

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
KGZ 4/2014:

10 September 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/18, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of physical attack against Mr. **Makhamajan Abdujaparov**, a human rights lawyer in south Kyrgyzstan, and threats against him and the non-governmental organization he works for.

Mr. Makhamajan Abdujaparov works for the non-governmental organization Spravedlivost ("Justice"). Spravedlivost is a human rights non-governmental organization based in south Kyrgyzstan whose work focuses on upholding the rule of law by providing legal assistance to the local population, in particular regarding detention cases, preparing individual cases for the United Nations Human Rights Committee and investigating allegations of torture and ill-treatment. In 2014, Spravedlivost won the Max van der Stoep Award of the Organization for Security and Co-operation in Europe (OSCE) for its work on improving the position of national minorities in Kyrgyzstan.

According to the information received:

On 4 September 2014, at around 8:20 a.m., Mr. Makhamajan Abdujaparov, a senior human rights lawyer at Spravedlivost, was attacked by either a representative or an affiliate of the State Committee on National Security (SCNS). The latter had reportedly been watching the premises of Spravedlivost, waiting for the arrival of Mr. Abdujaparov. The alleged SCNS representative or affiliate

reportedly entered the premises of Spravedlivost, held Mr. Abdujaparov by his neck, pushed him to the wall and was prevented from hitting him only when the security guard intervened. During the attack, the alleged perpetrator mentioned Mr. Abdujaparov's ethnic origin.

The attack was video recorded on CCTV. Bystanders also reportedly recorded the alleged attacker's car license plate and said they saw the same car parked in the car park belonging to the regional department of the SCNS.

Mr. Abdujaparov reportedly filed a complaint with the police asking to investigate the circumstances of the attack. It is alleged that shortly after the complaint was filed, an employee of Spravedlivost received a call from the SCNS telling Spravedlivost to refrain from filing any further complaints about this incident.

It is further reported that earlier this year, human rights lawyers at Spravedlivost were advised by authorities not to intervene in cases related to allegations of torture. It is also alleged that in early 2014, a number of employees of Spravedlivost were intimidated and threatened with criminal charges by the Prosecutor's office and the SCNS, while others were summoned and interrogated by the police. According to information received, investigations into the circumstances of these incidents have been excessively protracted.

Serious concern is expressed about the physical and psychological integrity of Mr. Abdujaparov. Particular concern is expressed that the attack against Mr. Abdujaparov and the threats against him and other employees of Spravedlivost may be a result of their legitimate work in the defense of human rights, more specifically of their work on preventing and combating torture and arbitrary detention.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer Your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular to principle 16, according to which Governments must ensure that lawyers do not suffer intimidation, hindrance, harassment or improper interference with performing all of their professional functions, and principle 17, according to which authorities must adequately safeguard the security of lawyers.

We would also like to recall that in accordance with paragraph 8a of Human Rights Council Resolution 16/23, any intimidation and coercion, as described in article 1 of the Convention against Torture (CAT), which Kyrgyzstan acceded to on 5 September 1997, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 9, paragraph 3 and 12, paragraphs 2 and 3.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) /can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Abdujaparov in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information, and where available the results, of any investigation, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please indicate any remedial action taken vis-à-vis the victim.
5. Please provide detailed information on protection measures available to lawyers who find themselves at risk for discharging their professional functions in the Kyrgyz Republic.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst  
Special Rapporteur on the situation of human rights defenders

•

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading  
treatment or punishment