

COMMENTS

By the Government of Kyrgyzstan

In response to the report of the Kyrgyzstan Inquiry Commission into the events in southern Kyrgyzstan in June 2010

1. Introduction

The Kyrgyzstan Inquiry Commission (KIC) investigation into the events which occurred in southern Kyrgyzstan in June 2010 has completed its work and presented its report to the Government of Kyrgyzstan¹ on the 1st of April 2011

The establishment of the KIC to investigate the events of 2010 was supported by the Kyrgyz authorities with the aim of preventing a repeat of the violence. The report was aimed at facilitating peace, stability and reconciliation in the country. With the aim of achieving an objective analysis of the events the authorities ensured that an unprecedented level of openness prevailed. Nobody and nothing in Kyrgyzstan hindered the work of the KIC. In accordance with its mandate the KIC was to investigate the facts and circumstances surrounding the events of June 2010, subsequently putting forward recommendations aimed at achieving stability and reconciliation. It was further stipulated that the KIC would not undertake criminal investigations which would be left as a prerogative of the Kyrgyz authorities.

The Kyrgyz Government consider that the KIC was able to collect significant evidence via a comprehensive and objective approach. The KIC conducted an unbiased investigation which permitted a thorough and useful analysis of the circumstances that preceded the conflict and for its eventual resolution, together with an analysis of the reasons behind the tragic events and an evaluation of the actions of all parties involved in the resolution of the consequences of the conflict.

The Kyrgyz Government considers the huge work undertaken by the KIC to be of the utmost importance and would like to thank its members for their time and effort which they have committed to the investigation of the tragic events that occurred in Kyrgyzstan.

2. Overall Report Evaluation

The Kyrgyz Government agrees with some of the conclusions and critical observations of the KIC. It does not absolve itself of the responsibility for the events and the ensuing consequences. The Provisional Government (PG) in its declaration of the 16th of June 2010 to the people of Kyrgyzstan and the international community fully accepted its responsibility and guilt.

It cannot be overlooked that the conflict was localised and was halted after a period of 3-4 days, avoiding a humanitarian catastrophe in the area where the clashes and pogroms were taking place. This was undertaken independently under conditions of great internal instability and in the absence of financial and supply-logistical resources. During

the violent clashes Kyrgyzstan did not receive assistance from the international community or organisations whose purpose is the resolution of such problems.

1. The definition of the Government of the Republic of Kyrgyzstan includes the executive and judiciary. The comments herein were formulated by a working group in accordance with the Prime-Minister of the Republic of Kyrgyzstan and by virtue of a Presidential decree. This working group included representatives of the presidential apparatus of the Republic of Kyrgyzstan, the Government of the Republic of Kyrgyzstan and independent experts.

The Kyrgyz Government and people hold in the highest esteem the President of Uzbekistan, I.Karimov due to the responsible and balanced attitude of the humanitarian action of the Uzbek Government in accepting more than 75,000 temporarily displaced citizens of the Kyrgyz Republic. The efforts of the Uzbek leadership coupled with firm control of the borders did not permit an escalation of the conflict and its expansion across the region.

The Government of the Republic of Kyrgyzstan whilst recognising the significance of the KIC's report cannot fail to notice that the validity and effectiveness of the work of the KIC is substantially diminished by the presence of serious deficiencies in the final document due to the obvious time constraints available for the report and the inadequately balanced approach to its evaluations and conclusions.

Of particular concern is the fact that these deficiencies may negatively influence the situation in Kyrgyzstan, and that the differing parties may be provoked by dissatisfaction caused by the insufficient completeness and objectivity of the investigations. Furthermore the overall efforts of the KIC do not answer the questions held by many citizens as to the normalization of the situation and the resolution of the negative consequences of the conflict, which directly contradicts the mandate of the Commission.

Taking into account these circumstances the Government of Kyrgyzstan is unable to accept some of the conclusions and recommendations of the KIC and considers it necessary to set forth another viewpoint.

The Government of Kyrgyzstan considers it completely unacceptable that the KIC's documents clearly display an overwhelming tendency that only one ethnic group has committed crimes, ignoring the victims and deaths of this very group, and portraying the other group solely as defenceless victims. A simplistic numerical approach which bears no relation to an analysis of events cannot give an objective representation. It is extremely perplexing why some incidents are described with emotion and in detail whereas other incidents are not afforded such attention and indeed some fundamental facts have been entirely omitted. When analysing conflicts with an inter-ethnic dimension such an approach is inadmissible and any analysis must be of the utmost objectivity and impartiality. Unfortunately it is evident that certain members of the Commission harboured a different approach which is visible in the KIC's final document.

Particular attention should be paid to the qualification of events which was attempted by the KIC. The Government acknowledges that despite a pressure campaign

from the mass media the KIC has made objective conclusions that the events of June cannot be classed as genocide or armed conflict.

In addition the Government of Kyrgyzstan considers that the KIC's report does not outline sufficient evidence to conclude that the events of June in the city of Osh can be considered as crimes against humanity. Since there were no premeditated and organised attacks against Uzbek populations "in coordination with in support of state policies or organisations" which define crimes against humanity.

It is the opinion of the Government that the tragic events of the 10th-14th of June in Osh were as a result of provoked inter-ethnic conflict in which both sides were armed, committed violence against each other and suffered casualties.

The most regrettable fact is that in the KIC's evaluation of the events, there was no thorough analysis of the circumstances and reasons which preceded the conflict and where its roots lie. The circumstances from which the conflict arose were not due to the Provisional Government and were not from the events of April-May 2010. They were as a result of protracted policies implemented by former regimes that worsened the social-economic situation of the south of the country and which led to the extreme polarisation of the social atmosphere of the societies of the region. These policies adopted by the previous regime were either of a demagogic nature or of a more blatant provocative type which impacted on such sensitive areas as multi-ethnic relations.

In section 2 of the "Concise Report" the KIC notes the *"power vacuum and consequent political rivalries that arose from this, the fragile state institutions and weak rule of law in the south of Kyrgyzstan in the wake of the 7th April overthrow of the Bakiyev government."* However in section 10 the KIC draws a contradictory point to this conclusion by confirming that *"The Provisional Government which came into power two months before the events, neither recognised nor correctly evaluated the worsening inter-ethnic relations in the south of Kyrgyzstan", "an emergency plan should have been adopted which would have included", "have been responsible for security, in other words that the security forces were appropriately equipped and trained so as to deal effectively with the civil disturbances"* (see section 10 of the "Concise Report").

In functioning states with established administrations and institutions within the framework of governmental changes the demands on the Provisional Government would be fully justified. However as the KIC rightly notes on the 7th of April the country faced a *"power vacuum"*, President Bakiyev and his circle moved to the south of the country in order to organise their supporters, the government declared that it was resigning and in certain areas a popular government was established. The administration of regions and cities was undertaken by Coordination Councils comprised of representatives of various political and social organisations and activists. The Provisional Government which took upon itself the responsibility for the country in such a dramatic and volatile period was still faced with dealing with resistance from the previous regime, stabilising the socio-political framework and establishing a chain of command. Moreover the Provisional Government immediately declared its intent to adopt constitutional reforms and to hold democratic parliamentary elections within 6 months.

It is precisely these circumstances which have not been taken into account by the KIC, specifically that the country was in a transitional political situation where the establishment of control by the government in all areas of state power was not yet complete, this is of paramount importance from the point of view of the Government's

capability and the consequences the conflict. These factors diminish the trustworthiness of the KIC's analysis and conclusions.

Only a detailed and accurate chronological description of events until the 10th of June can form the basis for a more thorough understanding of the socio-political situation and the actions of the Provisional Government in that dramatic and volatile period. Furthermore the chronology of events omits important factors which occurred both before and during the conflict.

It should also be noted that the KIC was unable to take into account the numerous factors which illustrated that the conflict was provoked. The KIC was unable to establish who planned and instigated the conflict. It is possible that the KIC had a deadline for its work, and its mandate prevented it from accessing the true nature of many of the factors related to events in the south which led to the conflict. Instead the KIC followed the path of laying the blame on the leaders of the law enforcement agencies. Moreover uncorroborated official investigations which lay the blame on suspected guilty parties, in an already unstable situation in the south of the country, may lead to new sources of tension, which directly contradicts the aims and mission of the KIC.

The Government of Kyrgyzstan will continue to learn from the tragedy and is taking all measures aimed at establishing stability and inter-ethnic peace. Many of the recommendations made in the KIC report have already been implemented by the Government from the day the conflict was localised.

The Government of Kyrgyzstan expresses its hope that the publication of the KIC report will lead to the strengthening of trust in society and the consolidation of the positive forces in achieving a consensus.

3. Comments and Reactions by the Government of Kyrgyzstan to the text of the report.

Methodology and Chronology of the Investigation

1. Overall the Government of Kyrgyzstan expresses its doubt as to the uniformity of the methodology applied by the KIC in its investigation with respect to both sides of the conflict. In accordance with section 17 of the KIC report "there are grounds for reasonable doubt in the standard of evidence adopted by the KIC in its investigations". This standard requires the appropriate valid evidence in concordance with other confirmed circumstances which indicate that the incident or event occurred and that any person may justifiably question the participation in the incidents or events. It has been shown that the KIC applied this standard to all the factual data which it received. It has been confirmed that all the facts which were not confirmed by other sources have been omitted from the report.
2. The events in the south were one aspect of the violence which arose from the context of a deeply rooted complex conflict which enveloped Kyrgyzstan. The chronology of

the KIC report is unreasonably limited in terms of time and territory. There is practically no description of the period between the 7th of April and the 10th of June 2010. Insufficient attention is paid to the complex political context of recent years and the period immediately preceding the events. In the absence of such an account it is impossible to understand the true reasons behind the conflict and the nature of the situation which compelled the leadership of the country to respond daily to the challenges and threats to the stability of the entire country.

3. The chronology does not describe the measures taken to stabilise the situation by both the government and by leaders of society; by the representatives of civil associations that conducted negotiations despite the dangers to free hostages, who enabled people to move to safe zones, delivered medications and food, collected documentary evidence, and implemented the monitoring of legal processes and so forth.
4. The details of the events described during the conflict are of an erratic nature. The Commission collected a large volume of evidence enough for an objective account of the situation however some incidents for whatever reasons were not afforded sufficient attention. For example in certain important cases during the conflict the description is unacceptably brief: the period from midnight to the morning of the 11th of June (127-130,134), the incident in the village of Nurdar (174). The events of the 13th of June in the “Sanpa” factory where the Bishkek-Osh road was blocked and a mass murder was committed, is referred to only in one sentence in section 183. Simultaneously the actions of the Kyrgyz sections of the population in sections 145,146, 148 are described in significant detail. Such an approach does not fulfil the aim of establishing a “detailed, true description of events” as noted in section 2 of the KIC’s report.
5. In several assertions the KIC report insufficiently substantiates the nature of the events and prejudices them as inter-ethnic clashes. Thus the events described on the 15th of May (74,75) in which 3 Kyrgyz and 2 Uzbeks were killed (in relation to these events 12 criminal investigations were opened) do not include information as to which criminal acts were committed and against whom. In reality these persons died during the mass disturbances organised by Bakiyev’s relatives and supporters, not as a result of inter-ethnic conflict.
6. This unbalanced approach to the facts and their evaluation is also confirmed by the language used in the accounts of the evidence. An analysis of the text illustrates that in contrast to the overall rational style of the Report (for example in sections 181,191), in certain sections emotional language is used which gives an excessively “powerful” impression (132,257,258,289). The style of the presented evidence is dependant upon the ethnic group, the actions of which are described in the Report.
7. The quantitative approach in the selection of interviewees (12) is also methodologically incorrect as is the one sided selection of some of the information sources (14). The composition of the interviewees does not correspond in proportion to their ethnicity, nor to their involvement in the conflict, the scope of the territory or the level of responsibility of the interviewees in society. The application of such methodologies led to the ascribing of crimes primarily to the representatives of one ethnic group ignoring the victims and deaths suffered by this very group.

Therefore the reason why the Report’s depiction of the conflict, the course of events and its consequences is of a one-sided nature is due to the violation of a uniform approach in the methodology adopted.

Historical Background and Political Context

8. The assessment of the June events as an inter-ethnic conflict suggested by the KIC fails to include a spectrum of factors which must be taken into account in such a case. Above all the KIC could not have investigated the numerous facts which indicate that the conflict was instigated. I. Karimov, the President of the Republic of Uzbekistan, on the 21st of September 2010 during a session of the UN General Assembly stated “With the information at our disposal we are able to declare that the Kyrgyz themselves and the numerous Uzbek diaspora², that inhabit the southern part of the Republic were hostage to the well thought out and well organised actions of third parties”. The report of the National Commission established for the investigation of the tragic events in the south of Kyrgyzstan (hereinafter NC) underlines the participation of third parties in the instigated conflict, including the representatives of the overthrown government of the 7th of April, and both criminal and radical nationalist groups.
9. The KIC inadequately assessed the situation in the south of the republic. This is evidenced in the inaccurate description of the situation, including the historical background and other statistical data. The KIC report gives the impression that the Kyrgyz population did not historically live in the south of the country and was moved as a result of the process of industrialisation in the 1960's. (34,79) This assertion is entirely erroneous, in the south of the country the Kyrgyz have lived from time immemorial and have played a significant role in the development of the entire Fergana valley.
10. It is not possible to agree with the assertion that in the south of Kyrgyzstan the Kyrgyz and Uzbek populations have been numerically equal (37). According to the results of the censuses undertaken, including pre-revolutionary, the Kyrgyz have composed approximately 60% of the population of the south. At the time of writing of the KIC report the 1990 figures indicated that Uzbeks comprised 31.8% of the population of the Osh region and 23.6% of the Jalalabad region.
11. The KIC report includes several points which refer to the language policies and the status of the Uzbek language (89-94). It is certainly the case that there were several complaints against the previous regime with regards to supporting the development of all ethnic groups living in the Republic of Kyrgyzstan. This can be reliably substantiated. However the presented concrete facts and assertions do not unfortunately correspond with reality. Thus it has been noted that experts in Uzbek affairs do not participate in the development of school curricula, although since 1997 until the present day a Text Book Centre in the Uzbek language has operated at the Kyrgyz-Uzbek University at which 63 text books for use in Uzbek language schools have been produced. More than 700,000 copies of these textbooks were published, the costs coming from the Republic's budget. As the KIC perfectly illustrated the government within its capacity actively supports the Uzbek language (93), and noticed that at the time of the conflict the number of Kyrgyz and Uzbek schools in the city of Osh was equal. In the entirety of the Republic of Kyrgyzstan there are 236 Uzbek language schools and 99 schools with instruction in Kyrgyz-Uzbek.

2 . The KIC has criticised certain representatives of the Kyrgyz Government for using the term “diaspora”. (94). This word is used a neutral context applied to the territory of the entire post-Soviet space.

12. In its description of the historical background and political context to events the KIC report diverged from the model of an “ideal state” which portrays Kyrgyzstan in 2010 as a strong state with functioning institutions and respect for human rights. The KIC did not sufficiently take into account the fact that two months before the conflict the country had not just undergone a simple change of government, but that during the 6-7th of April 2010 a peoples’ uprising against a corrupt totalitarian regime ruled by a single family clan had taken place. The regime used weapons against its own populace leading to the deaths of 87 peaceful citizens with more than 1000 injured. As a result the central government collapsed, its place being taken by Coordination Councils which independently appointed leaders to governmental structures in the regions on behalf of the people. Political forces which were opposed to the previous regime formed the Provisional Government which took full responsibility for the country. The Provisional Government declared its intention to implement constitutional reforms followed by parliamentary elections. The Provisional Government was faced with stabilising the socio-political situation, re-establishing a system of state administration and chain of command, and preventing the dissolution of the country.
13. The security services had been weakened by the previous regime. In 2009 the National Guard had been disbanded together with the National Drugs Agency. Furthermore instead of fulfilling their intended role the Security Services were in essence serving the interests of the ruling family-clan and were used as a tool of political pressure. Particularly negative elements were present in the structure of the law enforcement agencies in the south of the country. It cannot be overstressed that the law enforcement agencies of the country as a whole and in the southern regions in particular did not have sufficient capabilities and resources to prevent and neutralise the widespread clashes. The law enforcement agencies were practically helpless in the first hours of the clashes as they neither possessed the specialised equipment and training necessary to use such equipment, nor the techniques used to deal with widespread disturbances. This was a problem which was not the fault of the Provisional Government nor did it stem from the months of April-May 2010. Under a framework supported by the OCSE the previous regime had formally undertaken to reform the law enforcement agencies.
14. The KIC expressed its doubt as to the participation in the events in the south by the family and supporters of K.Bakiyev referring to the audio recordings of a telephone conversation between Maksim and Janysh Bakiyev where the south of Kyrgyzstan was not mentioned (101). K.Bakiyev travelled to the south in order to mobilise his supporters and attempt to return to power by any means possible. It was specifically in the south of the country as early as May that a plan was developed to spread conflict in the country, this was recorded in Bakiyev’s conversations which took place on the 29th of April. It is also of significance the fact that the Provisional Government made new appointments mainly to the levels of central government and certain local authorities. Protégés of the previous regime constituted to a large degree of the middle level

leadership, including the law enforcement agencies. This group did not want to leave power having been connected to the Bakiyev family and were ready at any moment to fulfil their orders. The failed attempt to summon the parliament in the city of Osh and the seizure of power in April-May 2010 in the Jalalabad and Osh oblasts pushed the supporters of the previous regime to instigate various types of conflicts including multi-ethnic.

15. The KIC should have taken into account these facts which it was aware of, the attempts to instigate conflict on an inter-ethnic level were undertaken by criminal bands and those seeking revenge even before the events of June and not solely in the south. In Bishkek during April-May more than 120 meetings and other mass actions took place. The family-clan regime made attempts to instigate national conflict between the Kyrgyz and Turks, Kyrgyz and Dungans in various regions of the Chuy oblast. On the 19th of April their agents were successful in creating mass disturbances in the village of Mayevka, during which 5 were killed and 28 people suffered various injuries. It was no coincidence that the seizure of the Jalalabad state administration by forces loyal to K.Bakiyev occurred at the same time as the bloody events in the village of Mayevka. Similar provocations occurred in the villages of Aleksandrovka, Novo-Pokrovka, and Tokmok. Land seizures were also instigated in the areas surrounding Bishkek and Osh which took place under the nationalist slogans of “On Kyrgyz soil-The Kyrgyz shall not be without Kyrgyz land”. However their attempt at instigating a fundamental inter-ethnic conflict in the Chuy valley ultimately failed. The final accord of the mentioned plan was to provoke inter-ethnic conflict between the Kyrgyz and Uzbeks in the most sensitive areas. Unfortunately the complex socio-economic conditions, high level of unemployment particularly among the young, unresolved historical wounds and other particularities of the south of Kyrgyzstan aided the destabilisation of the situation.
16. Attention must be drawn to the fact that Kyrgyz-Uzbek relations in 2010 as in 1990 are linked to the actions of U.Sidkov. 20 years ago he was the leader of the Osh region and more recently has been one of the shadow leaders of the southern group of politicians calling for the continuation of the Bakiyev regime. The Courts have pronounced Sidkov guilty for the organisation of the mass disturbances in May 2010. There were a number of supporters of the previous regime who participated in the recent conflict, worsening the consequences of the situation, who have not desisted in their efforts to bring down the Provisional Government.
17. The change of government in the country which took place on the 7th of April 2010 brought with it a series of changes in the cadres related to the removal of the Bakiyev clan from the control of economic resources and political power. As expected the Bakivev clan did whatever it could to destabilise the situation and overthrow the new government in order to regain its old influence and power. Any form of destabilisation would have been favourable for such revanchists. In addition some of them were able to profit from the consequences of the conflict by receiving political support from the nationalist orientated populace.
18. The Commission failed to take into account the data provided by Russian experts that Central Asian mercenaries in the city of Osh had been enlisted by Bakiyev’s associates in Moscow and sent to the south of Kyrgyzstan.

19. The KIC report justifiably draws attention to the criminal element in the period before the conflict (113,115,116). The internal criminal redistribution of influence had a direct impact in the fomenting of the conflict and the organisation of the provocations. Evidence of this are the clashes which took place between the various business and criminal gangs on the 29th of April, 1st, 9th, 11th and 27th of May 2010. These criminal gangs closely linked to the previous regime perceived a threat to their interests and to this end used the inter-ethnic conflict to redistribute their spheres of influence. Business people that belonged to certain ethnic groups were forced to pay protection money to criminal gangs, the protection money was coupled with nationalist motivation. The KIC report did not sufficiently disclose the role of criminal gangs in fanning the flames of conflict and the exploitation of the conflict itself in order to seize property and distribute spheres of influence. Members of the organised criminal gangs of both nationalities participated in attacks on military units, border posts, and police stations with the aim of seizing weapons. The leaders and members of the organised criminal gangs not only actively participated in criminal acts during the June conflict but also financed them. These criminal gangs took part in violence against both Uzbek and Kyrgyz populations.

The Provisional Government did not at that time have the capability to act against organised criminals, however since its legitimisation the Government has been actively working in this area.

20. The KIC report noted the role the organised criminal gangs play in the trade of narcotics. With reference to the United Nations and the re-establishment by the Provisional Government in April of a Chairperson at the head of the State Drugs Agency (113,114) the members of the KIC agreed with the opinions of most experts and politicians as to the role of drugs barons in the organisation of mass disturbances in the south of the country. According to data provided by the State Drugs Agency the conflict was used to reorganise the drugs business and the ousting of competing gangs. Up until the 7th of April drugs traffic through the city of Osh was fully controlled by the Bakiyev family. The fall of the regime presented the local organised crime gangs with a favourable situation where they were able to take control of the drugs supply chains.

21. Certain stipulations of the Report (100,103,105,194) which confirm that the Provisional Government was in need of support from Uzbek society in order to control Jalalabad and that they subsequently appealed to the leaders of the Uzbek society for assistance are based exclusively on the evidence of K.Batyrov³. Simultaneously politicians which Batyrov refers to deny such an interpretation of the events in Jalalabad. In the absence of other evidence, the available information should not be taken as a basis from which to draw evidence. In addition the fact that Batyrov participated in the change in government in Jalalabad on its own is not negative and would not lead to inter-ethnic conflict. A significant impact on the attitude of the people was how Batyrov presented both this participation and the separate accompanying actions of Batyrov's groups which could have been and were indeed poignantly perceived by the Kyrgyz sections of the population, especially in the atmosphere of increased inter-ethnic tensions of recent years.

3. The KIC has failed to notice the fact that on the 14th of May, the day Bakiyev's seized homes were burnt (61), K. Batyrov with his armed supporters approached the homes of A. Myrsydykov and M. Mamatkylov (both ethnic Uzbeks) that did not recognize K. Batyrov as leader of the Jalalabad Uzbeks. The homes were looted and all occupants including children and the elderly were thrown onto the street. On the basis of these facts and K. Batyrov's relations with his supporters the Jalalabad Prosecutor instigated criminal proceedings. The Court issued an arrest warrant for K. Batyrov who was classified as a fugitive and as such escaped justice. Later on the 7th of June A. Myrsydylov's son was killed, Aibek Myrsydykov or "Black Aibek", known as a criminal figure, drugs dealer and close associate of the Bakiyev family.

Crucial facts and circumstances relevant to the events of June of 2010 not necessarily assessed by the KIC

22. The sequence of events, the nature of activities, the models of behavior cited in the KIC report attest to fact that there were indications that the Uzbek group was organized and prepared for the conflict. Similarly, the timeline of the events of June 11, which appears in the KIC report, attests to the fact that no conclusion was drawn as to the preparedness for the conflict.
23. KIC notes that the event precipitating the violence was an incident by the Alai Hotel. On the night of June 10, at 10 o'clock in the evening, about 3,000 Uzbek men armed with sticks, rocks and metal bars, in response to the effort of 20-30 policemen to negotiate with them, pelted them with stones. They shouted anti-Kyrgyz slurs and set fire to police cars (127, 128). Then the crowds of Uzbeks arrived at the women's dormitory of the Osh State University and started pelting it with stones (132, 133).
24. From 11 o'clock at night on June 10, hospitals began admitting citizens of Kyrgyz nationality with stab wounds from Kara-Suy, Nookat districts of the Osh region. That same night Uzbek men were riding around the *mahallas* in cars and announcing that a war has begun, and about 2 o'clock in the morning four mosques simultaneously issued an *athan* (call to prayer) and warned people of the necessity of being prepared (134).
25. Many roofs and fences were inscribed with "SOS" (167) international signal of distress, little known in Kyrgyzstan. The same applied to HELP. KIC considers that the signs UZ, KG, RUSSKIE signified the ethnical background of the residents of the buildings, but it is not clear about the purpose of these signs (147). KIC's assertion that the signs appeared in response to R. Otunbayeva's appeal for international assistance (167) do not correspond to reality. They already appeared at the time when General I. Isakov, on the morning of June 11, circled the town of Osha in a helicopter, and the appeal of the Interim President was made only on June 12. The ICC Reports contains information about the rumors in the south of Kyrgyzstan that the neighboring Uzbekistan will intervene and will send its air force (167, 172, 258).
26. Other evidence of preparedness for military action were the modified KAMAZ trucks found in Uzbek neighborhoods; these were reinforced with iron and had embrasures for firing weapons. Based on these facts, three criminal cases have already been heard, and the materials in evidence contain photographs of these actually "military vehicles". One should note that re-profiling of technology requires time and necessary equipment. .
27. KIC writes that from the 10 to 11 of June "by 3 o'clock in the morning many Uzbek *mahallas* reacted by erecting barricades" (138) without specifying to what they were

reacting in such manner. In reality, the attack tactics of the Uzbek crowds from the evening of June 10, giving them the upper hand, resulted in great loss of life on the part of the Kyrgyzs. By the morning of June 11 the news of bloody clashes in the city of Osha reached the mountain settlements of the Alai, Kara-Kuljin, Kara-Suy districts. Men started arriving to the city, among them many young men.

28. From the events described by KIC one could conclude that the attacks were made specifically to the fortified districts, the crowds moving intentionally to the erected barricades. Why would Kyrgyzs, putting their lives at risk, storm the fortified districts, while the neighboring *mahallas* of Osh, as well as any number of inhabited areas with predominantly Uzbek population (Uzgen, Aravan, Nookat did not construct any fortifications and were not attacked by the Kyrgyz crowds? KIC did not seek a reply to this question. Nonetheless, one could conclude that the storming of the fortified areas could be motivated by revenge, by the search for the murderers of a relative and for weapons.
29. The cleanup, described on pages 199, 200, 201, 289, 290 was aimed at unblocking residential areas, removing of the piled up structures, seizure of weapons and ammunition, search for hostages or concealed perpetrators of disturbances. In the course of these actions, there have been reports of gross violations of human rights on the part of the law enforcement organs. At this time prosecution investigating the actions of law enforcement personnel on removing the barricades in the Nariman district of Osh
30. KIC failed to give proper consideration to the murder of negotiators. The KIC Report describes the incident where, on June 11, a representative of a local *kenesh*, A. Shakirov, was killed “by a shot from an Uzbek crowd” (154). On June 13 in the Uzbek village of Nariman was killed the director of the Kara-Suriy district OIA, A. Sultanov and his driver, U. Shamurzayev, who arrived unarmed to negotiate the freeing of hostages. The driver was publicly beheaded. The Police Chief was killed and his body burned. Also killed were representative of the local *keneshes* E. Murzabekov and E. Arapbayev, who also attempted to take upon themselves to negotiate. On June 13 on a section of the section of the Osh-Bishkek highway by the village of Bazar-Korgon was killed with special brutality a divisional inspector of the OIA of the Bazar-Korgon district M. Sulaimanov, who arrived to convince the crowd of Uzbeks to unblock the road. As a repercussion of this incident a suit was filed by a human rights activist A. Askarov. However, in the KIC Report these events, the names of the victims and of the negotiators were not even mentioned.
31. From the start of the conflict, Uzbek groups controlled some important, including strategic, roads to Shait-Tube (city of Osh), Nariman in the Karasuu district, Suzake, Bazar-Korgon, by the “Sanpa” factory, erecting cumbersome and multi-tiered barriers for passing vehicles (138, 145, 181, 183, 185). In the Nariman district of Osh, a sniper bullet killed the Major of the Border Guard, K. Abdylidayev, who accompanied a humanitarian shipment.
32. In the incident at the cotton-processing factory, Sanpa, a few thousand Uzbeks got together, blocked the road, and perpetrated acts of violence. They stopped automobiles and brutally killed all Kyrgyz passengers, including women and children, while keeping away the police and military personnel. The killing was done selectively, by

ethnicity. In particular, of the three staff members of the “Ng Service” (contractor of the Byline company) the criminals let go a Tartar man; two Kyrgyz men were killed. Altogether, 10 people were killed at that spot, 2 disappeared, about 20 were wounded, over 30 were brutally beaten. Unfortunately, this important episode was not reflected on in the KIC Report.

33. Particular attention is merited by the parts of the KIC Report regarding “participation of the military personnel” (150, 335, 336, 337, 345). To prove “participation or at least cooperation of the military in the events”, “possible participation of the officials or the authorities”, KIC introduces a number of arguments which need clarification. KIC’s key accusation is that of the military personnel surrendering its weapons. Surrendering technology, weapons and ammunition by some of the military to the crowds is a violation of the military regulations. In one case, under the onslaught of enraged crowds, the military in Mailuu-Suu had to surrender 27 automatics so as to preserve in the warehouse 3,000 weapons. This fact does not justify their actions, but can totally explain their motives.
34. An obvious example that the surrender of weapons was done under pressure from the crowd, and that the soldiers tried to do everything they could not to allow this, is an incident in the area of Osh’s regional hospital on June 11, described by the KIC (153). Three APCs called from the stationing in Maylu-Suu, attempted to enter the city and about 4,000 individuals surrounded them not allowing them to proceed. The officer and soldier were hauled out of the APC and beaten. One APC mechanic-driver succeeded in disabling it. It was returned in the course of the special operation conducted by the Commandant of the Osh region, A. Alimbekov. The second APC was seized and subsequently found stuck in a ditch . The third succeeded in breaking through, driven on a side road and arrived at the disposal of those in command.
35. At this time, under the Criminal Code article on the “theft of firearms and ammunition”, 25 cases have been filed, of which 21 have been set for trial. A number of facts relating to the officials of the Ministry of Defense and other agencies, criminal cases have been filed and investigation and court proceedings are ongoing. One should acknowledge that the military personnel had no experience in dealing with mass disturbances, considering the fact that the attackers were essentially unarmed civilians and included minors. Perhaps for this reason the military personnel’s resisting the attackers (173, 181, 182) occurred less frequently than that of the police and the cases when the weapons were surrendered occurred among the military (345); as opposed to the police, soldiers are not trained to deals with civilians, and that most of them were young recruits.
36. KIC advances the argument that driving an APC required someone qualified to do so, using the expression “expert maneuvering of APC”. In connection with this, one must keep in mind that many men in Kyrgyzstan had their military service in the army. Still, KIC itself cites examples of far from expert driving of an APC. For example, one of them ended up falling into a ditch (171), there was also description of an incident when an “Uzbek man reversed a garbage truck on an APC, lifting it up in the air. Several Kyrgyz participants were killed when the APC landed” (175). An APC weighs 13.6 tons. It turns out, then, that an ordinary man driving a garbage truck was better prepared for the duel than a so called APC “expert”

37. The fact that among the attackers were “men dressed in camouflage” (261) is considered by the KIC as argument for the participation of the military. One must keep in mind that the camouflage apparel is openly sold in Kyrgyzstan and is affordable, as pointed out in the very KIC Report (351). One cannot deny that dressed in the “military” uniform, criminal groups robbed peaceful citizens, especially those well off. 1849 cases of robbery and theft perpetrated during the June events are being investigated and tried.
38. As for “snipers” who, according to the KIC, took up positions on the Sulaiman-Too mountain (213). In fact, this is the location of the security post of the Commandant’s office for Osh. about 11o’clock on the morning on June 11, 2010 on the first hill of Sulaiman-Too at 80-100 meters from the fence of the border guard unit (just under it) was found a group of people who telephoned information about the movement in the area and the micro-region “Zapad”. Border guards were directed to learn those people were. Once they came forward, the suspicious group dispersed. From the 12 to 30 of June, 2010 for the safety of the border guard unit, two observers were posted on that hill during the day and eight at night.
39. The KIC Report does not reflect on the fact that in the most heated days, through the joint effort of the police and the military was organized a search, undertaken protection and evacuation from Osh of over 3,000 foreigners, including students, businessmen, representatives of international organizations, over 1,000 both Uzbek and Kyrgyz hostages were freed. From Chon-Alai district, over 150 Uzbeks were evacuated. Humanitarian shipments were protected and accompanied. The Report also does not reflect on the efforts on the part of the military to create humanitarian corridors reaching the border for temporarily displaced individuals.
40. “Complicity on the part of the police” is seen by the KIC in the fact that they chose to be observers instead of intervening (262). However, as pointed out in the KIC Report, the police succeeded in preventing clashes (126, 182, 342) before the onset of the conflict between enormous crowds of people, and in some cases the police could prevent attack on the *mahallas* (343). One must also keep in mind that the population’s attitude to the police was generally hostile. The reason for this was corruption in the law enforcement organs, and the part that police played in dispersing the citizens during political actions. Then again one must realize that in the times of meetings and demonstrations, law enforcement personnel were also the victims. This explains the state of some representatives of enforcement forces during the events in the south. During the conflict, 10 policemen were killed and one military representative of the Ministry of Defense, 172 policemen were wounded. Wounds from firearms received 12; over 50 soldiers were victims of bodily harm of various kinds. All these victims and all the wounds happened precisely because the police and the military of the KR were not only observers. Law enforcement and military personnel aimed at preventing clashes between the parties and localizing the conflict.
41. One must pay particular attention to the information about the rape of women and girls described in detail in the KIC Report, both Uzbek and Kyrgyz (xi, 133, 149, 158, 166, 177, 193, 216, 217, 218). Experience in the number of conflicts in various parts of the world demonstrates that the facts and rumors about rape play an enormous mobilizing role for all parties to the conflict, act as its detonators and lead to escalation. Keeping that in mind, in the most dire conditions of the start of the events

in Osh, as is indicated in the KIC Report (131) in the eruption of violence in the course of one hour the Special Unit of Quick Reaction of the Ministry of Internal Affairs succeeded in evacuating the female students. Had this not been done, the consequences could be unpredictable, since the Uzbek crowd from the start attacked this location.

42. Considering the cultural and religious particulars of the region, to prove this kind of crimes is extremely complicated. Specificity of traditional society is such that the victims of this crime become stigmatized and attempt to conceal the very fact of the rape by moving away. According to the data provided by the Prosecutor General's office, six criminal cases were filed by April 14, 2011. Investigation in one has been completed; the defendant indicted. A search has been instituted for the defendant in the second case. As of this day four criminal cases remain unsolved, of which one victim is a Kyrgyz woman and three Uzbek. Active investigation on these cases is ongoing so as to determine the perpetrators of this violence. Considering the extremely delicate nature of this subject, one may doubt that detailed descriptions of these incidents in the KIC Report may be help to regain the trust and promote reconciliation by the parties to the conflict.

Assessment of actions undertaken by the Provisional Government

43. The KIC Report in no way reflects on the measures taken by the Provisional Government to mobilize law enforcement to fulfill its functional responsibilities, to raise the morale of the employees, strengthen professional and executive discipline. It is precisely to these ends that a) was established a Commission headed by the First Deputy of the PG, A. Atanbayev, which undertook a certain amount of work to coordinate activities of the law enforcement units and prevent mass disturbances, improved their material and technical facilities b) General I. Isakov was appointed as a Special Representative for the south with extensive authority for decision-making c) salaries were increased for the staff in law enforcement and the military, compensation was paid to the families of staff who perished or were victimized in the April events. Nonetheless, it should be admitted that in April and May of last year, Provisional Government had no means to "develop emergency plans" and financial resources to "adequately provide the necessary equipment" for the enforcement units. One must also acknowledge that even now we do not possess sufficient special resources, technology and appropriate equipment. Nonetheless, the KP government in April of 2011 succeeded in conducting substantial training operations in the south, involving the MIA, GCNS and the Ministry of Defense, to work out the issues of their joint operation in emergency situations.

44. Among those eliminated were the inter-regional administration for the fight against organized crime, the positions of deputy minister of internal affairs, deputy prosecutor general, deputy director of the financial police - those who were in charge in three southern regions of the country and whose activity caused numerous complaints on the part of the population. There was also a number of personnel rearrangements in the system of law enforcement agencies.

45. In cooperation with civil society organizations a process was established to create committees for the prevention of conflicts, but the program had the chance to flourish only in the Chuysky region. Members of the PG realized the danger in the situation and attempted to take all possible steps under those circumstances.
46. Parts of the KIC Report dealing with determination of responsibility, contain descriptions of the legislative framework and decrees of the PG (303-327), assessment of the role of law enforcement agencies and armed non-governmental subjects (328-349). KIC Report notes that the PG, immediately at the start of the events of June 10, 2010, called an extraordinary meeting at two o'clock at night, introduced state of emergency, undertook a number of measures to relocate enforcement units to where the events occurred. On June 11 by 7 o'clock in the morning a PG Commission arrived in Osh, and included, in addition to the PG representatives, Uzbek leaders. The government Commission held an extraordinary meeting and established the headquarters to coordinate activities on localizing the conflict, to restore order and protect the population (135-137, 373).
47. PG together with the government Commission also transported south a group of journalists. From the day the events unfolded, the conflict zone remained open to foreign journalists, non-governmental and international organizations.
48. PG decrees on the state of emergency on Osh and Jalalabad regions were issued in a timely and effective manner. They ensured coordinated actions on the part of law enforcement agencies and local authorities. In the circumstances of the state of emergency, resources were found to strengthen measures aimed at preventing escalation of violence and of humanitarian catastrophe. Based on the decrees and resolutions of the PG, military units and additional forces were relocated to take steps to localize the conflict and stabilize the situation.
49. The Assertion made in the KIC Report to the effect that the armed forces of the PG consisted of 2,000 individuals (12 p. v of the Brief Summary, 137) is in need of clarification. At the start of the conflict, the night from June 10 to June 11, the Ministry of Defense for the entire southern region had at its disposal 400 military personnel, with only 190 on Osh. Only after partial mobilization was announced by the PG, the total number of military personnel for the south reached 700. The 2,000 number was reached only by June 16, once General I. Isakov relocated military units from other regions.
50. The KIC Report fairly notes that the army and internal forces did not have appropriate equipment, "non-lethal weapons", and training. The army and internal forces did not have the equipment to cope with the disturbances without deadly consequences. They were not trained to act in the cases of disturbances involving violence. Regulation for taking the measures either did not exist or were limited to the order to shoot in the air to disperse the crowd. All these problems were inherited by the PG from the previous administration and could not be resolved by the time it came to power.
51. In accordance with the PG Decree to outline the authority to be exercised by the special representative for the southern region, General A. Alymbekov, as the Commandant of Osh and the Osh region was answerable to General I. Isakov; consequently he did not "unlawfully" refuse to meet his obligations for the benefit of the other. (11 on p. v, 381).

52. Chronology in the KIC Report specifies that on June 14 the situation in Osh stabilized, and on the morning of the next day so did the situation in Jalalabad (xii). This fact is presented as an event which occurred in and in itself, unrelated to the actions of the PG. In spite of the fact that Kyrgyzstan, at this time, received no assistance from the international community, the people and government of the KR succeeded in localizing the conflict and preventing its further escalation.
53. Providing humanitarian aid to the victimized population in the conflict zone, which came to be literally from the first days. As the result of the national effort, initiated by the very people from all over the country, above all from the northern regions, just in the period from June 12 to July 5 to over two thousand tons of humanitarian aid items were collected and delivered to the conflict zone. From June 13 to July 5, to organize uninterrupted delivery of water, food and basic necessities to the affected areas, 68 flights were made (on the average three a day) not counting humanitarian shipment delivered by the land transport. This, in effect, permitted to avoid humanitarian catastrophe. 7,851 individuals were evacuated from the conflict zone by air, including 709 children. Unfortunately, the KIC Report did not reflect on these undertakings and these circumstances.
54. The government of Kyrgyzstan is grateful to the world community and international organizations for providing coordinated assistance in the post-conflict restoration. By joint effort of the government and citizens of Kyrgyzstan, with the support of international organizations, the governments of several nations, urgent measures were undertaken to prevent a humanitarian catastrophe in the south of the country. Physicians from all regions of the country were sent to the disaster areas to provide qualified medical assistance to the victims. Immediately after localizing the conflict, on June 19 a program was established for the restoration and development of the southern regions. To implement these goals, on June 23 the General Directorate for the restoration and development of the cities of Osh and Jalalabad. Among the most urgent, step was the reconstruction of housing for the victims, repairs and construction of schools and healthcare facilities. To establish transparency in the use of the resources, a special fund was created, administered by a supervisory board with the participation of donor organizations and NPO. By the end of 2010, within the framework of the initial phase providing the victims with temporary housing, The Government Directorate restored 1780 houses. . .
55. To support entrepreneurs victimized by the June events, on June 19 a special decree of the PG provided tax relief, exemption from the customs duty and deductions to the Social Fund of the KR, write-off of taxes owed and an extension for the budget payments. At the same time, financial aid was provided for the victims and their families and work was undertaken to reissue documents lost by the citizens in the course of the events.

Classification of acts of violence under international law

56. The government of Kyrgyzstan concurs with KIC conclusion that under international law the June events cannot be classified as either an armed conflict (245) or genocide (270). KIC also examined the question of whether crimes against humanity (239)

would apply, based on the definition contained in the Rome Statute of International Criminal Court.

57. Acts enumerated in the Rome Statute of the International Criminal Court (ICC) (Article 7, Clause 1), constitute crimes against humanity when committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack". To be recognized as crimes against humanity, said acts are required to exhibit 4 attributes: "knowledge of the attack" and three physical attributes, including: 1) the acts (murder, rape, serious physical injury, serious harm to mental or physical health, etc.) 2) directed against civilian population, and 3) are to be in the form of widespread or systematic attack.
58. Regarding crimes against humanity, the KIC reached the following conclusions: the attacks on the Uzbek Mahalla in Osh during the June events satisfy the three physical characteristics of crimes against humanity (250). However, the crimes committed in the course of events against the Kyrgyz, while meeting the definition of crimes listed as crimes against humanity, according to the KIC do not exhibit the other two physical attributes (251). Moreover, according to the KIC, the events in Jalal-Abad Oblast do not fall under the definition of crimes against humanity. KIC believes that the violence there was a reaction to the events in Osh; in the acts that were carried out, KIC finds no evidence of planning, which was evident in the attacks on Uzbek Mahalla in Osh (252).
59. By definition, if an act fails to exhibit even a single attribute of a crime, the crime as a whole did not occur. We must admit that some attributes of a crime against humanity are present in the acts committed in the south. For example, in June 2010, violent actions took place, which may be regarded as acts listed in the Rome Statute (murder, rape, serious physical injury, serious harm to mental or physical health). However, a number of important factors gives reason to doubt that the attacks, which took place in Osh exhibited such attributes as "committed as part of a widespread or systematic attack" and "directed against any civilian population". Both of the absent attributes of crimes against humanity require that the acts were committed with the goals of furthering the policy of the state or organization.
60. In any case, these acts must be part of the official government policy or widespread atrocities, allowed and condoned by the authorities. But even the KIC itself does not attribute these characteristics to the Kyrgyz authorities. Moreover, it assesses positively the special measures stipulated in the legislation of the Kyrgyz Republic (quotas in the Election Code of the Kyrgyz Republic of 2007.) aimed at ensuring representation of ethnic minorities in national Parliament (86). KIC also noted the establishment and free operation of the Uzbek national cultural centers at the national and local levels (81). In the 2009/2010 academic year, the numbers of Kyrgyz and Uzbek schools were equally divided in the city of Osh (93).
61. As a part of the Genocide Report, the KIC wrote that these actions do not qualify as crimes of genocide, because the attackers did not have a specific intent to destroy the group as such, in whole or in part. To substantiate its conclusion, among other reasons (limited number and location of attacks, the fact that persons leaving the area of violence were not pursued; limited time of the most brutal events and a rapid

decrease in the number of cases in the subsequent days) KIC rightly noted "the absence of a policy that would encourage the destruction of a group"(268-270).

62. An important question is whether the attack was widespread or systematic¹. Finding that the attacks in Osh were widespread in nature based on the extent and number of people against whom they were committed (248), it appears impossible to agree with the "quantitative" evaluation method used by KIC (258). The approach in which of the 470 victims (223, 243, 258)² recognized by KIC, 74% are taken into consideration while the remaining 26% of lives lost are ignored, can not be considered acceptable. This applies as well to the destruction of property and the incidents of rape of Uzbek and Kyrgyz women (149, 217, 263).
63. The KIC has not taken into account the fact that the ethnic composition of the wounded and those with injuries of varying severity is predominantly Kyrgyz – 1,057 (57.7%). The number of wounded Uzbeks is 763 (40.2%), with representatives of other nationalities making up 2.1%.
64. According to the KIC's reference to the International Criminal Tribunal's resolution on Yugoslavia, the conclusion on systematic nature is derived from the "organized nature of the committed acts and the improbability of them being random." The KIC did not succeed in thoroughly proving the "organized nature" of the committed acts (256, 259). "Repetitive pattern and a specific course of action for several days" (259) does not necessarily imply their organized and non-random nature, since no single organization or single center existed for managing these activities.
65. KIC interpreted as indications of "repetitive pattern and a specific course of action" the cases where the attacking Kyrgyz crowd, unable to overcome the barricades, often retreated, regrouped, and rushed into the attack again with the support of armored vehicles (259). Crowds would retreat only if the barricades were fiercely defended. In its report, KIC does not explain why the attackers could not overcome the barricades, never mentioning that those defending the barricades fired at the attackers. Ordinary people, whose first attack would fail due to the strategy of the opposite side, and having suffered casualties, begin to think and obtain advice on how to carry it out differently. The KIC draws attention to the role of cell phones in the escalation of the conflict (140, 132, 134), but it should not be ignored in this case either. Thus, "repetitive pattern and a specific course of action" by the attackers were most likely caused by "repetitive pattern and a specific course of action" by those who started the conflict, closed the roads, built barricades and hid behind them, firing at the opposite direction.
66. Another argument in favor of the organized nature of the attacks is the support provided to them by "sniper" fire aimed at Uzbek defenders (259), is cancelled by the earlier KIC statements that the Kyrgyz crowd seized the sniper weapons

¹ Sexual violence is in itself confirms the presence of an act listed in the Rome Statute of the ICC, but does not prove that it was "widespread or systematic" and does not confirm the existence of crimes against humanity, as suggested by KIC (263). As is known, the existence of many other attributes needs to be proven.

² If we were to calculate according to official data, it would appear that 284 were Uzbeks, or approximately 65% of 437 found dead, with the rest being Kyrgyz and other ethnic groups, or unidentified.

(153, 183, 185,210,211), and that traces of sniper shots were found on the walls (155). Professional snipers would not waste a lot of bullets by firing at walls; besides, it is not clear why this was attributed specifically to sniper shots, not shots from ordinary rifles. Statement by the KIC on "cessation of sniper fire when a Kyrgyz crowd would gather" (258), can be interpreted in another way - the snipers withdrew when it became dangerous for them to remain; the snipers could as well be Uzbeks or third parties.

67. KIC refers to the fact that the definition of the civilian population includes all people who are "not in the fight", do not or no longer participate in the conflict (249). Because the victims in Osh included children, women, and elderly, this means that these attacks were directed against the civilian population. On the other hand, 90% of victims were male (223), which, in the case of civil conflicts, are perceived as taking part in the conflict.
68. KIC recognizes that the conflict was initiated by the Uzbeks (127, 128, 134); the time the events started, the Kyrgyz people had no firearms, they either captured it later (153, 210, 211, 183, 185), or someone supplied it (155, 157, 171). KIC also acknowledges that clashes and shooting occurred between Uzbeks and Kyrgyz, that Uzbeks immediately began to kill the Kyrgyz people (152), in the early events and then in some occasions, the Uzbeks won (144, 145, 151, 152, 155, 157, 160, 164, 169, 175, 183). It has been noted that, in Jalal-Abad, the percentage of killed Kyrgyz was 85% and Uzbeks - 15% (223). Groups of Uzbeks controlled some important roads (for example, in Shait-Tube, Suzaka, Nariman, Bazar-Korgon, near "Sanpy"), were killing all the Kyrgyz passing by (138, 145, 181, 183, 185). Some of the Kyrgyz peace negotiators were killed by Uzbeks. However, in their general conclusions, the KIC does not take into account all the facts relating to the participation of and the crimes committed by the Uzbek side of the conflict.
69. In order to support the positive trends towards reconciliation and peaceful coexistence between the Kyrgyz and Uzbek communities, KIC could pay more attention to positive developments that have taken place in these events. For example, the active violent phase of the conflict was over within 3-4 days, the Kyrgyzstan authorities on their own, without external intervention, were able to stop and localize the conflict. This process was supported by contributions of the Kyrgyz, and later Uzbek elders (151, 190), mediators, including former MPs and members of the local keneshes (councils) and community leaders. In addition to the measures undertaken by security forces (including the organization of humanitarian corridors to ensure the passage of refugees), the Kyrgyzstan government has organized helicopter drops of leaflets calling for peace and unity (190, 198), facilitated an agreement between the leaders of the two communities on laying down the arms (198). Numerous cases are known where Kyrgyz were hiding with the Uzbeks during the attacks and where Uzbeks were rescuing their neighbors and friends of Kyrgyz nationality, but no such case has been reflected in the KIC report.

70. Under an unbiased review, these examples could serve as the basis for refusing to classify the violence that took place during the June events as crimes against humanity. Because, if we use the KIC methodology and approach, it would be quite reasonable, in some cases, to classify the acts of violence against Kyrgyz in the same way.
71. To date, 5,310 criminal cases have been initiated as a result of the tragic events in the south. Of these, 474 relate to murders and 51 murders have been solved. Among the unsolved crimes are 2,328 cases of willful destruction of or damage to property, 1670 cases of theft, 460 of unlawful seizure of a car or other vehicle, 45 of use of violence against a government representative, 30 of kidnapping, 14 of unlawful acquisition, possession, sale and bearing of weapons, 7 of murder of a law enforcement officer and military personnel.
72. The Government of Kyrgyzstan stresses that the events in southern Kyrgyzstan have not been deliberately planned and orchestrated attack against the Uzbek people "in accordance with or in support of the policy of the state or organization", as required for the definition of crimes against humanity. **Therefore, without diminishing the significance of the violence that took place in Osh, the government does not find convincing arguments in the conclusion of KIC (250, 266), and argues that the attacks on the Mahalla in Osh during the June event lacks two essential attributes in order to reasonably qualify as crimes against humanity. The Government believes that the tragic events of June 10-14 in Osh have been provoked by ethnic conflict in which both sides were armed, committed violence against each other, and suffered casualties.**

Measures of post-conflict reconciliation and issues of human rights violations

73. The most important part of the KIC report is the description of the facts of the massive and flagrant human rights violations in the aftermath of conflict. Unfortunately, it must be admitted that such facts have occurred and the police and the courts failed to ensure respect for human rights and their protection in the administration of justice in timely manner, in full and in accordance with the law.
74. The Government of Kyrgyzstan promptly analyzed reports of national commissions and international human rights organizations, current information and reports of human rights NGOs on specific facts and took swift and appropriate action.
75. At the same time, much of the published material was obviously one-sided. The "Osh initiative" group of civil society activists, primarily Uzbeks, organized in Tashkent, in January 2011 published a report, which provides a very one-sided description of the events leading up to the conflict and its beginning. That same report cites, as proven facts, such phantasmal claims that the attacks on Uzbek Mahalla were supported by Kyrgyz army tanks.

76. Just on the eve of the publication of the KIC report, the media ran numerous publications of authors trying to justify, with no basis whatsoever, the conclusion that there was genocide against the Uzbeks. Certain forces, interested in escalating the conflict, published large quantities of books and magazines, which may destabilize the situation.
77. In the period immediately after the conflict, at the early trials in cases related to the June events, obvious pressure was being exerted on the defense by the victims (280, 295). These unfortunate incidents were widely reported by human rights defenders and resonated greatly with the public. A package of measures was adopted in response: the decision of the Kyrgyz government, Osh and Jalal-Abad Oblast were visited several times by groups of officials, including Deputy Prime Minister and Chairman of the Judicial Council. Meetings were held with the participation of presidents of courts, prosecutors at all levels, departments of internal affairs, the defendants' and victims' attorneys. Judicial proceedings have been moved to venues outside the conflict zone (city of Tash-Kumyr, Nookan district of Jalal-Abad Oblast, etc.). To assure impartial consideration of criminal cases, judges from other regions of the country were assigned to the southern regions. Protection was organized for the defendants' attorneys and the defendants themselves.
78. Judicial proceedings on the June events showed the vulnerability of judges, revealed the weak physical infrastructure of the courts. In order to ensure the safety of judicial proceedings, a draft law on bailiffs has been developed. In general, it should be noted that the work of the special investigative team dispatched to the south, the labor-intensive process of investigating the crime scene with forensic examinations, including those overseas, as well as a large number of trials demand large budgetary allocations.
79. Following the adoption of the Constitution of 2010, an historic possibility and a real opportunity developed to establish an independent and autonomous judiciary. The government of Kyrgyzstan has begun the reform of the judicial system in order to bring it in line with international standards in the area of human rights. Based on the norms of the Constitution of 2010, the Zhogorku Kenesh adopted on first reading a number of bills regulating the formation of the judiciary and the courts. Among these, a crucial new bill is aimed at creating a new constitutional body - the Council for the selection of judges.
80. Of the more than 5000 criminal cases filed due to the events in the south of the republic related the facts of public disturbances in the city of Osh, and the Osh and Jalal-Abad oblasts, the courts have considered 176 criminal cases with the following convictions: Kyrgyz - 91 people, Uzbeks - 232 people. Three ethnic Uzbek citizens were acquitted. The Government is taking and will take all necessary steps to expedite the discovery and investigation of criminal cases, eliminate the discriminatory justice approach, while concentration of cases of torture, sexual violence, and the transfer of weapons by the army and police. Within the framework of the investigated criminal cases, officials of local administrations and local government agencies are conducting a series of

investigative and operational measures aimed at discovery and seizure of stolen property.

81. The Government of Kyrgyzstan is taking all measures to bring to justice perpetrators of crimes during and after the June events, including cases of lost weapons and equipment, as well as breach of discipline. Prosecuting authorities of the Republic initiated a total of 35 criminal cases against military and law enforcement officers on the facts of the loss of weapons, abuse, and improper performance of their duties. 23 cases against 30 defendants were referred to court; of those, the court had considered 20 criminal cases against 24 persons.
82. In the course of the campaign launched to seize lost weapons during investigative operations, 144 firearms and 18,388 pieces of ammunition have been recovered. Currently, preparatory work is in process for a broad national campaign to seize illegally held weapons.
83. The Interior Ministry established an independent public supervisory board consisting of representatives of nongovernmental organizations, human rights activists, war veterans and police experts. A same type of board is being developed at the National Security Committee. The "Association of Female Police Officers" was created in order to improve the effectiveness of law enforcement and the social protection of female police officers and to enhance their potential
84. Given the high level of activity and involvement of organized crime in post-revolutionary instability, and later, during the June event, an uncompromising fight against organized crime has been launched. To this end, a decision has been adopted to create at the Ministry of Internal Affairs a specialized division - the General Directorate for Combating Organized Crime and Corruption. The result of three months of operation was the detention of more than 140 active leaders and members of organized crime groups.
85. The Government of Kyrgyzstan, together with the OSCE, is implementing the "Public Safety Initiative" project with the goal of supporting the Ministry of Internal Affairs in its efforts to increase the capability and transparency of law enforcement. The main task of this initiative is to increase the confidence of citizens, including members of ethnic minorities, in law enforcement.
86. The Government is currently working on improving the regulations related to compliance with the principle of inviolability of property and the creation of effective mechanisms to protect the ownership rights. A package of amendments to existing legislation is being prepared with the goal of protecting businesses and property, as well as preventing infringement on property. In particular, the issue of toughening the penalties for such crimes is being addresses. At present, all established facts of raiding are being investigated. Telephone hotlines are being established at the offices of city the district prosecutors and the topic is covered in the media.
87. Related to the June events, the prosecutors' offices received 14 complaints of torture, illegal detention, and violation of procedural rights of suspects and

defendants by law enforcement agencies. All complaints have been examined and appropriate measures have been taken; a number of law enforcement officials have been indicted.

88. On April 12, 2011, the Attorney General issued an order to strengthen the prosecutor's supervision over observance of human rights and freedoms. The principal requirement of this order is the immediate response to each case of receiving information about torture and other inhuman, cruel, or degrading treatment by law enforcement officers. Upon confirmation of the information, the issue of bringing all perpetrators to statutory responsibilities should be promptly resolved; the individuals in charge shall be made responsible for each unlawful refusal to initiate, or suspension or termination of criminal cases in this category.
89. Based on the analysis of operations during the June events, in order to address the shortcomings in the Ministry of Interior and the National Security Committee, the Prosecutor's office made 28 submissions and disciplined 38 officers.
90. Over the past six months, the government carried out staff rotation of the southern police and security agencies, by relocating some of them to other regions of the country. It is made difficult by logistical problems, the need to provide housing at the new location.
91. The Prosecutor General's Office have been tasked with assuring objective and impartial investigation of criminal cases, regardless of the ethnicity of the accused, and preventing referral to the court of criminal cases where the prosecution is based solely on the confessions of the defendants. All suspended and terminated criminal proceedings, as well as documents related to refusal to initiate criminal proceedings pending before the investigative operation teams, are being reexamined from the point of view of legality of decisions made with analysis of how completely and efficiently were used all available legal tools for bringing the perpetrators to justice. Investigative team are being reinforced by the most qualified staff and one of the main conditions for their effective work is defined as the close cooperation with human rights organizations.
92. Throughout the period of the conflict, the Government maintained a close, efficient, constructive cooperation with human rights organizations. Prompt response to their submissions on each specific violation of civil rights by law enforcement agencies allowed bringing the situation of human rights violations under public control. Given the criticisms of the civil society and human rights organizations in respect of the human rights of individuals detained and accused of crimes during the June events, access rights have been granted to human rights activists, the media, and representatives of international organizations to the temporary detention facilities of the Interior Ministry and to the pre-trial detention facilities of the State Bureau of Prisons and of the National Security Committee.

Work on the recommendations of the KIC Report

93. The government of Kyrgyzstan, having carefully studied the recommendations of KIC, takes them in consideration and is willing to utilize the available resources to fulfill them. At the same time, the Government points out that, under the Constitution and the laws of the country, addressing many of the issues associated with the recommendations falls under the jurisdiction of public agencies and it will take time to implement them.
94. The Government of Kyrgyzstan intends to establish a special Commission for implementation and monitoring the discharge of recommendations of the KIC Report and other reports and studies on the events of 2010 in the south.
95. The government of Kyrgyzstan adopted a policy on the use of a wide range of measures aimed at achieving consensus and consolidation of the society in the long term. The country has initiated reforms to ensure justice, especially in the judiciary, as well as strengthening the role of public prosecution in respect for human rights and freedoms.
96. In connection with the adoption of the new Constitution in 2010, a major legislation reform has been launched in the country. This reform is primarily aimed at promoting and protecting human rights and freedoms and respect for the individual. In order to ensure the integrity of the legislative reform and the rule of law, a working group has been formed to draft the "Concept of Legal Policy." Development of this document is dictated by the need for systemic reform of law enforcement agencies, courts, prosecution, legal profession, law education and science. Within the Concept, a special place will be given to the legislative component that will include competent information policy aimed at educating the public in matters of law, creating a reserve of professionals with legal training.
97. The Decree of the President of the Kyrgyz Republic of 28 March 2011 approved the composition of the President's National Council for state-guaranteed legal aid. The program on state-guaranteed legal assistance to detainees, suspects, and defendants if they have no means to protect their legitimate rights and interests will be developed and an attempt will be made for its earliest implementation.
98. In order to prevent torture and other human rights violations in places of detention, the Kyrgyz government is taking measures to investigate all complaints and prosecute suspects in torture. The work of the interagency investigation teams is under close supervision of the Prosecutor General, the Minister of Internal Affairs, and the Chairman of the National Security Committee. The draft law on the national mechanism to prevent torture passed its first reading in the Zhogorku Kenesh. By its Resolution of 25 February 2011, the Kyrgyz Parliament established a parliamentary commission, whose task is to verify claims for violations of citizens' rights in closed institutions (temporary detention facilities and pre-trial detention facilities).
99. Most of the work on judicial reform will be carried out before the end of 2011; several draft laws, including the issues of the status of judges, establishment of

a council for the selection of judges, and on the judicial self-government agencies have passed their first reading in the Zhogorku Kenesh. After the establishment of the Council for the selection of judges, selection and approval of more than 400 judges of local courts will be held, a Constitutional Chamber of the Supreme Court will be established, and members of the Supreme Court will be elected. This work is supposed to be completed within a year.

100. The government's program for reconstruction and development of the south is currently being implemented. The part of a program to build transitional homes, to provide medical, psychological and social support to the population of the southern regions, and offering tax and other fiscal incentives to the affected businesses, has been implemented and continues to work. Construction of permanent housing for all victims at the expense of donated funds is now unfolding and will be completed by end of the year. To protect victims of violence, promote reconciliation, and restore confidence in the state, the government provided compensation and social support for victims.
101. Taking into account the multicultural and multilingual nature of the society and to conduct a balanced policy in the sphere of interethnic relations, the Government developed the "Concept of ethnic politics and consolidation of Kyrgyzstan's society." The working group on its development included representatives from government agencies, including the Zhogorku Kenesh and the Kyrgyz Government, civil society organizations, national and cultural centers, human rights activists. The draft Concept has been widely discussed with all stakeholders and the launch in this program is scheduled for June 2011.
102. Since 1994, in Kyrgyzstan operates the People's Assembly of Kyrgyzstan, as an association of ethno-cultural organizations. The office of the OSCE High Commissioner on Minority Rights was given a positive assessment of the structure, methods and forms of its activity. Before and after the events in the south in June 2010, members of the Assembly undertook a number of efforts to reduce inter-ethnic tensions. The "Early warning for early response to ethnic conflict" project is being implemented with the UNDP support. At present, a decision is being studied to change the format of the Assembly, to enhance its influence on the planning of the ethnic development policy.
103. Recognizing the strain in the personnel policy of the state and the need for competency-based and transparent selection process in the appointment of civil servants to positions in state and municipal governments, law enforcement and the courts, the Government of Kyrgyzstan has, within the past six months, developed a database for recruitment and promotion of various ethnic groups in government, including those of Uzbek nationality.
104. A department of ethnic and religious policy and interaction with civil society has been established within the President's administration. Within each of the regional and local administrations, especially in the city of Osh and Osh and Jalal-Abad Oblasts, official positions have been created for monitoring the situation and implementing the policies in the area of interethnic relations. Work is underway to increase their capacity. The role of regional advisory

committees is being enhanced to involve in the dialogue the local leaders, as well as the committees on conflict prevention created in all populated areas with the active participation of the NGOs. Through these advisory bodies will be carried out wide-ranging public consultation on the planning and implementation of local development plans with the participation of all communities.

105. A Plan of Action has been developed for the Concept containing, among others, the measures proposed by the KIC recommendations. They aim to support and develop the languages and cultures of different ethnic groups of Kyrgyzstan and to reform education, with the goal of reflecting in the curriculum the multiethnic nature of society. The Action Plan includes a number of measures aimed at promoting the diverse cultural heritage of the peoples of Kyrgyzstan through initiatives in education and the arts. The school, the Kyrgyz Drama Theatre, the Babur Uzbek Musical Drama Theatre, and the Philharmonic Hall in Osh have already been restored as part of the reconstruction and development in the affected regions.
106. The Government is considering the possibility of establishing an authorized state body in order to promote gender equality and women's rights. With the support of UN programs, an action plan is being developed to implement UN Security Council Resolution 1325. Within the framework of monitoring implementation of the Concluding comments by the UN Committee on Discrimination against women to Kyrgyzstan's report of 2008, as well as in preparing the new report for the country, special attention is given to measures aimed at reducing the level of gender-based violence, including through programs for law enforcement. Women's NGOs are widely involved in the implementation of these initiatives. However, assistance in the creation of new and developing the existing women's crisis centers, rehabilitation, medical and psychological assistance to victims of violence, to women with young children, and widows remains problematic in the post-conflict period.
107. Recognizing that the media plays an enormous role in reducing social and political tensions and in restoring inter-ethnic harmony, measures were adopted aimed at enhancing the capacity and support to the responsible professional media. The broadcasting networks of a number of television and radio channels, primarily the Kyrgyzstan Public Broadcasting's "Channel 1" now include program, which promote the culture and traditions of all peoples living in Kyrgyzstan. The spectrum and scope of such programs will be expanded. Increased broadcasting of known international radio programs (Azattyk, the Voice of America) in the Uzbek language. It is necessary to begin a gradual recovery and reopening of newspapers that were closed down and television programming in the Uzbek language. The Attorney General's Office cautions media executives in accordance with Article 31 of the Constitution and Articles 19 and 299 of the Criminal Code of the Kyrgyz Republic on the prohibition of incitement to ethnic, religious or inter-regional strife.

108. With the support of international organizations and several donor countries, several programs have been initiated in the country to develop an infrastructure of peace, to study the experience of successful mediation techniques, and to restore confidence and dialogue at various levels.
109. The government of Kyrgyzstan will continue to collaborate with institutions of the UN High Commissioner for Human Rights and the OSCE High Commissioner on National Minorities on a wide range of issues, including assessment of progress in implementation of the KIC recommendations.
110. Regarding the KIC recommendation for the return of the name "Republic of Kyrgyzstan". During the Soviet period, in the era of socialist internationalism, the country was called "Kirghiz SSR". After abandoning the titles of "Soviet" and "socialist" in 1991, the country was known as "Republic of Kyrgyzstan". The current name "Kyrgyz Republic (Kyrgyzstan)" was enshrined in the first post-Soviet Constitution of 1993. This name has been repeatedly confirmed by national referenda on amendments to the Constitution, which was attended by citizens of all nationalities. The names of many nations, such as the French Republic, the Italian Republic, the Czech Republic, etc., have never called into doubt their democratic and multiethnic character.
111. An unprecedented for the region process of full an open study and investigation of the June events is being carried out in Kyrgyzstan, involving various parties in the study, and all the reports, articles, and books are published and discussed freely. Despite the conditions of fragile peace and contradictory political processes in the country, this work will continue. All these measures are aimed at accelerating the achievement of harmony and stability in Kyrgyzstan.

4. Conclusion

Creating opportunities for the work of the Independent International Commission became a testimony to the commitment of the authorities of the Kyrgyz Republic to the principles and norms of international law, openness and transparency, and striving to learn from the tragic events of June 2010.

The government of Kyrgyzstan believes that the KIC report has not shown sufficient grounds to conclude that acts committed during the June events in Osh can qualify as crimes against humanity.

In the Government's opinion, the tragic events of June 10-14 in Osh have been provoked by ethnic conflict, in which both sides were armed, committed violence against each other, and suffered casualties.

This conflict was caused by a number of reasons, the most important of which were:

- complex socio-economic and political situation in the conflict region, caused by policies pursued by President Kurmanbek Bakiyev, the actions of his family members and his associates while in power;

- targeted actions of leaders and supporters of the former regime aimed at destabilizing the country and incitement to various conflicts, including ethnic, in order to overthrow the Provisional Government and to seize the power lost on April 7, 2010;

- incitement, influence, and involvement by organized criminal groups, including drug dealers, in initiating and escalating of the conflict;

- lack of sufficient political, financial, law enforcement, and power-structure resources at disposal of the Provisional Government to counter the large-scale provocation of interethnic clashes.

The Government of the Kyrgyz Republic believes that human rights abuses that occurred during the investigation of the circumstances of the conflict and in the process of bringing those responsible to justice require special attention. The Kyrgyz government is undertaking strong measures to rectify the situation in the law enforcement system. All human rights abuses will be investigated and the guilty individuals will suffer the inevitable and deserved punishment.

The Government of Kyrgyzstan hopes that the international organizations designated to help prevent, neutralize, and eliminate the consequences of such conflicts will draw important conclusions from the events in this complex Central Asian region.

The Government of the Kyrgyz Republic is now and will continue taking all necessary measures aimed at eliminating or minimizing the consequences of this tragic conflict, and most importantly - to prevent similar occurrences in the future. The Government intends to establish a special Commission for implementation and monitoring the discharge of recommendations of the KIC Report and other reports and studies on the events of 2010 in the southern Kyrgyzstan.