents sent an application to the military prosecutor’s office of KR and asked to institute the criminal proceeding against the guilty people for bringing him to committing suicide, however the military prosecutor’s office refused to institute the criminal proceeding against the culprits.

It is important for UN Committee for human rights to request from Kyrgyz Republic the information on taking measures on the prevention of harassment among servicemen.

The article of the Pact 14.
The violation of the equal rights of the sides during the trials. The lack of the measures on providing the accused and their defenders with safety.

1) According to the information of PF «Кылым Шами» during the conflict occurred in June 2010, 492 people died, 74% of them are Uzbeks, 25% are Kyrgyz and 1% are of other nationalities (Uighurs, Russians and Pakistan man). 2000 people received the injuries of different category, about 2000 houses were burned (99% of them belonged to the ethnic Uzbeks).

According to the information of the General Prosecutor’s Office of KR received by April 26, 2012, 5640 criminal proceedings on the June events of 2010 were instituted, 288 of them were sent to the courts (5% from the total number).

421 criminal proceedings were instituted on the fact of the death during the ethnic conflict in the south of Kyrgyz Republic, among them 124 criminal proceedings were instituted on the fact of death of the Kyrgyz nationality, 294 criminal proceedings were instituted on the fact of death of Uzbek nationality and 3 of them on the fact of other nationalities.

38 people were sentenced to life imprisonment, (36 of them are the representatives of Uzbek nationality and 2 are the representatives of Kyrgyz nationality).

4 people were sentenced to 25-30 years of imprisonment. (All are Uzbeks).

It is important for UN Committee for human rights to request from Kyrgyz Republic the information on why according to the statistics of the condemned for the participation in June events of 2010 are mostly the representatives of ethnic minority (Uzbeks)?

2) During the inter-ethnic conflict 20 people of Uzbek nationality were beaten by the group of boys of Kyrgyz nationality in Bishkek, as a result of it Kuzibaev Kutlugmurad (ethnic Uzbek) died of the received injuries.

The criminal proceeding instituted against 1 man of Kyrgyz nationality in accordance with the article of the law 104 of Criminal Code of KR (for making bodily injuries, caused death) was re-qualified to the article of the law 234 (hooliganism) by the state prosecutor. The court sentenced to 2-year and 6 months’ imprisonment in accordance with the article of the law «Hooliganism». No one was held criminally liable on the fact of death.

It is important for UN Committee for human rights to request from Kyrgyz Republic on the information of the reasons why did not Kuzibaev Kutgulmurad’s family get compensation?

3) The facts of women and child sexual abuse happened during the inter-ethnic conflict reach from 15-60 people. According to the information of PF «Кылым Шами» more than 20 people were sexually abused, the age of them from 5-72.

Tulanova Mahizar born in 2005 was raped, and them killed of the gun shot. T. M. born in 1938 was killed analogously.

4) On June 14, 2010, about 40 men of Kyrgyz nationality came into the flat of K. M. (personal information of these victims are anonymous, in case of necessity, we can submit this information to the UN Committee for Human Rights separately). (ethnic Uzbek), they were armed with the bludgeons, reinforcing steel and firearms, they took the parents and three daughters to the basement of the cafe
«Nostalgia» located in the same building. They raped B. U. born in 1987 (aged 23), B. I. born in 1988 (aged 22) and B. D. born in 1994 (16 aged) in the presence of their parents and other detainees.

K’s family applied the prosecutor offices for several times, In June 21, 2010 K. M. wrote an application to the Department of Internal Affairs of Osh city, on January 4, 2011 B. I. wrote an application to the General Prosecutor’s office of KR. On January 10, 2011 the criminal proceeding was instituted on the facts the sexual abuse, the victims of the sexual abuse identified the rapists through the photos. However, the investigation was suspended. The effective investigation was not conducted, no one was held criminally liable.

5) The accused/defendant on June events of 2010, their relatives and their advocates are attacked, and had a psychological pressure by the victims ‘relatives during the investigation and the trials.


6) The accused of the June events D. Haidarov, M. Bizurukov, O. Sulaimanov, A. Saliev, A. Askarov, D. Rozubaev, M. Kochkarov, I. Abduraimov, E. Rasulov, M. Mamadalieva and others were attacked and beaten during the trials. The criminal proceeding was not instituted on the facts of beating, the investigation was not conducted.

7) The advocates Tatyna Tomina, Ulugbek Usmanov, Nazgul Suinbaeva, Dilbar Turdumambetova, Tair Asanov, Kalbai Pratov (he died of heart attack), Dinara Medetova, Kubanych Joroev were beaten and threatened during the trials. The advocates applied to the public prosecutors offices on the facts of beating and threats. The criminal proceeding was not instituted on the facts of beating and threats.

8) All the criminal proceedings on the June events are held in Kyrgyz language and no one of them had the interpreter. For instance: Tanzila Mamatova, who could not speak Kyrgyz was not provided with the interpreter during the preliminary investigation and the trials, she was sentenced to 8 years of imprisonment.

It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal proceedings instituted on the facts of torture applications during the trials (on June events of 2010). On the number of the cases passed to the court?

It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal cases instituted on the fact of the sexual abuse during inter-ethnic conflict? On the number of the cases passed to the court? On the reasons of the investigations suspended on the fact of raping B.U., B. I. and B. D.? Why were the victims of sexual abuse not compensated?

It is important for UN Committee for human rights to request from Kyrgyz Republic on the number of the criminal cases instituted on the facts of beating the advocates? How many of them were passed to the court?

The article of the Pact 16.
The citizens of other nationalities died during the June conflict of 2010.

In March 2012, PF «Kylym shamy» received the applications from the citizens of KR, where they wrote that their husbands—Dalilbaev.K, Kurbanov.O., Obidov.A., died of the gun shot during the inter-ethnic conflict and they did not get any compensation.

The victims sent the applications to the state commission for getting one-time financial aids 1,0 million soms. However, the state commission refused to pay one time financial aids. The reasons were the facts, that Kurbanov.O. and Dalilbaev K. are the citizens of Russian Federation.

In accordance with the resolution of the Government from May 4, 2011 for the term № 204 the main term of paying out the one–time financial aids to the families of dead people is being the citizens of the member states of CIS (Commonwealth of Independent States), and Dalilbaev K., Kurbanov O., Obidov K. are the citizens of CIS, however in accordance with items 10, 10-1 the dead people must have the permanent residence permit of the foreign citizen in Kyrgyz Republic with the existing extended term at the moment of June events of 2010. Also, the availability of the registration in the territorial department of passport–visa office.

It is important for UN Committee for human rights to request from Kyrgyz Republic on the reasons of the compensation not paid out to the families of dead people (the citizens of other countries) during the conflict in June 2010? Why isn’t each person provided with the recognition as a person before the law, and the recession from the obligations and breaking the article 4 of ICCPR?

**The article of the Pact 21.**

The article of the law 34 of the Constitution of KR recognizes the right to freedom of peaceful assemblies for every citizen. Everyone has the right to notify the authorities on the planned assemblies. The absence of the notification, non-observance of its forms, content and terms of an appeal are not the reasons for the prohibition and the restriction of the peaceful assemblies, and also refusal for the peaceful assemblies.

In accordance with the legislation «Peaceful assemblies» the decision on the restriction of the peaceful assemblies is taken in the period of real threat of the security of the participants of the peaceful assemblies and other citizens staying in the same place. The litigation and reasonableness of the decision taken by the local governments and departments of interior affairs on the restriction is subject to be considered by the court, and the government bodies having taken such decision must apply to the court during the period of 24 hours from the time the decision was taken.

1) On May 15, 2013, the state administration of Pervomay district of Bishkek in it’s reply to the notification of the organizer of the peaceful assembly «against the expansion by the citizens of China in Kyrgyzstan» referred another place for holding the peaceful assembly, and also restricted the time of the assembly.

2) On May 16, 2013, the state administration of Pervomay district of Bishkek took a decision on the restriction of the route of the peaceful assemblies in it’s reply to the notification to the peaceful assemblies organized by the groups.

The state administration of Pervomay district of Bishkek noted about the decision taken on the restriction in it’s reply to the notification of the organizers on the planned assemblies. The state
administration did not address to the court for the solution of the litigation and the validity of the taken
decision.

The Departments of Internal Affairs and the local governments have the right to take a decision on the
prohibition only on the basis of the legislation provided for. The litigation and validity of these decisions
on the prohibition is the subject for the consideration by the court, where the institution, which took a
decision must address for the period of 24 hours from the day of the taken decision.

1) On October 9, 2013, the peaceful assembly of the party «Zelenyh» was planned, when the state
administration of Pervomay district of Bishkek took a decision on « prohibition of the peaceful
assemblies temporarily» in the territory of Pervomay district. The organizers and the participants were
not informed on the term of prohibition to leave the place of the peaceful assembly, as a result of it 10
people were detained.

2) On November 19, 2013, the peaceful assembly of the activists was planned for the support of the
discharged worker of the center «Bishkek Park». The organizers of the assembly sent the notification to
the mayor’s office of Bishkek and the negotiations with the Department of Internal Affairs of Bishkek
were held in advance, however the activists were detained during the peaceful assembly by motivating
that it is «illegal».

There is no court decision on the litigation and validity of the decision taken by the administration.

Prevention of holding peaceful assemblies by using forces is the extreme measure. In case of stoppage
of the peaceful assembly by using forces, the departments of internal affairs keep records and note the
reasons of these actions, and it is immediately passed to the court for taking decision on the legality and
validity of using the forces. Non execution of this requirement means that using forces was illegal.

1) On October 3, 2012, during the peaceful assembly in Ala-Too square of Bishkek, the police officers of
the law enforcement agencies used the rubber bullets.

2) On May 31, 2013, at 5 a.m and 11p.m the police officers of the Department of Internal Affairs of Jety-
Oguz region of Issyk-Kul oblast used the rubber bullets and tear gas during the peaceful assemblies.

The departments of interior affairs did not keep a record and the protocol on using of the tear gas and
rubber bullets was not passed to the court for the solution of legality and validity of the used forces. As
a result of the used tear gas and rubber bullets, the peaceful assemblies are not held.

On May 22, 2013, the peaceful assembly «Signal to the President» was held in Bishkek, where the
participants were driving near White House and gave a signal. This action was devoted to the prohibition
of the initiatives of the right –hand cars. The organizers sent a notification to the State administration,
the Department of Interior Affairs and the state car inspection.

Next day, on May 23, the criminal proceeding was instituted against three of the organizers—Namazaliev
Mirsuljan, Murzaeva Kamila and Azamat Akellev for «breaching of peace and public order». During the
trial, the main argument of the officers of the law enforcement agencies was «signaling of the cars near
the white House». In accordance with the law, each person has the right to use loudspeaker equipment
without exceeding the level of pressure and noise.

The court did not consider the issue and did not request the evidence on exceeding of the level of the
pressure and noise on the basis of the applications of the victims and the officers of the department of
internal affairs, the participants of the action were fined by the court for the disciplinary action.
**Article of the Pact 22.**

The article of the law 35 of the Constitution of KR guarantees every person to the right to freedom of association.

1) On September 6, 2013, the public discussion of the bill of the legislation “making supplements and amendments to some legislative acts of Kyrgyz Republic” was published in the website of the Parliament, the initiator of it were the deputies of the Parliament T. Bakir uulu and N. Madaliev.

The suggested amendments to the legislation «About the commercial organizations» obligate the organizations (non-governmental, religious, charitable), which get financial aids from the budget of the international organizations and are busy with «political activity», to be registered officially as «the foreign agents», at the same time the concept of «political activity» is not concretized.

The draft law is the copy of the regulations of Federal Legislation of the Russian Federation in particular the regulation of the activities of non-commercial organizations, implementing the functions of the foreign agent.

2) The legislation on the departments of interior affairs of Kyrgyz Republic contains the regulation on prevention of establishment of the public unions in the system of the department of interior affairs, pursuing the political aims, therefore the Legislation prohibits establishment of the trade unions of the police officers.

**The recommendations to member states–Kyrgyz Republic:**

1) Reconsider the legislation on the counteraction against terrorism and bring into accord with the human rights standards.

2) Provide the victims of damage caused as result of the anti-terrorist actions with the compensation.

3) Provide with the efficient investigation on the facts of the people, died of gun wound between June 10-11, 2010 from 2.15 a.m.–5.15 a.m.

4) Provide with the efficient investigation on the facts of the people died during clearing up operation in Nariman village on June 21, 2010.

5) Provide with the efficient investigation on the fact of the women and children sexual abuse during June events 2010.

6) Provide the side with equal rights during investigation and the trials on the June events of 2010.

7) Provide the advocates, relatives and the victims of the accused on the June events of 2010 with safety.

8) Provide every person with the recognition as a person before the law, particularly on the June events of 2010.

9) Provide with efficient investigation, fair trials on the facts of torture by the representatives of the law enforcement agencies.

10) Provide with efficient investigation on the facts of suicide of the military men.
11) Provide with the execution of the legislation «Peaceful assemblies» by the department of interior affairs, local governments and state administrations.