



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 2216th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 February 2013, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.05 a.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (continued)**

Fifth to seventh periodic reports of Kyrgyzstan (continued) (CERD/C/KGZ/5-7 and CERD/C/KGZ/Q/5-7)

1. *At the invitation of the Chairperson, the members of the delegation of Kyrgyzstan took places at the Committee table.*

2. **Ms. Karybaeva** (Kyrgyzstan) said that the Kyrgyz Criminal Code enshrined the principle of equality of citizens but did not contain a definition of racial discrimination in line with article 1 of the Convention. However, article 16 of the draft version of the new constitution, which had been in the process of being drafted prior to the events of 2010, prohibited all forms of discrimination based on sex, race, language and ethnic origin. The adoption of the draft had been delayed as municipal, legislative and presidential elections had to be organized following the riots of June 2010. The fire at the private university run by Mr. Batirov had occurred in May 2010, and therefore was not connected to the unrest that had broken out the following month. The establishment had ceased to accept students as its director had fled abroad after the events that had taken place and no one had taken over his duties. The Kyrgyz-Uzbek University in Osh had been established in 1994 as a partnership between Uzbekistan and Kyrgyzstan, but Uzbekistan had ceased to recognize degrees from the university since 2010. It did, however, offer courses in Uzbek language and literature as part of the policy of multicultural and multilingual education adopted by the Ministry of Higher Education in 2011.

3. Before the conflict in 2010, there had been around a dozen media companies broadcasting in Uzbek in the south of the country. The former owners of two of the companies, one of which was Osh TV, had left the country and had subsequently been sentenced in absentia. The Osh TV channel however continued to broadcast in both Russian and Kyrgyz. Three radio stations broadcasting in Uzbek continued to function, and newspapers continued to be published in the language. There was no censorship in the country but if the media was used for the purpose of inciting intolerance or racial hatred, the procuratorial authorities could intervene by issuing a caution. That had notably been the case when the publication of an article with anti-Semitic overtones had sparked furore in the country and had resulted in a complaint from the Israeli embassy. As simply a coalition of non-governmental organizations (NGOs) trying to ensure respect for the cultural identity and traditions of ethnic minorities and their integration into public life, the People's Assembly of Kyrgyzstan could not have prevented the conflict in 2010. It had neither the mandate nor the resources to play such a role and had never openly taken part in political activities. After the conflict, it had assumed responsibility for coordinating humanitarian assistance. The adoption of a specific law to protect minorities posed particular problems in Kyrgyzstan, as in 1990, during the process which was supposed to lead to the signing of the Council of Europe Framework Convention for the Protection of National Minorities, ethnic minority leaders had opposed the use of the term "minorities" and so the item had been taken off the Parliament's agenda. A similar initiative had also resulted in failure in the 2000s. The discussion was still ongoing and might be brought to a successful conclusion.

4. **Ms. Alieva** (Kyrgyzstan) said that the tragic events of June 2010 had claimed many victims, including among the ranks of the internal affairs bodies. Since then, a focus had been placed on promoting negotiation and conflict prevention, and the composition of the police and the army now better reflected the ethnic diversity of the country as inadequate representation of ethnic Uzbeks was an obstacle to achieving peace. No ethnic Uzbek officials had been dismissed from the Ministry of the Interior after the conflict. Moreover, many of them had participated in the Commission of Inquiry among the Uzbek population

that had been set up after the troubles. Most young people who lived in the south of the country opted for an alternative to military service, meaning that the armed forces were mainly composed of ethnic Kyrgyz.

5. As only half of the weapons used during the conflict in the Jalal-Abad region had been handed in, higher rewards had been offered to anyone returning a weapon. Meanwhile, the police had been trying to identify possible weapon caches throughout the region. In response to the acts of rape, sexual abuse and even murder that Uzbek women had suffered during the conflict, the Government had established a national plan in partnership with NGOs and women's groups, which provided for inquiries to be conducted in 2013–2014 into all such acts committed during the conflict. The plan also aimed to increase the number of women in the police and to take appropriate measures to implement Security Council resolution 1325 (2000) on women and peace and security.

6. **Mr. Konkoshev** (Kyrgyzstan) said that Azimjan Askarov had been guilty of inciting racial hatred during the disturbances in June 2010 and had called on ethnic Uzbeks to take part in the uprising, erect barricades and lay siege to various public buildings in Bazar-Korgon, even taking the head of the local militia hostage. After weapons, ammunition and extremist propaganda had been found at his home, he had been indicted for hostage-taking, kidnapping, possession and carriage of illegal weapons, possession of extremist literature, inciting hatred and involvement in actions leading to the death of members of the police force. Sentenced to life imprisonment in September 2011, Mr. Askarov had launched an appeal and the case was pending before the Supreme Court. Mr. Askarov had been assisted by a lawyer from the start of his detention and had never been a victim of torture. He had been allowed to receive visits from members of NGOs and representatives of the Red Cross while in prison. He had been called a human rights defender, but the investigation did not support that claim. The decisions taken by the courts of first and second instance regarding Mr. Askarov's case had been upheld on appeal.

7. **Ms. Iskakova** (Kyrgyzstan) said that all countries in the region had provided humanitarian assistance after the conflict. With regard to the Committee Chairperson's recommendation on article 14 of the Convention, Kyrgyzstan would consider recognizing the competence of the Committee to receive and consider communications. Kyrgyzstan was also examining the possibility of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The Nationality Act provided that any person living in the country for five years or more could obtain Kyrgyz citizenship. Since 2000, 9,000 asylum seekers and 20,000 ethnic Kyrgyz who had returned to the country had been granted citizenship. In respect of visits by special rapporteurs, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had already visited Kyrgyzstan and three special procedures mandate holders had sent visit requests to the Kyrgyz authorities. Kyrgyzstan had demonstrated its willingness to cooperate by entrusting the Commission of Inquiry with the task of preparing a report on the events of June 2010. However, the Government had not accepted all of the report's findings and the Chairperson of the Commission had himself acknowledged that the report contained inconsistencies.

8. **Ms. Karybaeva** (Kyrgyzstan) said that the Office of the Ombudsman had existed for the past 10 years and the International Coordinating Committee of National Human Rights Institutions had granted it B accreditation status. The Ombudsman visited places of detention. The temporary parliamentary Commission of Inquiry, set up in January 2011 to investigate the events of June 2010, had ceased its activities in May 2011. The interim government had awarded compensation of up to 1 million soms (US\$ 25,000) to those persons affected by the conflict. Measures had also been taken to rebuild homes. Regarding the traditional institutions responsible for restoring public confidence and peace, the court of elders (*Aqsaqal*) had played an important role in calling for peace and calm. The Roma

appeared in the 2009 Census as Tajik. They had mainly settled in an area that had not been affected by the conflict.

9. **Mr. Lahiri** found it difficult to understand the exact causes of the violence in June 2010. To avoid such events occurring again in the future, cultural and ethnic diversity must be seen as a unifying factor and not as a tool of political manipulation.

10. **Mr. de Gouttes** asked when the Supreme Court would take a decision regarding Mr. Askarov. He encouraged the Government to establish a national human rights institution with A accreditation status in accordance with the Paris Principles.

11. **Ms. Karybaeva** (Kyrgyzstan) said that efforts had been undertaken to ensure that conflict did not break out again in the future. The status of the Ombudsman was defined by the Constitution and by the Ombudsman Act. Transition to A accreditation status would be positive but it would depend on the will of citizens.

12. **Mr. Konkoshev** (Kyrgyzstan) said that the Supreme Court had upheld the decisions of the courts of first and second instance regarding Mr. Askarov on 20 December 2011. Mr. Askarov had the right to request a review of the case.

13. **Mr. Murillo Martínez** requested clarification of the role played by the international community during the conflict. He wished to know more about the composition of the Independent International Commission of Inquiry and asked how its conclusions had been received. He asked whether international organizations had been monitoring the situation since the conflict.

14. **Mr. Amir** asked whether the 31 cases of terrorism mentioned in paragraph 72 of the report had been judged according to the Security Council resolutions on combating terrorism or according to national criminal law. He wished to know whether there were any Salafist movements in Kyrgyzstan, and if so, the role they played in the Muslim community and the State.

15. **Ms. Karybaeva** (Kyrgyzstan) said that international cooperation procedures had not been brought into action quickly enough when conflict had broken out, and Kyrgyzstan had not received any international aid even once the situation had stabilized. However, after the conflict had ended, donor countries had provided an unprecedented level of humanitarian assistance and aid for reconstruction. The Independent International Commission of Inquiry, set up at the Government's request, was composed of human rights experts. Its report had been published with comments from the Government on each paragraph. The Office of the United Nations High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe had been responsible for monitoring the situation after the conflict. The terrorist threat had increased since 2011 and a terrorism unit had been set up within the National Safety Council to tackle the issue. Kyrgyzstan supported the measures recommended by the United Nations Security Council and regional organizations to combat terrorism, and in turn, it encouraged the promotion of the values of tolerance and mutual respect.

16. **Mr. Diaconu** (Country Rapporteur) expressed concern at the closure of the University of Jalal-Abad following the conviction of its founder by a trial that many NGOs felt had been unfair. The State party should, in general, review all convictions against persons who had participated in the 2010 riots as the proceedings appeared to have been flawed, since the majority of victims and perpetrators were of Uzbek origin. He asked the Kyrgyz delegation whether those responsible for the violence against journalist Azimjan Askarov during his detention had been tried and punished. Noting the State party's willingness to ensure political unity in the country with the close involvement of the public, he said that such an objective could not be achieved if the rights of minorities were not respected and if minorities did not have a strong sense of belonging to the Kyrgyz

Republic. He asked the delegation to comment on the information that all students enrolled in the State party took their exams in Kyrgyz, including at institutions which provided or had provided teaching in Uzbek. The State party should amend its ethnic policy and ensure the effective protection of minorities' rights by guaranteeing their participation in public affairs and representation in the police and judiciary.

17. **Mr. Vázquez** asked why members of ethnic minorities did not wish to be identified as such in the State party and whether it was true that they could not join the police or security forces because they had not performed active military service. He wished to know what remedies were available to victims of miscarriages of justice, particularly those convicted for their involvement in the riots of 2010. He noted that there were significant contradictions between the information provided by the State party and that provided by NGOs concerning Mr. Askarov and that, according to many sources, Mr. Askarov had been subjected to torture, false evidence had been used against him and his trial had been heavily politicized. It would be interesting to know why a video presented by Mr. Askarov in his defence had been ruled inadmissible.

18. **Mr. Konkoshev** (Kyrgyzstan) said that Mr. Askarov had been struck by his cellmate and the offender had not been prosecuted because no complaint had been made. The video testimonials submitted by Mr. Askarov had not been admitted as evidence for the defence as the four persons who appeared in the recordings had refused to confirm their statements in writing.

19. **Ms. Karybaeva** (Kyrgyzstan) explained that the entry criteria for joining the police and security forces of the Ministry of the Interior had recently been changed to include persons who had completed an alternative form of military service. Provision had also been made to ensure that at least 10 per cent of the police force came from ethnic minorities. She agreed to raise the issue of the abolition of school exams in Uzbek at the highest level in the country to ask for consideration of a repeal of the decision. She recognized that the Ombudsman should play a greater role in protecting the rights of minorities and that the judicial system should be reformed.

20. **Mr. Diaconu** (Country Rapporteur) welcomed the constructive dialogue with the State party delegation and hoped that the assurances given would find a practical application very soon. He encouraged the State party to adopt regulations to protect the rights of minorities, particularly in regard to education and participation in public affairs and State bodies. He stressed the importance of transitional justice and urged the Kyrgyz authorities to reopen all cases relating to the 2010 riots in order to restore public confidence in the judicial system. While reforms were necessary in terms of the judiciary and the police, the authorities should also strive to eliminate economic and social disparities between the regions and different groups of the population to avoid the socioeconomic problems that the State party was facing becoming a source of animosity between the ethnic Kyrgyz population and minority ethnic groups.

21. **Ms. Iskakova** (Kyrgyzstan) assured the Committee that the delegation would send the information it had not been able to provide at the meeting. She was very surprised to note that Mr. Kadirjan Batirov, the founder of the University of Jalal-Abad, had attended the meeting along with NGOs although he had been sentenced by the Kyrgyz judicial system for crimes and murder and was the subject of an international arrest warrant. She said that she had called the Committee Chairperson's attention to the situation at the end of the previous meeting and she hoped that the matter would be mentioned in the summary record of the meeting.

The meeting rose at 1 p.m.