

In February, the CERD Committee recommended that the Kuwaiti authorities issue civil documents to all people in Kuwait and give the Bidun access to adequate social services, education, housing, employment, property and business registration rights, among other things.

## Women's rights

Women continued to face discrimination in law and practice. In September, the Supreme Judicial Council announced that women could apply for various posts in the Public Prosecution and judiciary. This followed lawsuits brought against the Ministry of Justice by women law graduates in 2011, after the Ministry advertised certain jobs as open to men only.

## Migrant workers

Migrant domestic workers remained unprotected by Kuwait's labour laws and continued to face exploitation and abuse by employers. The labour sponsorship (kafala) system did not adequately protect migrant workers, and non-Kuwaitis were prohibited from forming collective bodies.

The CERD Committee recommended that Kuwait adopt specific labour legislation to protect foreign and domestic workers and guarantee their rights according to international standards, including the ILO conventions to which Kuwait is a party.

## Death penalty

Nine death sentences were passed, four of which were commuted. Others were upheld by the Appeals Court. Three other death sentences imposed in 2011 on two Iranians and a Kuwaiti for "espionage for Iran" were reduced to life imprisonment on appeal. Three people facing execution for murder were pardoned by their victims' relatives. No executions were reported.

## Amnesty International visits/reports

✈️ Amnesty International delegates visited Kuwait in May. In October, Amnesty International's Secretary General met the Prime Minister, former parliamentarians, opposition activists, members of the Bidun community and human rights activists in Kuwait.

📄 Kuwait: Joint open letter to His Highness the Amir of Kuwait regarding the Bidun (MDE 17/004/2012)

# KYRGYZSTAN

## KYRGYZ REPUBLIC

Head of state:

Almaz Atambaev

Head of government:

Zhantoro Satimbaldiev (replaced Omurbek Babanov in September)

**Torture and other ill-treatment remained pervasive throughout the country and law enforcement and judicial authorities failed to act on such allegations. The authorities continued to fail to impartially and effectively investigate the June 2010 violence and its aftermath and provide justice for the thousands of victims of serious crimes and human rights violations, including crimes against humanity. Ethnic Uzbeks continued to be targeted disproportionately for detention and prosecution in relation to the June 2010 violence.**

## Torture and other ill-treatment

Torture and other ill-treatment persisted, despite the development of a comprehensive national programme on combating torture, based on the recommendations of the UN Special Rapporteur on torture, and the adoption of a law on the establishment of a National Centre for the Prevention of torture and other ill-treatment.

The Special Rapporteur reported in February that incidents of torture and other ill-treatment to extract confessions "remained widespread". He further observed, "that, in practice, there is no clear procedure in place prescribing the measures to be taken by courts should evidence appear to have been obtained through torture or ill-treatment. Furthermore, in practice, there appears to be no instruction to the courts with regard to implementing that rule or ordering an immediate, impartial and effective investigation if the rule is violated."

He noted that in contrast to the actions taken and statements made by the current and former Presidents and the Prosecutor General, he had not heard of any instructions "communicated by the responsible officials of the Ministry of the Interior [Ministry of Internal Affairs] to condemn torture and ill-treatment or to declare unambiguously that torture and ill-treatment by police officers would not be tolerated".

■ Anna Ageeva, a pregnant 18-year-old woman, was detained by police officers in Bishkek on 11 September on suspicion of murder and held incommunicado for three days in Sverdlovsk District police station. During this time, she alleged that police officers dragged her by her hair, handcuffed her to a radiator and kicked and punched her in the stomach and kidneys to force her to confess to the murder of another young woman. A lawyer from the NGO Kylym Shamy submitted a complaint about the torture to the Sverdlovsk District Prosecutor. Three other suspects, including 17-year-old Aidiana Toktasunova, also detained in relation to the same murder, similarly complained to the District Prosecutor's Office that police officers had tortured them to extract confessions. The Ministry of Internal Affairs dismissed the torture allegations as "absurd" and stated that their investigations had found no evidence of any wrong-doing by police officers. The District Prosecutor's Office opened a criminal investigation into the allegations in October.

■ In November, the human rights organization Spravedlivost (Justice) wrote to the Prosecutor General requesting that she personally supervise an investigation into allegations that eight detainees in the centre for temporary detention (IVS) in Jalal-Abad had been ill-treated by over a dozen police officers. Spravedlivost had visited the IVS after being alerted to the violations by relatives of some of the detainees.

The detainees reported that police officers beat them in the face, skull and body. They stripped the detainees naked and forced them to run. The regional Ombudsman visited the IVS two days after Spravedlivost and met with all 42 detainees at the facility, 37 of whom confirmed that they had been ill-treated. In turn she asked the Regional Prosecutor's Office to investigate these allegations. The Ministry of Internal Affairs also conducted an internal investigation, but claimed to have found no evidence of any ill-treatment.

While arbitrary arrests of mainly ethnic Uzbeks appeared to have become less frequent in 2012, reports persisted of serious human rights violations committed against Uzbeks in relation to ongoing investigations into the June 2010 violence and its aftermath, including torture and other ill-treatment in detention, forced confessions and unfair trials. In his February report, the Special Rapporteur on torture expressed his concerns that "serious human rights violations committed in the context of [these] investigations have continued unabated in recent months".

## Unfair trials

The Special Rapporteur on torture stated that he had heard "testimonies, according to which, in trials relating to the violence of June 2010, judges and prosecutors repeatedly failed to act on information of torture or ill-treatment supplied by defendants or their lawyers". He cited the 20 December 2011 Supreme Court decision to turn down Azimzhan Askarov's appeal and to confirm his life sentence as an "example of the highest judicial body's failure to act on allegations of torture and ill-treatment". The government accused the Special Rapporteur of being one-sided and stated that the Prosecutor General's Office had conducted a thorough investigation into all the allegations of torture and forced confessions of Azimzhan Askarov and his co-defendants and had found no compelling evidence to substantiate these claims.

■ Azimzhan Askarov, prominent human rights defender and prisoner of conscience, remained in solitary confinement at the end of the year. According to the October report by Physicians for Human Rights (PHR), his medical condition had markedly deteriorated including his eyesight, his nervous system and his breathing, but he did not receive the necessary medical care, which constituted a form of ill-treatment. Following an examination in January, PHR experts concluded that Azimzhan Askarov showed clinical evidence of traumatic brain injury as a result of torture. In November, his lawyer submitted a complaint to the UN Human Rights Committee.

## Impunity

Despite initiatives taken by the authorities in the last two years – often in the face of considerable internal opposition – they failed to fairly and effectively investigate the June 2010 violence and its aftermath in the cities of Osh and Jalal-Abad and provide justice for the thousands of victims of the serious crimes and human rights violations, including crimes against humanity.

The Osh City Prosecutor stated in April that out of 105 cases which had gone to trial in relation to the June 2010 violence, only two resulted in acquittals. Only one of those cases involved an ethnic Uzbek, Farrukh Gapirov, the son of human rights defender Ravshan Gapirov. He was released after the appeal court found his conviction had been based on his confession which had been obtained under torture.

However, no criminal investigation against the police officers responsible for his torture was initiated.

By contrast, the first – and, to date, the only – known conviction of ethnic Kyrgyz for the murder of ethnic Uzbeks in the course of the June 2010 violence was overturned.

■ In May, the Jalal-Abad Regional Court quashed the convictions of four ethnic Kyrgyz men charged with the murder of two Uzbeks during the June 2010 violence. Two of them had been sentenced to 25 and 20 years in prison respectively in November 2010. Both had alleged that they had been tortured in detention. The others had received suspended sentences of three years. The first appeal court reversed the convictions of the four men, sent the case for additional investigation and released them on bail. Three of the defendants were fully acquitted and the one sentenced to 25 years by the court of first instance was granted a conditional release.

Despite official directives from the Prosecutor General's Office to investigate every single report of torture, prosecutors regularly failed to investigate such allegations thoroughly and impartially, or to bring anyone identified as responsible to justice. The Special Rapporteur found that "[t]he efforts made by the interim Government to investigate and punish the abuses that resulted from the events of June 2010 have proved to be largely ineffective".

■ In March, the trial of four police officers charged with torture of Usmonzhon Kholmirzaev, which had led to his death in August 2011, was returned to Jalal-Abad. The presiding judge at Jalal-Abad Regional Court called for further investigations and released two of the accused police officers on bail. Before the trial had started, in September 2011, relatives and supporters of the accused police officers held public protests, which were sometimes violent. They intimidated witnesses for the prosecution, the family and lawyer of Usmonzhon Kholmirzaev outside the court and inside the courtroom, and put pressure on the judge to find the accused not guilty. The trial was moved to Chui Region, 500km away, for security reasons. Nevertheless, key witnesses were threatened with violence and some changed their testimony in favour of the accused. Several felt compelled to leave the country fearing for their family's safety. By the end of the year, the Jalal-Abad Regional Prosecutor had not started investigations into the actions of the relatives and supporters of the accused, despite complaints by the

widow of Usmonzhon Kholmirzaev and her lawyers. On 26 December, the Regional Court indefinitely postponed the trial after three of the defence lawyers failed to show at the scheduled hearing.

## Amnesty International visits/reports

✈ Amnesty International delegates visited Kyrgyzstan in April, May, September and December.

📄 Kyrgyzstan: Dereliction of duty (EUR 58/001/2012)

# LAOS

## LAO PEOPLE'S DEMOCRATIC REPUBLIC

Head of state:

**Choummaly Sayasone**

Head of government:

**Thongsing Thammavong**

**Restrictions on freedom of expression, association and assembly continued. Three prisoners of conscience and two Hmong political prisoners remained imprisoned. Harassment of Christians in several provinces was reported. Concerns increased over land disputes caused by development projects affecting livelihoods.**

## Background

In February, the UN Committee on the Elimination of Racial Discrimination expressed concern about the lack of international access given to Hmong involuntarily returned from Thailand. In September, Laos ratified the UN Convention against Torture. In November, Laos adopted the ASEAN Human Rights Declaration, despite serious concerns that it fell short of international standards. The death penalty remained mandatory for some drug offences; no official statistics were made public. Harassment of Christians in provincial areas continued, with confiscation of property, closing of churches, short-term detention and forced recanting.

## Freedom of expression

Freedom of expression remained tightly controlled with media and others conforming to state policies and self-censorship. In January, the Ministry of Information, Culture and Tourism ordered the radio call-in programme *Talk of the News* to be taken off air.