

Geneva

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Kyrgyz Republic: government must take urgent measures to end attacks on lawyers

The International Commission of Jurists (ICJ) today called on the government of the Kyrgyz Republic to take urgent measures to prevent repeated attacks on lawyers. The call followed reliable reports of an assault on two lawyers in a court in the south of the country. On 20 August 2013, lawyers Dinara Medetova and Kubanychbek Zhoroyev were physically attacked following a hearing in the Osh Regional Court. This is the latest in a series of such attacks, which have threatened the lives and safety of lawyers, have hindered lawyers in defending the rights of their clients, and have undermined the fairness of trials.

The ICJ understands that the Ministry of Interior has denied that the attack on the lawyers took place. However this attack is confirmed by the accounts of reliable witnesses.

The ICJ is concerned that, in the face of repeated attacks of this kind, the government and law enforcement authorities have consistently failed to take effective measures to prevent them, or to ensure that they are effectively investigated and the perpetrators brought to justice.

“Denying that these attacks take place can only perpetuate the problem. What is needed is an independent, impartial and thorough investigation into the incident” said Róisín Pillay, Director of the ICJ Europe Regional Programme. “The government must work with the law enforcement authorities to ensure that the safety of lawyers, witnesses and defendants in criminal trials is ensured throughout the country, and that the Kyrgyz Republic protects the right to a fair trial, as required by its international legal obligations” she added.

The two lawyers were defending Makhmatkir Bizurukov, an ethnic Uzbek, in a trial related to the 2010 ethnic clashes in the south of the country. According to information available to the ICJ, the lawyers were repeatedly interrupted, insulted and threatened by members of the public in the course of the hearing, creating an atmosphere of intimidation which prevented the lawyers from effectively defending their client. During the hearing, the lawyers also received death threats to which the judge did not respond. After the hearing, reports indicate that around ten women, supporters of the victims in the case, physically attacked the lawyers. “If it hadn’t been for my colleague who helped me to escape, I could have been very seriously injured or even dead”, lawyer Medetova told the ICJ. The lawyer later returned to Bishkek due to her fear of further attacks.

This attack took place despite an earlier written request by the defence lawyers in the case submitted to the local Police Department, President of the Court and the Osh Regional Prosecutor that security measures be taken during the hearing, in light of attacks on the accused, witnesses and lawyers at a previous hearing in the same case. The ICJ understands that the head of the Police Department and the Prosecutor had assured lawyer Medetova that measures would be taken to guarantee the safety of the lawyers. In the event however, the police took no action to prevent or halt the attacks on the lawyers in the courtroom. Following the attack, the police reportedly told the lawyers that they could not protect them, as the supporters of the victim would consider such protection as bias in favour of the accused.

The ICJ recalls that international standards, including the UN Basic Principles on the Role of Lawyers, require that “where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”.

The ICJ urges the government to unequivocally and publicly condemn these attacks and to ensure that effective measures are taken to investigate them and bring those responsible to justice.

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