

ПРАВозАЩИТНый ЦЕНТР "МЕМОРИАЛ"

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«Alfa's» Special Operations Executive Role in the Bishkek's Events on April 6-7, 2010

The legal proceedings over the 78 deaths «April Events» participants as a result of firearm application will take place at the Bishkek's Military Tribunal in November, 2010¹. The criminal case before the court under the articles 97 (murder) and 305 pt.2 (exceeding the limits of authority) was initiated by the General Prosecutor's Office the next day after the Kurmanbek Bakiev's authoritarian regime overthrow². 8 «Alfa's» Special Operations Executive (ASOE) of the Kyrgistan's Governmental Security Service agents is among 28 accused, some of whom are wanted (including ex Head of State)³.

Protest actions, had been implemented recent months by ex and current «Alfa» agents, and their interviews to the local media attracted public attention. Crime Laboratory (CL), after Special Forces firearms examination, stated in May, that they haven't revealed any positive identification, after bullets/hulls's id verification on undetected crime base of the Ministry of Internal Affairs CL and bullets/hulls on the case № 150-10-30 materials. While investigating authorities accuses «Alfa» members in peaceful inhabitants' murder involvement.

¹ Total number of the April 7 Events in Bishkek was 87 people, 78 civilians died from gunshot wounds.

² The Prosecutor General's Office KR № 6-7-10 on 09.06.2010 letter.

³ The following people has been indicted (Position on April 7): Daniyar Dunganov (Vice-chairman – Chief of Staff of the State Guard Service); Nurlan Temirbaev (First Deputy Chairman of the SSS); Baktybek Kalyev (Minister of Defense); Nurlan Tursunkulov (Attorney General); El'murza Satybardiev (State President Adviser for Defense and Security); Kanybek Zhoroiev (the Head of Presidential Administration); Oksana Malevannaya (The Head of the Presidential Secretariat); 7 SSS (State Security Service) officers : (Rasul Baitokov, Sultan Arbaev, Akylbek Niyazov, Mairambek Tentiev, Rafael' Madrakhimov, Maxatbek Karikeev, Urmat Kamchibekov) and 8 ASOE GSS KR (Almazbek Dzholdoshaliev, Sergey Tsigelnikov, Timur Popov, Oleg Rebenok, Zh. Babaraimov, Kanat Kadyrov, Talantbek Mambetov, Medet Isakov). In detention at that moment: Dunganov, Temirbaev, Kalyev. Dzholdoshaliev and 7 SSS members had been under the custody, and were released in October. Absentia charges brought against ex-President Kurmanbek Bakiev, his brother Zhanysh Bakiev (the Head of SSS), and son Marat Bakiev (Assistant of the Chairman of the ASOE), Murat Satalinov (the Head of ASOE), Daniyar Usenov (the Prime-Minister), Esenbay Bayish uulu (the Head of the Office of Special Purpose «Arstan» SSS).

A few ASOE agent's are being interviewed in detail, resolution text on involvement ex head of ASOE lieutenant colonel Almazbek Dzholdoshaliev as an accused, Dzholdoshaliev written explanation on April 6-7 events, other documentation, Mass Media publications, human rights advocates appeals and press releases are studied. Special Forces' stories allow more accurately estimate dramatic single Bishkek's events, accompanied by numerous of victims, against the backdrop of rumors on April, May. The governmental committee which investigated causes and circumstances of the April Revolution, delivered only a very superficial report, as a result of hard work, that haven't been published yet, thus Special Forces' stories are the more important.

Absolutely necessary State Power to provide fair trial conditions, during the forthcoming proceedings. Unfortunately, Tribunal, frequently, has been under the high political conjecture pressure, during the accusation raising and measures of restraint as seen from the materials available, which obviously reduces the credibility of the investigation results. The rules of criminal procedure law have been infringed just after the investigation ending.

There are divergences and imprecision's, concerning the event's time and the single details, as in the official documents so in the stories of the event's participants. The author, to the extent possible, sought to compare different information sources, in preparing the review.

The previous day (6 April eve)

The decision to use the power of the antiterrorist ASOE KR against the opposition was made by the Chief of the Governmental Security Service of the Kyrgyzstan Republic (GSS KR), soon after the anti-state unrests beginning in Talas, afternoon April 6, 2010.

The Chief of ASOE Almazbek Dzholdoshaliev received an order from the Head of GSS KR Lieutenant-General Murat Sutalinov to assemble personnel and to move in complete outfit from location to the GSS KR District Central Office, about 5 pm. The Nominal auto-vehicle of the Unit: two trucks ZIL-131 with military equipment, blue cargo «Mercedes-benz-771D» minibus and grey Chinese jeep «Teyanlin'», for the 40 ASOE employee transportation had been used. The arrivals were placed in the GSS KR courtyard, Erkindik blvd, Bishkek⁴. Two ASOE armored troop-carrier had arrived at the same place⁵.

The Prosecutor General's Office KR initiated the cases before the Court on 233 art. (Mass riots), 295 art. (Violent seizure of power), 297 art. (Public appeal for a violent change of the constitutional order), due to the Talas's unrests, on afternoon, April 6. Arrests of the leaders of the Opposition began the same evening. The oppositionists were delivered for interrogation as the

⁴ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.1.

⁵ ASOE Trofimov (name changed)interview, Bishkek, 01.09.2010.

witnesses⁶, but the next morning some of them brought an accusation⁷, according to Attorney General Nurlan Turunkulov words.

Sutalinov ordered the head of ASOE to arrest Omurbek Tekebaev the chairman of the «Ata-Meken» opposition party, at 7-8 pm. The Operation was led by on the Dzholdoshaliev's deputy. The oppositionist, being founded at home, didn't offer resistance and passed to the GSS KR investigator, due to the operation leader report⁸. Though, violence against the Tegenbaev's bodyguards has been used, due to the «Svobodanews» radio information⁹.

ASOE got an order to arrest one of the Leaders of the Social-Democratic Kyrgyzstan party Almazbek Atambaev, the same evening¹⁰. Dzholdoshaliev remembers, that Atambaev, stayed at home, refused to open the door. According to eyewitnesses, the house besiegement, involving 40 law forces representatives, continued at least two hours. Above 200 Atambaev's supporters, journalists and defenders were on the scene. Atambaev left home, after an armored door had been unsealed, about an hour pm., and then Special Forces agents abducted him to GSS KR residence for questioning¹¹.

Messages on Narynskaya and Issyk-Kul'skaya regions unrests had been receiving by that time. The leader of ASOE was informed, at midnight, that Fifth Division, based in the Osh, would be sent to the Bishkek, by the Sutalinov's order. The arrivals had been met in the airport by cars ZIL-131 and on arrival in Bishkek, about 5 am, were located in the GSS KR Central Office gymnasium. The Fifth Division employees left their equipment and additional armaments, under the protection in two ASOE cars, have been met them¹².

Events on «Forum» (April 7, morning)

Opposition supporters were meeting near the blocked, by the police, AO «Forum» building, the Social-democratic party headquarters residence, on April 7, from 7 am, at Alma-Atinskaya St. The Police began to arrest unauthorized protest action participants, shortly after the meeting's starting, involving 200-300 persons, at approximately 9 am. The Police tried to disperse the crowd,

⁶ www.azattyk.org/archive/ky-RussianNews/20100407/829/832.html?id=2004621

⁷ 24kg.org/parlament/71385-nurlan-tursunkulov-v-kyrgyzstane-zaderzhany.html

⁸ A. Dzholdoshaliev explanations, Bishkek, 26.08.2010, p.2

⁹ www.azattyk.org/content/Kyrgyzstan__Ata_Meken_opposition/2004398.html

¹⁰ According to Dzholdoshaliev explanations, the command was given at 8- 8:30 pm. Perhaps this isn't exact. The Mass Media information dated to 11 pm.

¹¹ The operator and the independent broadcast «Stan TV» journalist had been staid in Atambaev's house and arrested along with him. Soon the journalist was released, but the camera is removed. (www.lenta.ru/news/2010/04/06/atambayev/).

¹² A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p. 4-5

had been met the resistance, applying rubber bullets, stun grenades and tear-gas gas¹³.

However, the situation had been got out of control in a little while. The Demonstration clash (the amount of which increased rapidly) raised against the Security Forces.

The Chief of GSS KR Murat Sutalinov ordered the Head of ASOE to throw over personnel to the «Forum» region, at 10 am. The 53 employee (almost all ASOE members, except snipers and BTR drivers) on 4 cars moved out¹⁴. Sutalinov moved out to the Events place on the commander's jeep, together with Dzholdashaliev¹⁵.

Alex, ASOE member, remembered, that they had been lined up, before the departure, and told about the aim – to help law-enforcement forces in oppositionists blocking. They didn't ask any questions. They didn't know anything about the Meeting reasons. They didn't have the situation. He recognized the surroundings only in a week after the Events¹⁶.

According to another employee, ASOE stun grenades hadn't been prepared and distributed, as there was no aim to disperse the crowd¹⁷.

Everything happened in big hurry. They left all the stuff: guns, rifles and grenades in the GSS KR building, after had been got the instructions. They put short guns under the bulletproof vest, not to lose it within crowd¹⁸. They got into the cars, quickly. The Fifth Division agents, from Osh, got their bulletproof vests in trucks. All their equipment was in trucks. ASOE member had seen about ten RPG-26 antitank grenades, one or two hand shrapnel grenades boxes, machine gun, sniper rifle, in his car¹⁹.

The protesters had seized these weapons and partially used, during the Governmental House attack. Local Media expressed an opinion on deliberate provocation, as these types of weapons aren't intended against riots²⁰. ASOE member said that their Authorities involved in the riots, but hadn't planned several steps ahead. The official investigation didn't confirm the provocation organization. 2500-3000 protesters, mostly exited by clashes with the police youth, had been

¹³ 24kg.org/community/71380-v-stolice-kyrgyzstana-miliciya-nachala-razgon.html; www.rian.ru/world/20100407/218898225.html; www.ferghana.ru/news.php?id=14387&mode=snews

¹⁴ Decision on prosecution an accused to Dzholdoshaliev A., 12.08.2010, p.2

¹⁵ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.5.

¹⁶ ASOE Alexandr (name changed)interview, Bishkek, 28.08.2010

¹⁷ASOE Trofimov (name changed)interview, Bishkek, 01.09.2010.

¹⁸ Handguns and Assault rifles

¹⁹ ASOE Alexandr (name changed)interview, Bishkek, 28.08.2010

²⁰For ex. tazar.kg/index.php?dn=news&to=art&id=19 , The most consistent supporter of this version is Police General Omurbek Suvanaliev, whose opinion is reflected in the reports of local Human Rights Defenders (www.centrasia.ru/newsA.php?st=1272720300).

located by the time ASOE cars came near the «Forum» region. 250-300 police officers, GSS KR and State Security Service (including «Arstan» goats) had resisted the protesters²¹.

ASOE employee said that the mob was standing and roaring, like a sea, but there were no any statements or slogans, by the time they came. ASOE employees were lined up into two rows on the right flank. State Security Service officers stood in the front row, in the centre a little in front, with shields and helmets, equipment for the protests dispersion. Citizens were working among us and some of them filmed Events. I haven't seen any attempts to disperse protesters. State Security Service officers shoot 2-3 gas grenades in the citizens' direction. The crowd moved on and began throwing stones, sometime later. The officer had heard the obscene words. Then the officers moved forward and saw running away State Security Service members. The officers moved back. The officers (cover group) removed Sutalinov from mob, carried through the checkpoint, through the fence, and got him into the car with wounded. The protesters began throw stones, had been understood the absence of fire for effect. The officers had stopped inefficient firing in the air and were standing still. The officers started getting injuries, due to stones hail. But the aggressive mob committed assaults, took away weapons, beat in cruel way. Most of the officers had AKS -74 automaton and Makarov' gun. The officers tried to throw out live ammunition²².

State Security Service members tried to control the crowd for a while, but they can't act with shields in the ranks, according to another ASOE employee. The meetings ran for the front line SSS officers, till they crashed into ASOE rows and broke them. Sutalinov, standing behind, commanded firing in the air, when the mob approached to a distance of 50 meters, but the order was useless²³.

Dzholdoshaliev remembered that the hail of stones was being started at some moment. Their flanges opened, after the First and the Second SSS and the police echelons had run in their direction. Dzholdoshaliev people tried to stop the mob, by firing in the air, but it didn't help. A few officers fell on the ground, and were beaten by stones and sticks, the weapons were taken away and the uniforms were torn²⁴.

Some demonstrations took Special Forces over mercenaries, noticed ASOE injured member on the «MK-Asia» interview. Some of the demonstrators removed the mask from his face. The attackers saw, that he isn't the representative of the titular nation. He tried to speak Kyrgyz to the

²¹ Describe further developments took place in the region between Alma-Atinskaya Str. (on west) and unclosed factory area of the «Triod» joint venture (on east) – near the bridge crossing the street. ASOE and SSS officers moved from the Alma-Atinskaya Str. From the North (from the Chuy Ave.) and lined up from the east side. The principal part of the demonstrators was located more southern-east. Factory building with an entrance were north-east to the clash events. The fence was on the south of the building, made of concrete blocks with locked gates.

²² ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

²³ ASOE Trofim (name changed) interview, Bishkek, 01.09.2010

²⁴ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010

protesters. The protesters shouted that the mercenaries had been trained Kyrgyz language. The protesters lifted him, in semiconscious condition, up from the ground and required to shoot²⁵.

The interval from putting in line to running away lasted 20 minutes, according to the eyewitness²⁶.

SSS forces had moved away, by the time the Demonstrations attacked cars, filled with part of the ASOE armaments.

Four officers watched over weapons in two ZIL cars, one was in the «Mercedes», the Deputy Commander was in jeep, according to ASOE member. The commander's jeep was thrown down and burned. The officers, were inside of the cars, didn't see happening but kept the defense to the end. The attackers got grenadiers, part of the armaments, out of the car hatches, then, threw the grenades through the broken ventilation hatches on the top of the cars. Then attackers threatened to throw grenadiers with fuse in the car. The amount of victims would have been a lot if the grenadiers had detonated. The driver had been beaten by that time. The protesters took fire extinguisher and turned on through the hatch. The officers would have been expectorated that harmful substances for 1 month. The protesters had leaked petrol and built a fire, by the time the officers decided to open the doors. The officers were thrown into the crowd and beaten²⁷. All the drivers and members had been guarded the cars, in serious conditions were in different city hospitals, on the same day²⁸.

The principal part of the power forces tried to leave the event place trough the nearest «Triod» checkpoint. The pandemonium occurred at the doors and in front of tourniquets. Some of them climbed over the factory fence. Escaped everyone who could, then they regrouped, climbed over the rear entrance fence, started to drag up their comrade-in-arms. The officers stopped the civil cars and made arrangements with the drivers²⁹.

One of the ASOE members was attacked inside the building and the demonstrators tried to steal his weapon, according to his «Case №» interview. He was stunned by the head blow, during the hand-to-hand fighting. The officer and his several comrade-in-arms had been dragged into the street, undressed and beaten, by the time they came to life. The demonstrators showed Special Forces member thunderstruck and beaten during the negotiations with the «special forcers» closed in the room. The demonstrators threaten to kill the captive, if the officers wouldn't surrender³⁰.

²⁵ E. Ageeva, U. Babakulov «ALFAvitnyi ukazatel'» - «MK-Asia» newspaper (Bishkek), 1-7.09.2010

²⁶ ASOE Trofim (name changed) interview, Bishkek, 01.09.2010

²⁷ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

²⁸ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010

²⁹ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

³⁰ «Arrested by riots Special Forces expose the Power. Backstage of the «April» Revolution in Bishkek». - «The case №» newspaper (Bishkek), 10.09.2010.

About 30-40 «Force members» were blocked in a little room (somewhere about 3 to 5 meters), near the turnstiles, an industrial building inside. Lots of the people had run into the room by mistake, believing to find the way out, according to ASOE officer.

The mob began throwing grenades without fuses and burning resin into the room, according to Dzholdoshaliev. The mob required to give away weapons and police uniform. The sober people appeared, at some point, and agreed to provide corridor for the officers. Dzholdoshaliev commanded everyone in the room to hang weapons over their shoulders, binding to the arm, to catenate and leave the room in two columns. The column were broken, the officers were bitten by the stones and sticks, the weapons were taken away, the equipment were tore, as soon as the officers had been in the streets. Some demonstrators have already had machine guns and pistols. After the officers had been beaten and disarmed, Dzholdoshaliev rang up to the Head of Forces. Dzholdoshaliev reported, that the demonstrators moved on to the city centre, with the captured weapons. He got demand to arrive to the Central Office³¹.

Only three or four ASOE members were able to escape, with the weapon in the bridge direction. Others were beaten furiously, passed through a meat grinder, figuratively speaking. Some of the officers' hands were broken, after the weapons had been taken away, by the ASOE member words³².

ABSO lost: 19 AK-47, AKS-74, AKSU and AKSN automatons, 13 PM pistols, 1 SVD sniper rifles, 1 RPG-18 grenade-guns, 8 RPG-26 grenade-guns, 100 RGD-5 grenades, 20 «Zarya» stun grenades, 10410 5,45 mm caliber cartridges, 1672 9 mm caliber cartridges, 2462 7,62 mm caliber cartridges and 644 14,5 caliber cartridges of different types, on the «Forum» region, according to investigation³³. Part of the weapons had been used the same day, and only a small part was brought back later.

One of the ASOE snipers remembered, that they were sitting in the Central Office basement and talking. Their companions, has been sent to «Forum» region, descended into the basements after dinner. One of them was with torn clothing; another one had head hematoma, stink face. The ASOE sniper asked them about happening. His comrades couldn't answer anything without the swear words³⁴.

The Rearrangement.

³¹ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p. 8-10

³² ASOE Trofim (name changed) interview, Bishkek, 01.09.2010

³³ The decision to prosecute Dzholdoshaliev an accused, 12.08.2010, p.2-3

³⁴ ASOE Sergey (name changed) interview, Bishkek, 01.09.2010

Dzholdoshaliev assembled the rest of the personnel and made an effort to evaluate the loss, on arrival at the Central GSS KR Office. From the 53 officers had been moved on to «Forum» region, the 17 were at hospitals, locations of the remaining were founded the next day³⁵. Trucks had been stolen by the demonstrators. The head of the ASOE and most of the officers had been beaten. The part of the armaments, ammunition and communication staff had been lost. Dzholdoshaliev reported the Head of GSS KR Turdubek Almamatov on the situation. Then Dzholdoshaliev received an order to equip personnel and to stand for the GSS KR Central Office protection³⁶. They got 3 additional automatons, from the Central Office warehouse³⁷.

The ASOE officers started organizing perimeter defense, by the time they had distributed 40 available weapon units. The demonstrators were moving on to seizure the GSS KR building, according to unknown sources. The employees were allocated on the perimeter. 2 ASOE Armored troop-carriers (BTR) were blocking the courtyard entry, located on the south side³⁸. The snipers were observing the situation around, located on the roof. The shots were firing and strong smoke coming, from the Government House³⁹.

The participation in the Government House' defense.

Almamatov informed Dzholdoshaliev at 4-4:30 pm, on ASOE forces moving to the KR Governmental House, by Sutalinov' order⁴⁰.

The command was received on the GSS KR central office operational staff and ASOE general array in the GSS KR building courtyard.

The situation was reminiscent of 1941 year. The operatives were being given automatons, besides pistols. They were standing on the right flank, according to ASOE member words. Almamatov commanded operational staff to defend Central Office and «Alfa» to move on to the «White House». Rather, to break on through real «war». The grenades were exploding; automatons bursts and pistol shots were being heard. They had only two «Mercedes» minibuses, of all the automobiles in use. They supposed the «White House» had been completely blocked. That's why they planned to disperse the mob, without weapons applying, on the approaches. Then the officers

³⁵ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

³⁶ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.11

³⁷ The decision to prosecute Dzholdoshaliev an accused, 12.08.2010, p.6

³⁸ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

³⁹ ASOE Sergey (name changed) interview, Bishkek, 01.09.2010, A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.13

⁴⁰ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.11, «The White House» - rectangular semi-story white building, where located not only the Parliament but also the President.

would drive up to the gates. But it turned out that the demonstrators hadn't been located near the Pamfilov Park. People were from the south-east side, mostly. It was approximately 4-5 pm⁴¹.

The ASOE officers climbed the stairs from the «White House» east side. In the short run they were divided into groups and were given instructions about fighting positions.

After «Forum» Events all of the ASOE officers were without mood⁴². They were sitting on the stairs. Chaos was all around, disorder, absence of the Leaders, according to ASOE officer rememberings⁴³. He saw two died ASOE employee and several officers in blood, not far from him. The wounded police woman was led from the street. One of their ZIL-131, had been grabbed on the «Forum» stood burnt-out, the second was burning down on the other hand. Another one ASOE member said that the gates had been rammed by the «Mercedes», which stood unburned inside⁴⁴.

Dzholdoshaliev writes, that they arrived to the «White House» at 5 pm. 2000-3000 State Security Service', MVD', Ministry of Defense members were there at that time. Dzholdoshaliev got sms from the Sutalinov. The message informed that all the employees would place under the authority of the vice-chairman State Security Service lieutenant colonel Daniyar Dunganov. Dunganov divided officers into three groups. Dzholdoshaliev and one of the groups (10-12 members) would take place in the south-eastern side of the «White House» building. The second band (10-12 members) took place from the south-western side, headed by the Departement Head Aleksandr Sil'chenko. The third sniper' group (5 people) was taken to the building, headed by the Rebyonok. The single portable radio was given to the sniper group. Dzholdoshaliev tried to control both groups, besides the sniper group, due to lack of communication. His mobile phone had been dead, by that time he received the information from his assistant, which was around. State Security Service officers were near them with the radio-stations. They heard «7», «8», «10», «Sky», «Eagle» call letters on the radio-stations. Dzholdoshaliev recognized afterwards, that the «Eagle» had been meant sniper group⁴⁵.

⁴¹ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

⁴² ASOE Trofim (name changed) interview, Bishkek, 01.09.2010

⁴³ «Ninja-turtles» - the unofficial name of the police members in helmets, bulletproof vest and shields, equipped to disperse street protests.

⁴⁴ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

⁴⁵ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p. 12-13. Callsign «Seven» belongs to SSS Zhanysh Bakiev, «Ten» - his Deputy Daniyar Dunganov.

The amount of people in groups was 26 persons, according to official data⁴⁶. This quantity didn't include the Fifth ASOE department, located on the «White House» South Entrance first stage⁴⁷.

Dzholdoshaliev commanded to identify armed men and to shoot in the legs, whether they would break through the Governmental House fence, according to ASOE member. But they didn't see any armed men and attempts to break on through⁴⁸.

The police in the black uniform with shields and truncheons, armed State Security Service, cadets, The Ministry of Defense officers, armed with machine-guns, were located in front of the «Alfa», around the perimeter of the house in two-three rows⁴⁹. SSS members and police fired gas towards protesters and some of them fired live ammunition in the air⁵⁰.

Another ASOE remembered, that they stood at the base of the building and observed happening around. Two bullets had been crashed into granite not far from the officer. They descended and took cover behind the border. Sometime later the SSS colonel commanded to move the machine gun to the southern-east side. There shooting was heard. One of the BTR had been caught and was being moved in the «White House» direction, according to Central Office report. The officer was insubordinate to another Chief, by Dzholdoshaliev. The officer was accompanied by another combatant, as a cover. Together they moved on to another side and took a position near the gates. They noticed BTR from the east side. BTR started shooting from the middle of the Square. One burst had been made from the KPVT⁵¹, by the time it was wedged. They couldn't apply it anymore. The mob moved aside and started hiding behind the pillars, as the shots were too loud. The colonel commanded to shot at BTR. The BTR drove to the gate level, stopped, then passed back. Part of the mob walked behind the «Ilbirs» building, the rest to another side, thus the Panfilov street was empty. The BTR moved back as the officer had shot at the wheels. SSS members started firing at the armored, but the bullets were bouncing out. BTR moved back again, began firing from PRT⁵². The BTR stalled after all shootings. Some residents came near the BTR, someone climbed on the roof with flag. Top of the «White House» was shot by the BTR in a little while..The SSS

⁴⁶ The decision to prosecute Dzholdoshaliev an accused, 12.08.2010, p.6

⁴⁷ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

⁴⁸ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010

⁴⁹ ASOE Alexandr (name changed) interview, Bishkek, 28.08.2010, A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.12-13.

⁵⁰ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p. 14, ASOE Trofim (name changed) interview, 01.09.2009.

⁵¹ Vladimirov large calibre / heavy machine gun, 14.5 mm

⁵² Kalasnikov tank machine gun- 7.62 mm

officers fired from the launcher, two times in response. The first one reached the building. BTR tried to fire for some times..BTR was reached by the next shot and stalled. The mob had thinned out by two-thirds, as soon as dark grew. Some meeting was held on Logvinenko and Panfilov streets. The crowd still kept on the streets, but the Square was empty⁵³.

The episode described above is in fact the only case of ASOE combat use of weapon, placed around the perimeter of «White House». The automatic rifleman Sergey Tsigel'nikov is charged with murder and attempted murder. The second automatic rifleman Timur Popov situated in south-western sector of defense, also among the accused, although his gun hasn't been due to his recognition.

Five ASOE snipers were on the 6 floor of the «White House», during the describing events. They were told somebody had shoot from the south-east side. The bullet ricocheted not far from ASOE officer. It seemed somebody had shoot from the 5th stage. The officers moved to the open rooms in southern-west side. They stayed in one of them, the Head of Presidential Administration room, as it became known later. The windows were opened, chairs were near them, the food were laid on the table.. They started eating, due to lack of breakfast. They were given the command to observe surroundings and reported the results. Senior Group told them to forget about the possible weapon use against the people. There were no commands to shoot at people. The Only Senior had portable radio. The officers had sent messages through the head of group and he duplicated the commands from the other side. They hadn't been under the fire by the time BTR started firing at the top of the building. They heard shots from the «Ilbirs» side and a little further, perhaps near the prosecutor's office. The bullets were 7.62 mm caliber, which is typical for the sniper rifle. He has heard the shots from the «White House» roof, where were the SSS snipers, as far as he knew, from the large-caliber rifle, 12.7 mm. Some of the officers shot in the air. A lot of people were moving on the White House stages, including suspicious armed people: European and Asia appearances, in camouflage and sneakers, with AKS automat. One of them was with the SVD gun. They came in to the room and quickly went away⁵⁴.

The sniper, interviewed by author, mentioned only shots in the air. But, in the Dzholdoshaliev' explanatory note is said (from snipers words), that they had made a few shots at the wheels of the stolen BTR, under «10» (colonel Duganov') order. Two of the five weren't firing at all⁵⁵.

⁵³ ASOE Sergey Tsygel'nikov interview, Bishkek, 28.08.2010

⁵⁴ ASOE Sergey (name changed) interview, Bishkek, 01.09.2010

⁵⁵ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.18

Regarding the use of arms by the ASOE members, as mentioned above: « Crime Laboratory (CL), after special forces firearms examination, stated in May, that they haven't revealed any positive identifications, after bullets/hulls's id verification on undetected crime base of the Ministry of Internal Affairs CL and bullets/hulls on the case № 150-10-30 materials⁵⁶».

Huge number of victims, on the streets adjacent to Governmental House on April 7, 2010, partly related to the unknown armed man actions, located on the «White House» 6 floor and buildings in the vicinity (The State Historical Museum, «Ilbirs» et. al.), according to ASOE point of view. In April, one of the demonstrators stated online on NTRK, that personally had killed sniper, which isn't listed in the official list of victims⁵⁷. State Security Service members also remembered about unidentified people with sniper weapon⁵⁸. There were no other sniper groups, based in the «White House», near collisions, besides GSS KR and SSS, on official version. The question about unknown snipers actions requires further study.

The return

According to Dzholdoshaliev, he was being reported on talks with the protesters the hall evening till midnight, in fact no one of the Leaderships had been stayed in the «White House» by that time. At approximately 11:45pm -12:00 am Dzholdoshaliev stated to the Chief of Staff, whether the mobile communication with the Head of GSS KR shouldn't be established, the ABSO personnel would left the «White House». The connection with the deputy chairman of GSS KR Rustam Mamasadykov was established at about 12:30 am. Rustam Mamasadykov informed that the new Head of ASOE had been set, and instructed to move ASOE forces to the Central Office⁵⁹.

ASOE members lined up at the two minibuses, by the time they had been commanded on withdrawal. Exit through the southern-east gates of the «White House» territory was blocked by flowers concrete tubes, which could be moved by 5-6 persons. They decided to move on foot to the Central Office, firstly, by then started clear passageway. While the protesters proceeded reach the

⁵⁶ The author had the opportunity to read the experts reports CL (crime laboratory) on 26 weapons, including 2 PKM, 10 sniper-guns (5 – SVD, 3-VSK-94, 2 – sport MC-13), 11 automatons (AK-47, AK-74U, AKS) and 3 pistols (2 – APS, 1- APB)

⁵⁷ E. Ageeva, U. Babakulov «ALFAvitnyi ukazatel'» - «MK-Asia» newspaper (Bishkek), 1-7.09.2010

⁵⁸ «Arrested by riots Special Forces expose the Power. Backstage of the «April» Revolution in Bishkek». - «The case №» newspaper (Bishkek), 10.09.2010. In particular, mentioned unknown people, shot from the foreign sniper-weapon, from the 6th floor of the Parliament building.

⁵⁹ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.16

event place, their shouting's were being heard at that time. ASOE officers jumped in the cars and left the Government House territory, thus there hadn't been any incidents⁶⁰.

Dzholdoshaliev arrived to GSS KR Central Office and reported direction on personnel and armaments⁶¹.

ASOE member remembers that they line up at the same place, where they were ordered on moving to the «White House» in the daytime. The previous chairman of GSS KR Murat Sutalinov made a statement before them. Sutalinov expressed gratitude for the officers' service, resigned by the new government resolution and advised to serve them. Also added that the only thing he would take was the wrapped in white fabric portrait from his cabinet. Sutalinov was taken away in jeep, after the speech. In a 5 minute the car returned empty⁶². Sutalinov would be announced an international search in four days⁶³.

The ASOE members were lined up again, two or three hours after Sutalinov leaving. The Major-General Artur Medetbekov, had been dismissed by the Bakiev, commanded on behalf of the new government. Part of the staff, with white bandages over the hands, were forwarded on the Bank protection (including KR National Bank and «AsiaUniversalBank»), the rest officers maintained public order together with Medetbekov⁶⁴.

The investigation and the politics

April 6-7, 2010 Events, during which Kurmanbek Bakiev authoritarian regime was being overthrown, raised the considerable public response, both inside the country and abroad. The nationwide mourning for the dead was declared.

The Prosecutor General's Office KR initiated a case before the court on the facts of the mass demonstrator's deaths near the «White House», on April 8⁶⁵.

On April 9, the Provisional Government promised invited international commission on the events investigation⁶⁶, however the promise hasn't been implemented.

⁶⁰ ASOE Sergey and Alexandr (names changed) interview, Bishkek, 28.08.2010, 01.09.2010.

⁶¹ A. Dzoldoshaliev explanations, Bishkek, 26.08.2010, p.17

⁶² ASOE Alexandr (names changed) interview, Bishkek, 28.08.2010

⁶³ www.for.kg/ru/news/115833/

⁶⁴ ASOE Sergey (names changed) interview, Bishkek, 01.09.2010

⁶⁵ The Prosecutor General KR letter № 6-7-10 on 09.06.2010

⁶⁶ 24kg.org/politic/71641-vremennoe-pravitelstvo-kyrgyzstana-namereno.html

The political conjuncture influenced the actions of the investigation authorities and the courts, later, were being considered the question of measures of restraint against the accused in this criminal case, virtually from the beginning.

The rumors about the ASOE employee's involvement on demonstrator's deaths were circulated on Events day, though no one of the officers has been arrested or suspended and were being used in the important ABSO operations.

According to ASOE member remembering. The ASOE officers were preparing an operation to arrest ex-president, in Zhalalabad, from April 14 to 19. They were summoned as witnesses in April 20th. The memorial events should be held on the 40th day after Events, on April 17. Relatives demanded the government to find and punish the killers. Five officers, including the interviewer, were summoned under the pretext of confrontation, on April 14-15 at 2 pm. The prosecutors conducted preliminary examinations inside ASOE Central Office building (Investigation department's rooms). The investigator in charge was read the judgments of conviction, instead of confrontations. 5 snipers, 2 automatic riflemen and the Head of «Alfa», were among accused. The investigator said that people need to be reassured, and the officers would understand everything later. They said that 8 officers had been held in custody by that time, and the other 5 would be held too. Dzholdoshaliev proposed himself as a detainee instead of officers, as they were preparing for the combat mission⁶⁷. The investigator answered, about the command to arrest, then gave copies of the judgments of conviction; the officers signed the protocol on acquaintance. They were waiting for the judge⁶⁸ preventive measure question decision; the offices had prepared for the arrest, called comrades, which decided to lay down the arms and to stay, whether the arrest situation wouldn't be changed. SOBR officers also supported the arrestees. Dushebaev (the chairman of GSS KR) was on the conference with Roza Otunbaeva that time. Dushebaev didn't know about the situation, according to information. Later he came to the Office. The officers were waiting in the corridor several hours. Almaz (Dzholdoshaliev) were carrying on negotiations in the chamber. As a result, the criminal cases weren't closed, but measures of restraint weren't elected too, by the order, in the evening⁶⁹. The judgment of conviction copies were taken back by the criminal investigator⁷⁰.

ASOE officers played an important role on maintaining order in South Kyrgyzstan, on June 11; in Urmatbek Baryktabasov arresting, whose supporters tried to organize anti-government rally in Bishkek.

⁶⁷ ASOE Alexandr (names changed) interview, Bishkek, 28.08.2010

⁶⁸ ASOE Trofim (names changed) interview, Bishkek, 01.09.2010

⁶⁹ ASOE Alexandr (names changed) interview, Bishkek, 28.08.2010

⁷⁰ ASOE Sergey (names changed) interview, Bishkek, 01.09.2010

The eight ASOE members were arraigned the accusations on complicity (participation) in murder and attempted murder (Art. 28-97 and 97 pt. 2 par. 1, 3, 5, 6, 15 CC KR), and the ex-chief of ASOE was arraigned in power abuse and military equipment loss (Art. 305 pt. 2 par. 4, 5 and pt. 1, 2 CC KR), two days later the south part of the country emergency abolition, on August 12.

The officers were brought to the Central Office from the base, then were arraigned the accusation, and they were waiting for the sanction's decision by judge. The judge arrived too late and left after the conversation with the prosecutor's office staff. The judge couldn't authorize the arrest, without justification, besides her work day had been ended by that time. The next day the officers ignored the prosecutors subpoena⁷¹.

The Standoff lasted for several days. The head of ASOE didn't trust the Attorney General, which couldn't provide «Alfa» pleadings participation, without ASOE support, according to ASOE officers. The departments have come to an informal compromise, possibly due to the deterioration Osh situation: Pervomaiskiy Bishkek District Court authorized preventive measure on taking into custody for one month the ex-former head of GSS KR Almazbek Dzholdoshaliev⁷²; the remaining defenders were elected the preventive measure on isn't related to liberty deprivation.

Pervomaiskiy District Court extended the Dzholdoshaliev' term of arrest, on September 16.

The ASOE Department staff located in the GSS KR building blocked the corridor preventing the convoy movements, after the ex-head of ASOE arrest, as reported in the «Case №» newspaper article. The authorities forced Dzholdoshaliev to let go for a short talk with colleagues, to stop the court decision execution impediment⁷³.

Bishkek District Court rejected the lawyer's claims⁷⁴ on August 25, by Supreme Court of the KR⁷⁵ on September 23. The investigation completion was announced the next day⁷⁶. The lawyer and defendants admit that they were able to study just half of the investigation materials, prior to case putting before the court, due to time-limited case materials access, stated by the Prosecutor General's Office⁷⁷.

⁷¹ ASOE Alexandr (names changed) interview, Bishkek, 28.08.2010

⁷² The decree on measure of restraint in the form of detention to Dzholdoshaliev an accused, 12.08.2010

⁷³ Kopytin U. «Are Authorities beginning to fear their own intelligence?» - «The case№» newspaper, Bishkek, 26.08.2010

⁷⁴ 24kg.org/community/81258-v-kyrgyzstane-bishkekiskij-gorodskoj-sud-ne.html

⁷⁵ 24kg.org/community/83148-verxovnyj-sud-kyrgyzstana-ostavil-v-sile.html

⁷⁶ svodka.akipress.org/news:62281

⁷⁷ www.vesti.kg/index.php?option=com_k2&view=item&id=1682:spisok-vinovnyih-oglashen-mnogie-neizvestnyj&Itemid=90&tmpl=component&print=1; www.pr.kg/gazeta/number499/1449/

The protest action on the requirements of Dzholdoshaliev release, by relatives and Special Forces veterans, were held in Bishkek on August 18⁷⁸, August 25⁷⁹, September 23⁸⁰. The situation was observed and commented in Local Media. Some Human Rights Organizations spoke on the «Alfa» side⁸¹.

Approximately 50 ASOE members in masks and combat gear announced on the indefinite picket near the Zhokorku Kenesh building (The Parliament), demanding the ex Chief custody release and fair April Events investigation, on October 4. The relatives and familiar people took part in picket. The same pickets were held near the Osh Regional Administration, as was announced⁸². The Head of Department of Defense, Safety and Law Enforcement Busurmankul Tabaldiev, Security Council secretary participated in negotiations with the demonstrators. Bishkek Court District met the objection of lawyers on changing the preventing measure to realize from custody. Hardly can be doubted, that this decision hadn't been influenced by the political circumstances. «Special Forces» officers refused the plan to establish the tents in the centre of the city and collapse action, due to the threat of conflict with the victims' families of the April Events⁸³.

The initial requirements on the cessation of criminal prosecution were taken during the negotiations, reflecting the understandable doubts of the investigation and trial objectivity⁸⁴.

The President Rosa Otunbaeva stated that the court would be fair, but all of the defendants «would face trial»⁸⁵.

The meeting near the Zhokorku Kenesh building (The Parliament), held by the victims' relatives, on October 6, indicates the complexity of the KR political situation, in connection with the April Events case⁸⁶.

⁷⁸ 24kg.org/community/80885-u-zdaniya-gossluzhby-nacionalnoj-bezopasnosti.html

⁷⁹ 24kg.org/community/81234-k-mitinguyushhim-u-zdaniya-gsnb-v-stolice.html

⁸⁰ 24kg.org/community/83143-v-stolice-kyrgyzstana-uchastniki-akcii-v.html

⁸¹ For ex. Message from the director of the Right Clinic «Adilet» Cholpon Dzhakupov on 21.09.2010, www.alfa.kg/index.php?option=com_content&view=article&id=59:2010-10-03-05-06-30&catid=1:2010-08-25-13-08-51&Itemid=4

⁸² A. Oreshkin, « «Alfa» fighters: We will not allow our guys be made scapegoats», «The evening Bishkek» newspaper, 05.10.2010.

⁸³ A. Oreshkin «Promises for the «Alfa»» «The evening Bishkek» newspaper, 06.10.2010.

⁸⁴ These requirements had been put forward by the picket. For ex. In the ASOE and GSS KR open letters, published at the end of august 2010, on the site www.alfa.ru contains point to dismiss prosecution within 10 days, failure to provide irrefutable proof of guilt of the accused. Commenting on the negotiations with the picketers, officials were trying to deny the existence of such requirements.

⁸⁵ 89.108.120.121/community/83933-roza-otunbaeva-v-kyrgyzstane-sotrudniki.html

⁸⁶ 24kg.org/community/84056-v-stolice-kyrgyzstana-vyshli-na-miting-ne.html

The legal assessment

Obviously, without the criminal case materials access, including 60 volumes, it's hard to estimate the completeness of the investigation.

The extreme weakness, lack of evidence charges sometimes, the apparent discrepancy between the actions of the accused and their legal qualifications (the same problems are marked in the study of criminal cases related to the ethnic conflict in the South Ossetia) are conspicuous, studying the resolution text on involvement Dzholdoshaliev as a defender.

It's possible to agree with the council Sergei Slesarev on «the persecution, frequently, based not on the facts and circumstances occurring, but on general politicized, distorted investigators statements⁸⁷».

So the departure of ASOE employees to the location of the police and demonstrators clashes near the AO «Forum» is qualified as «implementation of obviously illegal order» and explicit abuse of power. The investigation authorities assesses protest action near the «Forum» as «Peaceful meeting» and invoke the statutory provision «on «Alfa» Special Operations Executive GSS KR», according to which the ASOE is intended for military anti-terrorist activities, therefore participation in the peaceful meeting dispersal goes beyond the tasks.

Though, serious violent clashed between police and demonstrators had been already occurred by the Special Forces departure to «Forum», which is confirmed by both sides' witnesses⁸⁸. The employee participation in prevention, suppression and riots localization activities is provided in Art. 15 of Law «On National Security Departments KR». No doubt to believe, that ASOE members fall under the any exceptions of the Law.

The ASOE officers hadn't had sufficient information about happening around the «Forum», as stated above, and on arrival the place they didn't take actions to disperse the protesters, except shots in the air (according to the Head of GSS KR Sutalinov) in attempts of stopping the mob.

The similar legal collision arises in assessing the ASOE participation in the Government House defense.

Herewith important to notice that the use of ASOE forces in order to maintain public order and providing Senior Officials security, were continued by the new authorities after the overthrow of Bakiev's regime, which goes beyond the tasks, defined above-mentioned state.

The ASOE employee participation in the Government House of KR defense is qualified as participation (complicity) in murder and attempted murder. The ASOE officers executed «obviously illegal order» of M. Sutalinov, Zh. Bakiev, D. Dunganov on aim shorts from a firearm

⁸⁷ The appeal to the Pervomaiskiy Bishkek Court District order on 18.08.2010, selection on preventive punishment in the form of detention.

⁸⁸ Ex. The story of Human Rights Defender Toktaiym Umetalieva (www.akipress.org/people/news:291/).

by civilians, who were unarmed outside the Government House fences on Chui Ave. and adjacent Panphilov and Logvinenko str., haven't made attempts to break on through and Governmental House capture, from 2 till 11 pm, according to investigation, on April 7⁸⁹.

It's noteworthy that overall dead list wounded from firearms citizens is included in judgment of conviction. Many of them died as a result of intensive shooting at 2 pm, when protesters tried to ram the Government House gates. Meanwhile ASOE members (according to their testimonies) arrived to the Governmental House only at 7 pm and can't bear responsibility for the incidents had been occurred before. In the situation, when weapon examination hasn't revealed the ASOE members involvement in the death of protesters, and shots hadn't been made from two of the sniper rifles, charges in complicity in murder and attempted murder of the civilians, look for at least unproven.

Besides, the Investigation ignored widely known episodes of the weapon use and attempts of the breaking through to the protected building. The statement about that the command on doing aimed shots precisely at unarmed citizens which didn't attempt to breakthrough, by the three Heads of GSS KR and SSS, two of which are in Federal search, looks like a caricature. The situation of legal use of weapon has been raised repeatedly, and for example the command of the BTR attacks reflection can't be regarded as clearly illegal order, on April 7, by the justified ASOE opinion.

The questions about whom and how the orders were given, their contents, performance, subordination of different departments during the «White House» defense, require addition study.

The lawyers admit that the accused and the representatives of protection haven't studied the case materials in required volume yet. Some procedural steps are made after the investigation implementation in violation of the law. The case in the violation of the Code of Criminal Procedure has been returned to the prosecutors, numbers of persons are made charges, after court hearings, by the lawyer Artem Ivanov words⁹⁰. The lawyer Sergey Slesarev noted that wasn't notified about the ongoing pleadings. Besides, because of the case access limits he hasn't knew, for example, Dunganov's statements and photo and video materials are used by the prosecution⁹¹.

On the issue of the civilian deaths, it seems that the information on the presence of people with a sniper weapon unrelated to the departments, whose activities are subjected to investigation, in the White house and on the roofs of adjacent buildings. ASOE member's interrogations weren't scrupulous, not all of the Media publications are set out in the cases materials⁹², estimated to Council Sergey Slesarev.

⁸⁹ The decision to prosecute Dzholdoshaliev an accused, 12.08.2010, p.11

⁹⁰ «Coup d'etat victims». – «The evening Bishkek» newspaper, 05.11.2010.

⁹¹ S.Slesarev interview (Bishkek) by phone, 26.10.2010.

Most of the questions, probably, would be answered on the upcoming Trial. Hopefully, Court will examine the situation in details and give objective legal assessment, not limited by just political problem solution – to demonstrate to society, that the perpetrators of the events are convicted, unlike the politicized and superficial investigation. Though, it seems, that there are several «white spots» in April Events, which will require further investigation.

It's important to note, that departure from the principles of fairness and objectivity during the upcoming hearings could have serious consequences in the in the context of the stability of the situation in Kyrgyzstan.

Another problem is on the agenda: necessity of the democratic restructuring of the hall system of law enforcement and security agencies of this country and the effective civilian control establishment.

Vitaliy Ponomarev,
The Head of the Central-Asia program
«Memorial» Human Rights Centre

⁹² S.Slesarev interview (Bishkek) by phone, 26.10.2010.