

CC - 199, 200 - 10D - 3
(166 - 1 - 159,166 - 10 - 626)

Verdict
on behalf of the Kyrgyz Republic

September 15, 2010

village of Nooken

Jalal - Abad region, Bazar - Korgon district court

Consisting of:

Presiding judge: Mr. Alimkulov N. Kh.,

Secretaries of the court: Mr. Kozhonazarov A.

Prosecutors: Mr. Kanaev J., Mr. Kozhoshev T.Z., Mr. Sayakov J.I.

Translators: Mr. Bazarbaev D.A. and Mr. Askarov S.

With

Lawyers: Mr. Abylakimov A., Mr. Toktakunov N., Mr. Kalmanov B., Mr. Mamytov A., Mr. Kaynazarov T., Mr. Usmanov U., Mrs. Tomin T., Mrs. Akmatova M. and Mr. Muratbekov K., having considered the criminal case against Mrs. Mamadalieva M., Mr. Kochkarov M., Mr. Askarov A., and others in open assize according to which:

1. **Mrs. Mamadalieva Minyura Tirkashevna**, date of birth - September 20, 1971, place of birth - village, nationality - Uzbek, has a university degree, previously sentenced to two years under Part II of Art. 166 of the Criminal Procedure Code of the Kyrgyz Republic on 16 December 2008 by Bazar - Korgon district court, and on the basis of Art. 63 of the Criminal Procedure Code of the Kyrgyz Republic she was charged with a suspended sentence for one year, the conviction was acquitted; married, has 3 children, lived on # 2 A. Kurbanova Street in Bazar - Korgon village, she received a copy of a writ on prosecuting as an accused person (5th volume, p. 204), has been detained since June 26, 2010 (3rd volume, p. 82,101), and is accused under §1, Part II of Art. 299, Part I, II, III of Art. 233 of the Criminal Code of the Kyrgyz Republic.
2. **Mr. Kochkarov Muhammadzakir Mamashakirovich**, date of birth - August 31, 1987, place of birth - district of Bazar - Korgon of Jalal - Abad region, nationality - Uzbek, has a secondary education degree, single, unemployed, previously not convicted; lived on # 14 Nasirova Street of Bazar - Korgon village, has been detained on this case since June 24, 2010 (3rd Volume, p. 62, 80), received a copy of a writ on prosecuting as an accused person (5th volume, p. 202), and is accused under § 3, 4, 6, 9, 10, 13, 14, 15 of Part II of Art. 97, and Part II of Art. 233 and Art 340 of the Criminal Code of the Kyrgyz Republic.
3. **Askarov Azimjan**, date of birth - May 17, 1951, place of birth - Bazar - Korgon district of Jalal - Abad region, nationality - Uzbek, has a legal university degree, married, has 4 children, worked as a director of a public association "Vozduh", previously not convicted, lived on # 3 Havuzboyu street of Bazar - Korgon village, has been detained since June 16, 2010 (1st vol., p. 124, 2nd vol., p. 107) and is accused under Art. 28, 30, § 1.3 of Part II of Art. 227, Part I of Art. 241, Part I of Art. 299², § 1 Part I of Art. 299, Part 1, 2, 3 of Art. 233, § 3, 4, 5, 6, 9, 10, 13, 14, 15 of Part II of Art. 97 - 30, § 1, 4, 5, 6, 9, 10, 13, 14, 15 of Part II of Art. 97 - 30, 28, Art. 340 - 30 of the Criminal Code of the Kyrgyz Republic.
4. **Mr. Mulavhunov Sanjarbek Zhamaldinovich**, date of birth - June 8, 1984, place of birth - Bazar - Korgon district of Jalal - Abad region, nationality - Uzbek, has a secondary education degree, married, has 2 children, unemployed, previously not convicted; lived on Vokzalnaya Street of Bazar - Korgon village, has been detained on this case since June 27, 2010 (4th Volume, p. 212, 227), received a copy of a writ on prosecuting as an accused person (5th volume, p. 205), and is accused under Part III of Art. 242, Part II of Art 233 - 30.
5. **Mr. Mirzalimov Shukurbek Saidkulovich**, date of birth - February 12, 1972, place of birth - the city of Tash - Kumyr, nationality - Uzbek, has a secondary education degree, previously not convicted married, has 4 children, worked as a dentist in Bazar - Korgon district outpatient hospital, lived on # 16 A. Kurbanova Street of Bazar - Korgon village, received a copy of a writ on prosecuting as an accused person (5th volume, p. 207), has been detained on this case since June 16, 2010 (1st Volume, p. 129, 130, 2nd Volume, p. 114) and is accused under Part I, II, III of Art. 233, § 3 Part II of Art 299 of the Criminal Code of the Kyrgyz Republic.

6. **Mr. Rozibaev Dilshotbek Tohtasinovich**, date of birth - May 07, 1977, place of birth - Bazar - Korgon district of Jalal - Abad region, nationality - Uzbek, has 9 years of high school education degree, previously not convicted, married, has 2 children, lived on # 14 S. Rahimova Street of Bazar - Korgon village, unemployed, received a copy of a writ on prosecuting as an accused person (5th volume, p. 206), has been detained since June 23, 2010 (3rd volume, p. 41,58), and is accused under §3, 4, 6, 9, 10, 13, 14, 15 Part II of Art. 97, Part II of Art. 233, Art. 340 of the Criminal Code of the Kyrgyz Republic.
7. **Mr. Rasulov Elmurad Muminzhanovich**, date of birth - June 14, 1981, place of birth - Bazar - Korgon district of Jalal - Abad region, nationality - Uzbek, has a secondary education degree, married, has 1 child, previously sentenced to two (2) years of imprisonment under § 3 of Part II of Art. 129 of the Criminal Procedure Code by Bazar - Korgon district court on November 6, 2008, by the verdict of the Jalal - Abad Regional Court on December 11, 2008 on the basis of Art. 63 of the Criminal Procedure Code of the Kyrgyz Republic he got a suspended sentence, with two (2) years on probation; the sentence was not acquitted, lived on # 14 S. Rahimova Street of Bazar - Korgon village, has been detained on this case since June 30, 2010 (3rd Volume, p. 142), received a copy of a writ on prosecuting as an accused person (5th volume, p. 203), and is accused under §3, 4, 6, 9, 10, 13, 15, Part II of Art. 97, Part II of Art. 233, Art 340 of the Criminal Code of the Kyrgyz Republic.
8. **Mr. Abduraimov Isroilbek Magomatshakirovich**, date of birth - July 5, 1983, place of birth - Bazar - Korgon district of Jalal - Abad region, nationality - Uzbek, has a secondary education degree, single, unemployed, previously not convicted, and lived on # 11 T. Saydullaeva Street of Bazar - Korgon village, has been detained on this case since August 7, 2010 (6th Volume, p. 181), received a copy of a writ on prosecuting as an accused person (6th volume, p. 217), and is accused under §3, 4, 6, 9, 10, 13, 15, Part II of Art. 97, Part II of Art. 233, Art 340, Part II of Art. 263 of the Criminal Code of the Kyrgyz Republic.

After reviewing the case file, hearing the testimony of the defendants, victims, victim's legal representative, witnesses, prosecutors debate, victims, victim's legal representative, defendants, lawyers, the last word of the defendants, the court

ESTABLISHED that:

1) The defendant Mrs. Mamadaliyeva M. T. On June 12, 2010 at about 21:00 together by prior agreement with the inhabitants of the village of Bazar - Korgon Mr. Karabaev Mahhamadkadir, Mr. Askarov Azimjan, and Mr. Akmatov Kahharzhan made a speech in front of the people gathered in the street Saydullaeva, located in the northeastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, started an incitement of ethnic hatred between kyrgyz and uzbek people, acted violently in respect of citizens of kyrgyz nationality, degrading kyrgyz ethnic group by different expressions, and called them "Kyrgyz are dogs", thus humiliated honor and dignity of the Kyrgyz people and campaigned for superiority of uzbek ethnic group.

The defendant **Mrs. Mamadaliyeva M. T.** by prior agreement together with the inhabitants of the village of Bazar - Korgon Mr. Karabaev Mahhamadkadir, Mr. Askarov Azimjan, and Mr. Akmatov Kahharzhan, in front of people gathered on the street Saydullaeva, located in the northeastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, agitated them to show armed resistance to the representatives of the government and to organize mass disorders, to participate in the riots, actively encouraged to disobey the lawful demands of representatives of the government, agitated for violence against the Kyrgyz people. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon.

2) The defendant Mr. Kochkarov M. On June 13, 2010 at about 08:00 am by prior agreement with Mr. Rasulov E., Mr. Rozubaev D. and other people, whose identity has not been established during the investigation, came out on the streets of the village of Bazar - Korgon, joined the actions (propaganda

appeals), organized by the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkodir, Mr. Askarov Azimjan and other persons, whose identity has not been established during the investigation, and aimed at inciting ethnic hatred. So, they joined the approximately 500 - 600 unknown citizens of Uzbek nationality armed with sticks with protruding nails, handmade metal swords, guns, Molotov cocktails in order to participate in the riots and to incite ethnic hatred, and went to the bridge on the River Kara - Unkur, located at 553, 5 km of Bishkek - Osh highway and blocked the road on the bridge. As a result, strategically important state road of Bishkek - Osh was blocked, the main transport artery has stopped its function, and there was an obstruction in the work of local authorities, which contributed to a gross violation of public order in the village of Bazar - Korgon. During the events they did not obey the lawful demands of the task force of Bazar - Korgon police department, and after the commands of Mr. Karabaev M. and Mr. Askarov A. "take police hostage, kill them!", they started physically attacking police officers, who were performing their duties. As a result officers of Bazar - Korgon police department: Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., Mr. Ermekov M. were inflicted minor injuries. At the time of the beating in the garden of cafe "Sahyl", which is located on Bishkek - Osh road, unidentified persons captured and were beating the local police officer of Bazar - Korgon police department police captain Mr. Sulaimanov Myktybek. When he fell to the ground, the defendant Mr. Kochkarov M. stabbed three times with a sickle with cruelty to vital organs (two times in the back, and once in the left kidney) of police officer of Bazar - Korgon police department captain Mr. Myktybek Sulaimanov, who was serving to ensure public order and public safety. As a result, Mr. Sulaimanov M. died at the scene from received serious wounds.

3) *The defendant Askarov A.* On June 12, 2010 Uzbek citizens of Bazar - Korgon district and other areas, left their homes, and tried to flee to the Republic of Uzbekistan through Kyrgyz - Uzbek border. On that day a large number of Uzbek citizens gathered at about 4:00 pm in the village of Chek of Bazar - Korgon district in order to flee to Uzbekistan. When the head of district administration Mr. Kubatbek Artykov came to conduct an explanatory

work for the return of Uzbek citizens in their abandoned homes, Mr. Azimjan Askarov, the leader of the Bazar - Korgon district of the Uzbek diaspora Mr. Karabaev M. and other persons, whose identity has not been established, in order to inflict obstacles to the head of Bazar - Korgon district Mr. K. Artykov in his explanatory work, agitated citizens, whose identity has not been established, "take Mr. Artykov (Mayor) hostage" by becoming an accomplice of the crime. However, for reasons beyond their power the offense was not committed.

Further, Mr. Askarov A. continued his criminal activities and in order to organize mass armed riots in the village of Bazar - Korgon, and to put up armed resistance to the authorities, he purchased 10 cartridges from a pistol "Makarov" and APS (Automatic Pistol of "Stechkin") from a persons, whose identity has not been established by the investigation, and illegally kept at home in the village of Bazar - Korgon on Havuzboyu street, house number 3. Cartridges of the above types of weapons were found during the search on June 17, 2010 in the house of Mr. Askarov A. In conclusion No. 184 of forensic ballistic examination indicated that 10 cartridges of ammunition found in the house of Mr. Askarov A. belong to handguns "PM (Pistol of Marakov)" and "APS (Automatic Pistol of "Stechkin)" of caliber 9x18 mm labeled "38 - 88".

In addition, Mr. Askarov A. received CDs, agitating in support of the Hizbut - Tahrir party as gifts for "Ait" and "Kurban Ait" holidays from the son of the imam of Kara - Sui mosque Mr. Rafiq - car, and illegally kept them at home, at #3 Havuzboyu Street of Bazar Korgon village.

Continuing his criminal actions, Mr. Askarov A. on June 12, 2010 at about 21:00 by prior agreement with the inhabitants of the village of Bazar - Korgon Mr. Karabaev Mahhamadkadir, Mrs. Mamadalieva Minyura, Mr. Akmatov Kahharzhan made a speech in front of the people gathered on the street of Saydullaeva, located in north - eastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, by inciting an ethnic hatred between kyrgyz and uzbek people, acted violently in respect of citizens of kyrgyz nationality, degrading kyrgyz ethnic group by different expressions, and called them "Kyrgyz are dogs", thus humiliated honor and dignity of the Kyrgyz people and campaigned for superiority of uzbek ethnic group.

Mr. Askarov A. actively encouraged disobeying the lawful demands of representatives of the government and to participate in mass disorders, and

also campaigned for the blocking of roads and streets leading to the village of Bazar - Korgon, and agitated for violence against the Kyrgyz people. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon.

Mr. Askarov A. continued his criminal activities and to implement their criminal intentions to destabilize the sociopolitical situation in the Bazar - Korgon district at around 8:00 am on June 13, 2010 by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkodir, Mr. Mirzalimov Shykyrzhan, Mr. Yuldashev Muhidin and Mr. Talibaev Dilshodbek and on their behalf actively agitated, people gathered on the bridge of Kara - Unkur river at 553, 5 kilometer of Bishkek - Osh road, located in the village of Bazar - Korgon, about 500 - 600 citizens of Uzbek nationality including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad and Mr. Kochkarov Muhamadzakir armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails to disobey the lawful demands of a government official to prevent the riots, to participate in mass disorder, to act violently in respect of citizens of kyrgyz nationality, degrading kyrgyz ethnic group by different expressions, and called them “Kyrgyz are dogs”, campaigned for the commission of armed violence against a government official, shouted slogans aimed at inciting ethnic hatred, blocked the Bishkek - Osh road. As a result of it a strategically important state road Bishkek - Osh has been blocked, there was an impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon. The chief of police department of Bazar - Korgon Mr. Mergentaev Mamyrgyzan and 16 police officers of operational and investigative team, as well as head of the National Security Service of Bazar - Korgon district Mr. Joldoshev Sadyvakas with three employees of the department came to the scene. They demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, Mr. Askarov A. campaigned Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns

and knives, “to take hostage the chief of police and to kill other police officers”. They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious wounds. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

In addition, there was a material damage amounting to 6200 soms to a car VAZ - 2107 of Bazar - Korgon police department with the plate number 060 MIA.

At the same time, disobeying lawful demand of police officers Mr. Askarov A. and in order to murder police officers, performing their duties to ensure public safety and public order, has become an accomplice of the crime by calling “to take the chief of police hostage, and kill the rest of the policemen”. This campaign led to the fact that armed with firearms and knives Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and Uzbek citizens, whose identity has not been established during the investigation, resisted to unarmed employees of the police, who arrived to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious wounds. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

4) The defendant Mulavhunov S. J. On June 13, 2010, being aware of the conflict between kyrgyz and uzbek communities in Bazar - Korgon village, in order to contribute to the riots in the area, took two scythes, that were in his house, sharpened them and made a handmade metal sword, and gave to uzbek guy by the name Azat, whose identity has not been established, and thus had a direct support the above events.

5) The defendant Mr. Mirzalimov Sh. S. On June 12, 2010 at about 9:00 pm on prior agreement with the residents of Bazar - Korgon district Mr.

Karabaev Mahhamadkadir, Mrs. Mamadalieva Minyura, Mr. Akmatov Kahharzhan and Mr. Askarov Azimjan made a speech in front of people gathered on the street of Saydullaeva in the north - eastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, using his official position of the President of the Uzbek National Cultural Center "Abdulhamid - Chulpan" of Bazar - Korgon district, by inciting an ethnic hatred between kyrgyz and uzbek people, acted violently in respect of citizens of kyrgyz nationality, degrading kyrgyz ethnic group by different expressions, and called them "Kyrgyz are dogs", thus humiliated honor and dignity of the Kyrgyz people and campaigned for superiority of uzbek ethnic group.

At the same time Mr. Mirzalimov Sh., together with the inhabitants of the village of Bazar - Korgon Mr. Karabaev Mahhamadkadir, Mrs. Mamadalieva Minyura, Mr. Akmatov Kahharzhan and Mr. Askarov Azimjan., by prior agreement in front of people gathered on the street Saidullaeva, located in the northeastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, agitated to organize mass disorders, conjugated to armed resistance to the representatives of the government and to participate in the riots, actively encouraged to disobey the lawful demands of representatives of the government, agitated for violence against the Kyrgyz people. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon.

Mr. Mirzalimov Sh's offense was not limited by above mentioned actions, and in order to implement criminal intentions to destabilize the sociopolitical situation in the Bazar - Korgon district at around 8:00 am on June 13, 2010 by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkadir, Mr. Mirzalimov Shykyrzhan, Mr. Yuldashev Muhidin and Mr. Talibaev Dilshodbek and on their behalf actively agitated, people gathered on the bridge of Kara - Unkur river at 553, 5 kilometer of Bishkek - Osh road, located in the village of Bazar - Korgon, about 500 - 600 citizens of Uzbek nationality, whose identity has not been established during the investigation, including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad and Mr. Kochkarov

Muhamadzakir armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails to disobey the lawful demands of a government officials, to participate in mass disorder, to act violently in respect of citizens of kyrgyz nationality, degrading kyrgyz ethnic group by different expressions, and called them "Kyrgyz are dogs", campaigned for the commission of armed violence against a government officials, shouted slogans aimed at inciting ethnic hatred, and participated in blocking the Bishkek - Osh road. As a result of it a strategically important state road Bishkek - Osh has been blocked, there was an impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon. The chief of police department of Bazar - Korgon Mr. Mergentaev Mamyrgyzan and 16 police officers of operational and investigative team, as well as head of the National Security Service of Bazar - Korgon district Mr. Joldoshev Sadyvakas with three employees of the department came to the scene. They demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, Mr. Mirzalimov Sh. campaigned Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns and knives, "to take hostage the chief of police and to kill other police officers". They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious wounds. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

In addition, there was a material damage amounting to 6200 soms to a car VAZ - 2107 of Bazar - Korgon police department with the plate number 060 MIA.

6) The defendant Mr. Rasulov E. M. On June 13, 2010 at about 08:00 am, when he came out to the street, he followed the propaganda appeals of the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkadir, Mr. Mirzalimov Shukurzhan, Mr. Askarov Azimjan in order to

commit actions to incite ethnic hatred and with other persons of Uzbek nationality, whose identity has not been established during the investigation, came to the bridge over the river "Kara - Unkur" on 553, 5 km of Bishkek - Osh road. He joined about 500 - 600 citizens of Uzbek nationality, whose identity had not been established during the investigation, armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails and participated in riots in order to incite ethnic hatred, and together with others blocked the Bishkek - Osh road. As a result, strategically important state road of Bishkek - Osh was blocked, the main transport artery has stopped its function, and there was an obstruction in the work of local authorities, which contributed to a gross violation of public order in the village of Bazar - Korgon. During the events they did not obey the lawful demands of the task force of Bazar - Korgon police department, and after the commands of Mr. Karabaev M. and Mr. Askarov A. "take police hostage, kill them!", with others he physically attacked police officers, who were performing their duties. As a result officers of Bazar - Korgon police department: Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhoroev J., Mr. Ermekov M. were inflicted minor injuries. Further, in a garden of a tea house "Sahyl" located along the Bishkek - Osh road, unidentified persons detained and beat local police officer of Bazar - Korgon police department police captain Mr. Sulaimanov Myktybek. When Mr. Sulaimanov fell on the ground, the defendant Mr. Rasulov E., with the intention to murder law enforcement officer took the bottle, filled with gasoline and lit a rag stuck in the bottle and threw the bottle at the officer, in order to burn of Mr. M. Sulaimanov, then fled the scene. As a result, Mr. Sulaimanov M. died at the scene from his injuries. In the conclusion of the forensic examination No. 15, on June 27, 2010 it was found that Mr. Sulaimanov M. died from wounds to vital organs and blood loss.

7) ***The defendant Mr. Rozubaev D.T.*** On June 13, 2010 at about 08:00 am by prior agreement with Mr. Elmurad Rasulov, Mr. Matamzakir Kochkarov, and other citizens, whose identity has not been established during the investigation, joined the propaganda appeals of the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkodir, Mr.

Mirzalimov Shukurzhan, Mr. Askarov Azimjan in order to commit actions to incite ethnic hatred and with other persons of Uzbek nationality, whose identity has not been established during the investigation, came to the bridge over the river "Kara - Unkur" on 553,5 km of Bishkek - Osh road. He joined about 500 - 600 citizens of Uzbek nationality, whose identity had not been established during the investigation, armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails and participated in riots in order to incite ethnic hatred, and together with others blocked the Bishkek - Osh road. As a result, strategically important state road of Bishkek - Osh was blocked, the main transport artery has stopped its function, and there was an obstruction in the work of local authorities, which contributed to a gross violation of public order in the village of Bazar - Korgon. During the events they did not obey the lawful demands of the task force of Bazar - Korgon police department, and after the commands of Mr. Karabaev M. and Mr. Askarov A. "take police hostage, kill them!", with others he physically attacked police officers, who were performing their duties. As a result officers of Bazar - Korgon police department: Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhoroev J., Mr. Ermekov M. were inflicted minor injuries. Further, in a garden of a tea house "Sahyl" located along the Bishkek - Osh road, where unidentified persons detained and beat police officer of Bazar - Korgon police department police captain Mr. Sulaimanov Myktybek and when he fell, defendant Mr. Rozubaev D. with the intention to murder the law enforcement officer, who was performing his duties and knowing that the officer was in a helpless state and with the to murder a person with special cruelty, using a stick as a tool length of which is 130 cm, hit Mr. Sulaimanov M. on the head 2 times. As a result, M. Sulaimanov died at the scene of the above mentions and other injuries. After the incident the body of Mr. Sulaimanov M. was found by the investigative team of Bazar - Korgon police station on the west side of the tea house "Sahyl" located along the Bishkek - Osh highway, the face was unrecognizable and his feet and hand were burned. In the conclusion of the forensic examination No. 15, on June 27, 2010 it was found that Mr. Sulaimanov M. died from wounds to vital organs and blood loss.

8) *The defendant Mr. Abduraimov I.M.* On June 13, 2010 early in the morning at about 08:00 am, when he came out to the street, he followed the propaganda appeals of the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkodir, Mr. Mirzalimov Shukurzhan, Mr. Askarov Azimjan in order to commit actions to incite ethnic hatred and with other persons of Uzbek nationality, whose identity has not been established during the investigation, came to the bridge over the river "Kara - Unkur" on 553,5 km of Bishkek - Osh road. He joined about 500 - 600 citizens of Uzbek nationality, whose identity had not been established during the investigation, armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails and participated in riots in order to incite ethnic hatred, and together with others blocked the Bishkek - Osh road. As a result, strategically important state road of Bishkek - Osh was blocked, the main transport artery has stopped its function, and there was an obstruction in the work of local authorities, which contributed to a gross violation of public order in the village of Bazar - Korgon. During the events they did not obey the lawful demands of the task force of Bazar - Korgon police department, and after the commands of Mr. Karabaev M. and Mr. Askarov A. "take police hostage, kill them!", with others he physically attacked police officers, who were performing their duties. As a result officers of Bazar - Korgon police department: Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhoroev J., Mr. Ermekov M. were inflicted minor injuries. Further, in a garden of a tea house "Sahyl" located along the Bishkek - Osh road, unidentified persons detained and beat local police officer of Bazar - Korgon police department police captain Mr. Sulaimanov Myktybek. When Mr. Sulaimanov fell on the ground, the defendant Mr. Abduraimov I.M., along with Kochkarov M., Rasulov E., and Rozubaev D. murdered police officer with special cruelty, while performing his duties in ensuring public safety and public order, and when he was in helpless state. After that, Mr. Abduraimov I took the bottle, filled with gasoline and lit a rag stuck in the bottle and threw the bottle at the officer; in order to burn of Mr. M. Sulaimanov so that it will not be recognizable, then fled the scene. After the incident the body of Mr. Sulaimanov M. was found by the investigative team of Bazar - Korgon

police station on the west side of the tea house "Sahyl" located along the Bishkek - Osh highway, the face was unrecognizable and his feet and hand were burned. In the conclusion of the forensic examination No. 15, on June 27, 2010 it was found that Mr. Sulaimanov M. died from wounds to vital organs and blood loss.

During the court hearing the defendant Mrs. Mamadalieva pleaded not guilty by saying the following: "On June 12, 2010 when I was on the border, I did not call to take the mayor hostage. I just was among the people with my kids. When the mayor Mr. Artykov came to the border, he met with Mr. Askarov A., however, I don't recall that Mr. Askarov agitated other to take the mayor hostage. On the same day at 9:00 pm when I came out to Saydullaeva Street, I saw few Uzbek guys there. I told them to block the road with trailer of a tractor, since I saw Mr. Askarov A. and Mr. Karabaev M. on a "Tico" car without plate numbers and they were agitating Uzbek citizens to block the road by saying: "Kyrgyz are coming, block the road!" Mr. Askarov and Mr. Karabaev were the organizers of these actions. Because of their illegal agitations, I was found guilty and put in detention. I admit that I gave instruction to block the road with a trailer of a tractor of Saydullaeva Street. But I was not involved in the murder of a police officer Mr. Sulaimanov. On June 13th I was not on the bridge, and I did not block the Bishkek - Osh road. I apologize to the people of the "Red Month" for the fact that this events ended badly, and I ask to take a fair decision in this case."

The defendant Mr. Askarov A. pleaded not guilty by saying: "On June 12, 2010, when, several Uzbek citizens were on the Kyrgyz - Uzbek border in Chek village with the intention to flee to the Republic of Uzbekistan, the mayor Mr. Artykov came. When the mayor came to me and asked me: "Azim Ake! Return people back", I asked: "What kind of guarantees can you give me?" I did not agitate the people to take the mayor hostage. In the evening of the same day, I arrived to Bazar - Korgon district. When there was gunfight among the Uzbek population on Saidullaeva Street, I went to the district hospital to film how many people were injured. However, due to the fact that the camera had no tape, I could not make any images/videos on camcorder. On June 13 I was not on the bridge of Bishkek - Osh road. I did not call for disorders". He stated that he knew nothing about the cartridges and cassettes seized from his home, and Mr. Askarov requests a lawful decision on the case.

Defendant Mr. Mirzalimov S., pleaded not guilty, said he was not involved in the riots that took place in the village of Bazar - Korgon on June 12 - 13th. He also said that on June 12 people chased him home from the street of Saidullaeva, and asked to decide the case within the law.

Defendants Mr. Rasulov, E., Mr. Rozubaev D., Mr. Kochkarov M. and Mr. Abduraimov I. pleaded not guilty by stating that they did not participate in the riots on June 12 - 13, and were not involved in the murder of a police officer and asked to punish those who are involved to this incident and to take a fair decision.

Defendant Mr. Mulavhunov S. pleaded not guilty and said that on June 13 he did not participate in the riots. However, he acknowledges that he really sharpened two scythes at home, and that then his neighbor by the name Azat took them, and requests a decision within the law.

The victim Ms. Bechelova Ch: "I am a wife of the deceased Mr. Sulaimanov Myktybek. During the violent events, I was at home with children. In the evening of June 12, 2010 a friend of my husband, Mr. Karimov B., who works with him in Bazar - Korgon district DIA, came to our home by car and took him away. My husband Mr. Sulaimanov M. died on June 13, 2010 on the hands of the defendants, and I am a widow with 4 children now, and I beg to sentence the defendants to a life imprisonment".

Ms. Sulaimanov K. and Mr. Sulaimanov J. recognized as victims by court said that Mr. Sulaimanov Myktybek was the most educated and advanced among their sons, and now his children became orphans, and his wife became a widow, and they are asking the court to sentence the defendants to a life imprisonment.

The victim Mr. Artykov K. said in court: "I am very angry that Mr. Askarov Azimzhan and Mr. Mirzalimov Shuhrat, living a good life in Kyrgyzstan, have organized Uzbek population to come out for disorders. They may be called the leaders of the Uzbek diaspora that opposed the Kyrgyz nation. With regard to the defendant Ms. Mamadalieva M., you can see her in any scandals in Bazar - Korgon village. I know her as a woman, who sets people against each other and conceive all sorts of disputes and conflicts. She had a good life. The remaining defendants are also from wealthy families of Bazar - Korgon. I know their parents". Stating that he did not understand why they were against the Kyrgyz people and government, Mr. Artykov requests to sentence the defendants to a life imprisonment.

The victim M. Mergentaev stated to the court the following: "On June 12, 2010 we received a report stating that the beginning of Saidullaeva street was blocked by people and they did not let neither people nor cars. Approximately at 7.00 pm I and the head of Bazar - Korgon district department of the National Security Service and the staff of this department have gone out to Saidullaeva street, which borders the Bishkek - Osh road. When we arrived, there were about 1000 people of Uzbek nationality, including the head of the Bazar - Korgon village Mr. Karabaev Mamatkadyr, Mr. Mirzalimov Sh., head of the Bazar - Korgon district local council. After seeing that they closed the beginning of the Saidullaeva street by putting a trailer of a tractor there, and thus closed the way to the Bazar - Korgon regional hospital, we explained to them that they should not block the way to the hospital, because patients can come in any time and even in the middle of the night, and that people may come to visit patients, etc. Then we removed the trailer from the road and sent the crowd home. It was approximately 9.00 pm. However, as soon as we sent people home, the defendant Ms. Mamadalieva Minyura came. After her words: "Leave it there! We will block this road, we won't listen to anybody, we will fight", people carried the trailer back and put across the road. We have begun to explanatory work with the leaders of the gathered people. When I asked the leader, who led the Uzbek diaspora Mr. Mirzalimov Shukurzhan: "Don't block this place, there is a hospital, people standing here will listen to you, take your people away" he did not agree. And one of the leaders Mr. Karabaev M. said: "We will not remove it, the road will not be open" and all the present leaders said that "trailer will not be removed, the road will not be opened, and we will fight with the Kyrgyz people". We tried to explain to them, but no one listened to us. In addition, they also blocked the road leading to Seydikum village through the streets of Jalalabad. Soon after, on June 13, 2010 at 8.00 am Bazar-Korgon DIA (department of interior affairs) received information that people of Uzbek nationality gather at the Bishkek - Osh road in Bazar Korgon village. I along with the staff went there. When we arrived, about 1000 people of Uzbek nationality were blocking the bridge on the Kara-Unkur River, and did let neither cars nor people. The same people were present there: Mr. Karabaev M. and defendants Mr. Askarov A. and Mr. Mirzalimov Sh. Were shouting: "We will fight with Kyrgyz people; we will blow up a bridge!" I was conducting an explanatory work and trying to talk to a guy from the

crowd named Mahmud, but he did not want to understand at all and said: "We do not believe you". At this time Mr. Sulaimanov Myktybek was next to me. He also tried to talk to one Uzbek guy, and suddenly, when Mr. Karabaev Mamatkadyr and Mr. Askarov Azimjan said: "Do not believe them, why are you looking at them, kill the police chief!" I was forced to step back. Then someone from behind hit me on the head with a stone or with a stick. I fell on the ground, I was blacked out. Police officers have surrounded me, they blocked me from other people, violence has continued and my colleagues who were there put me in the car and took to the district office of DIA. When I arrived to the district office of DIA I sent an investigation group to the scene. They left and after a while brought the body of Mr. Sulaimanov M.: it turns out that he was cruelly murdered, and burned by Uzbek people." Stating the above, Mr. Mergentaev asks to sentence the defendants to a life imprisonment.

The victim Mr. Umarahunov K., explained to the court: "On June 13, 2010 at 07.30 in the morning, we received information that the Uzbek people blocked the big bridge on Bishkek - Osh highway, around 8:00 am he went to the bridge over the River Kara - Unkur, located at the Bishkek - Osh road in the village of Bazar - Korgon by "Audi" car along with the officer of the National Security Committee Mr. Abdugulov Erkin. There were approximately 500 - 600 unknown citizens of Uzbek nationality armed with sticks with protruding nails, handmade metal swords, some of them were armed with guns that were wrapped in cloth and hidden under their clothes, they also had Molotov cocktails. They intended to organize a riot, and to incite inter - ethnic hatred, and thus they blocked Bishkek - Osh road near the bridge on the river Kara - Unkur." Further, the victim said that on that day he had seen among the crowd Mr. Askarov Azimjan, and as he campaigned people, and that soon after guys in the crowd chased law enforcement officers, beating them with stones and sticks, and asks to sentence the defendants to a life imprisonment.

The victim Mr. Mageev testified in court that on June 13, 2010 early in the morning at around 7:30 he received the information that "the big bridge on Bishkek - Osh road was blocked by the people of Uzbek nationality"; at around 8:00 in the morning he, he chief of Bazar - Korgon police department Mr. Mergentaev and 10 - 15 police officers arrived unarmed on the bridge over the Kara - Unkur river to conduct explanatory work. There was approximately 600 - 700 ethnic Uzbeks armed with sticks with protruding

nails, homemade metal swords, Molotov cocktails, fittings, and pitchforks, intended to organize mass disorder thus the crowd blocked the bridge over the Kara - Unkur river on Bishkek - Osh road in order to escalate inter - ethnic conflict. He testified that the organizers were Mr. Karabaev Mamatkadyr, Mr. Osorov Mirzahid, Mr. Askarov Azimjan, Mr. Mirzalimov Shukurzhan and many other Uzbek leaders. The defendant Mr. Askarov commanded: "Seize the chief and kill other police officers!" someone hit police chief Mr. Mergentaev on the back of his head with a stick; and Mr. Mergentaev fell on the ground, the crowd surrounded us. When the riots broke out, his colleague by the name Zamir covered the chief with his body and barely pulled him out of the crowd and started to run, the people started to shout: "Seize them and kill them!" and chased them throwing stones and hitting them with sharp objects; that the officer Sulaimanov fell on the ground. Mr. Mageev does not know whether Mr. Sulaimanov was hit by a stone, when he fell on the ground, several guys surrounded him. Mr. Mageev barely reached the car "Porter" and came to the police department. Soon when the body of the police officer Mr. Sulaimanov was brought to the police department, it had numerous injuries inflicted with sharp objects, bruises and traces of burning. Further, Mr. Mageev points out that he had seen defendants Mr. Askarov Azimzhan, Mr. Mirzalimov S., Mr. Rasulov E., Mr. Mulavhunov S., Mr. Rozubaev D. on the bridge, and requests to sentence the defendants to a life imprisonment.

The victim Mr. Karimkulov N., Mr. Tairov T. said in court: "On June 13, 2010 at about 8.00 am, together with the chief of Bazar - Korgon State traffic police (STP) Mr. Eraliev, Mr. Dosov, Mr. Zhorojev and Mr. Karimkulov went all together on a car to the bridge on the Kara - Unkur river. There were about 500 unknown people of Uzbek nationality armed with sticks with protruding nails, homemade metal swords, Molotov cocktails, sickles, fittings, axes, knives, and by blocking the Bishkek - Osh road on a bridge over the river Kara - Unkur organized mass disorders and rouse ethnic hatred. The defendants Mr. Askarov Azimzhan, Mr. Mirzalimov S., Mr. Rasulov E. Mr. Rozubaev D. were present at the scene. Defendants Mr. Askarov A. and Mr. Mirzalimov S. shouted "Kyrgyz people - are dogs, they should be killed! Uzbeks, unite!" At that point we were forced to step back, and began to run, but they threw stones at us. We managed to escape from there and get to the DIA office". The victims ask the court to sentence defendants for life imprisonment.

The testimony of the victim Mr. Ermekov Sh. in court: “On June 13, 2010 at about 8.00 am, together with the head of traffic police of Bazar Korgon district DIA we went to the bridge on the river Kara - Unkur by one car. There were about 500 unknown ethnic Uzbeks armed with sticks with protruding nails, truncheons, homemade metal swords, Molotov cocktails, pieces of fittings, pitchforks, firearms and blocked the Bishkek - Osh highway to incite ethnic hatred and to organize massive disorder. Head of the Bazar - Korgon police department turned to the audience and said that "you can't set barricade, this is the road", and a police captain Mr. Sulaimanov Myktybek talked to one uzbek guy trying to explain to him that the road must not be blocked. And suddenly Mr. Askarov Azimjan shouted: “What are you waiting for? Take the chief of police hostage and kill the rest of the policemen!” Suddenly someone hit the chief of police Mr. Mergentaev on his head with a stick, and he fell on the ground. We barely pulled him out, and he was taken by a car to the police department. Later, they brought the body of Mr. Sulaimanov M.; he was killed and badly burned.” Having stated the above, the victim asked to sentence the defendant to a life sentence.

Similar testimony was given by victims Mr. Atayarov R., Mr. Tairov T., Mr. Mantybaev E., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., and Mr. Joroev J., stating that during events on June 12 - 13, they received various injuries, and their colleague had been brutally murdered, and asked the court to sentence defendants to life imprisonment.

Witnesses Mr. Tashiev K. Sh. and Mr. Kochorov Z. told the court: “On June 12, 2010, when we went to the border post, located in Seydikum village along with the Acting Mayor Mr. Artykov K., we saw Uzbek leaders Mr. Karabaev M., Mr. Askarov A., Mrs. Mamadaliyeva M. We heard Mr. Karabaev M., Mr. Askarov A., Mrs. Mamadaliyeva M. shouted “Get mayor hostage!”, when the mayor Mr. Artykov K. was talking to people. At this time, people of Uzbek nationality began to drag Mr. Artykov K in the midst of the crowd, and the mayor, having seen the car riding towards the crowd, said: “That the governor is coming, we can solve problems with him”. People got distracted and started looking at this car; at this point we put Mr. Artykov K. in our car and drove him away”.

Testimony of the witness Mr. Mahmudzhanov M.: “On June 12, 2010, at approximately 06.00 pm, I came out on Saydullaeva Street. There were

about 200 people of Uzbek nationality. They brought a trailer from my tractor and shut the Saidullaeva Street down. It turns out that Mr. Karabaev M.; a guy named Misha, the defendants Mr. Askarov A., Mr. Mirzalimov Sh. gathered people, and then blocked the street. I asked who closed the road, but no one answered, but I did not know the reason why they have done this. Then I dragged back the trailer and placed it near my home. Later Mrs. Mamadaliyeva M. came over and said: “If you're a man, then go out and shut the road!”, and ordered to put the trailer back across the road. Further, when the gathered people wanted to attack a police officer Mr. Khaidarov, I helped him to get out and sent home. People were talking, that “Kyrgyz people are coming, the road should be closed, and that they will fight with Kyrgyz people”. After that I left home. The next day, on June 13, 2010, early in the morning Mr. Karabaev M. and defendant Mr. Askarov A. came out to Saidullaeva Street, and people of Uzbek nationality began to gather behind them. Gathered people then went towards the animal market. They had different weapons on their hands, some had firearms. I saw the rifle and pistol in the hands of the guys named Talibaev Dilshat and Misha. Mr. Karabaev M., defendants Mr. Askarov A. and Mr. Mirzalimov S. who were present there talked about how they killed a policeman and how they beat traffic policeman. On June 13 defendants Mr. Askarov A. and Mr. Mirzalimov S. were among the people at the scene”.

Witnesses Mr. Joldoshov S., Mr. Kucharov M., confirmed that on 13 June defendants Mr. Askarov A., Mr. Rozubaev D. and Mr. Mulavhunov S. were on the bridge along the Bishkek - Osh road.

Additional witness Mr. Eraliev A. A said: “On June 13, 2010 I saw the head of human rights organization “Air” in Bazar - Korgon district Mr. Askarov A. walking among the crowd, and waved his hands and shouted. However, I did not hear what he was saying, because I stood at a distance of 20 - 30 meters”.

Testimony of the witness Mr. Kamchybekov Z.: “On June 12, 2010, around 06.00 pm when I heard that the Uzbek people blocked the road at Saydullaeva Street, I decided to go there. When I reached the place, I saw that the beginning of the Saydullaeva Street was blocked by a trailer of a tractor across the road. The head of DIA was conducting an explanatory work there, and we took the trailer off the road. Suddenly, defendant Mrs. Mamadaliyeva M. came to the scene, and ordered to put the trailer back on the road: “We can

protect ourselves, leave the trailer”. We were there until 10.00 pm, then left. On June 13 early in the morning at 07.00 am, having learned that the armed men of Uzbek nationality blocked the Bishkek - Osh road near the bridge, we - 2 - 3 employees along with the chief went to the scene. There were 300 - 400 Uzbek people, who blocked the road. Defendant Mr. Askarov Azimjan and others were there. There was a digital camera in the hands of Mr. Askarov Azimjan.

Additional witness Mr. Abdazov S.: “On June 13, 2010 early in the morning at around 7:30 they received the information that “the big bridge on Bishkek - Osh road was blocked by the people of Uzbek nationality”; at around 8:00 in the morning he, he chief of Bazar - Korgon police department Mr. Mergentaev and 10 - 15 police officers arrived unarmed on the bridge over the Kara - Unkur river to conduct explanatory work. There was approximately 600 - 700 ethnic Uzbeks armed with sticks with protruding nails, homemade metal swords, Molotov cocktails, fittings, and pitchforks, intended to organize mass disorder thus the crowd blocked the bridge over the Kara - Unkur river on Bishkek - Osh road in order to escalate inter - ethnic conflict. He testified that the defendants Mr. Askarov Azimjan, Mr. Mirzalimov Shukurzhan and many other Uzbek leaders were present at the scene. Mr. Askarov Azimjan, Mr. Mirzalimov Shukurzhan said: “Leave, we will decide ourselves, we can manage ourselves”, and gathered people did want to listen to us. And suddenly the defendant Mr. Askarov Azimjan commanded: “Seize the chief and kill other police officers!”, and uzbek guys started throwing stones at us. We manage to escape and came to police station.”

Witnesses Mr. Dyikanbaev A., Mr. Aknazarov K., Mr. Mamatkulov A., Mr. Kaldarov T., Mr. Shanazarov M. told the court: “On June 13, 2010 at about 8.00 am we were at work at a gas station, located along the Bishkek – Osh road. Suddenly I saw that about 500 - 600 Uzbek guys armed with truncheons, sticks, bottles, went to the bridge. We were frightened and ran away. They closed the bridge, and did not let any cars or people”.

Witness Mr. Shakarimov said that he is a neighbor of the defendant Mr. Askarov A., and that on June 13 Mr. Askarov’s house was locked.

Witness Mr. Moydinov A. told the court that after the well - known events among the Uzbek population in Bazar Korgon village people said how

Mr. Askarov A. was organizing people to take them to the road and to block the bridge together with them.

The court, comprehensively, objectively and fully having considered all circumstances, having assessed the evidence examined in the trial, makes the following conclusions.

During the trial, the defendant Mrs. Mamadalieva M. pleaded not guilty, however, the court believes that her testimony given during the interrogation as a suspect on June 26, 2010 in the presence of lawyer Mrs. Kasymova testified that: “On June 11, 2010 at about 4:00 pm Mr. Akmatov, Mr. Karabaev, Mr. Askarov, Mr. Mirzalimov and others got together and went to the meeting at the stadium. In an hour, when she was at the circular road of the village of Bazar - Korgon she heard as the guy named Kairat was saying: “bring rifles and other weapons, Abdukahar will pay for everything”, and then she went home. The next day on June 12 at about 3:00 pm when she came to the circular road she saw a crowd of people, and when she asked Mr. Karabaev “What happened?” he replied that it was not women’s business. At that very moment Mr. Askarov with the gathered people sat in 7 - 8 cars and they drove back to the stadium to hold a meeting. In 15 minutes they came back and when people asked, “What happened?” they replied: “We are going to open customs at the border and we need to get ready”. When I came back home and said, “Let’s go to the customs!” my sister and son - in - law Abdusamat disagreed. Later at around 7:00 pm I went to pay my phone bills at the circular road and I saw a dentist Shurik (Mr. Mirzalimov Sh.) Mr. Akmatov Sherzod, Mr. Mamadaminov Dilshod, Ikram hajy and more than 200 Uzbeks who agitated people to go to the border station. When I paid my cell phone bill and returned home. At around 9:30 pm when we came out to the Saydullaeva Street with Azam ake, who works at the Bazar - Korgon local government, Arapbay ake and others. At that moment Azam ake got a phone call from a taxi driver Rajabiy, who told that he saw the chief of police removing a trailer that blocked the street. And then I, Azam ake and Arapbay ake went to the Saidullaeva Street. There I had a verbal altercation with the chief of police because they removed a trailer of a tractor and opened the way. Later, when the chief of police left, we again blocked the street with a trailer. At around 10:00 pm Mamadkadir ake and Mr. Askarov Azimjan came and said: “You organize the people and do not move, if the police or the Kyrgyz come, beat them!” I left the scene after 10 minutes and went home. About

hundred uzbek guys left there armed with sticks with protruding nails. The next day I packed my stuff and went to the "Jaman" village (3rd Volume, p. 81 - 86), and the testimony of a witness Mr. Mahmudzhanov during the investigation, as well as trial, where he says: "On June 12, 2010, at approximately 06.00 pm, I came out on Saydullaeva Street. There were about 200 people of Uzbek nationality. They brought a trailer from my tractor and shut the Saidullaeva Street down. It turns out that Mr. Karabaev M.; a guy named Misha, the defendants Mr. Askarov A., Mr. Mirzalimov Sh. gathered people, and then blocked the street. I asked who closed the road, but no one answered, but I did not know the reason why they have done this. Then I dragged back the trailer and placed it near my home. Later Mrs. Mamadalieva M. came over and said: "If you're a man, then go out and shut the road!", and ordered to put the trailer back across the road. (1st Volume, p. 166 - 188), fully confirmed by Mr. Mahmudzhanov during a confrontation with Mrs. Mamadalieva (3rd Volume, p. 102), and the testimony of the defendant Mr. Abduraimov A. interrogated during the investigation as a suspect in the presence of lawyer Mrs. Kasymova testified that: "On June 12, 2010 at around 17:00 when he was playing football at the stadium, Mr. Karabaev and Mr. Akmatov said: "Now go to the highway, block out the Saidullaeva street, stop your game". Then, after listening to them they came out to Saidullaeva street together with guys. There Minura eje (Mrs. Mamadalieva) was agitating people saying: "Stay here, do not go anywhere; if you leave, you're not a men." I stood there for a while, but then, I got hungry and went home. When I arrived home I was guarding our street till 03.00 am". (6th Volume, p. 177 - 181), and testimony of the defendant Mr. Rozubaev D. during the investigation in the presence of his attorney Mr. Kozubaev R., where he testified that: "On June 12, 2010 Abdukahar, Minura (Mrs. Mamadalieva), Mamatkadyr, Shukhrat said: "Kyrgyz people are coming," and thus he went to Saidullaeva street of Bazar - Korgon (3rd Volume, p. 43 - 48, 55, 56), according to the confrontation of Mr. Rozubaev D. with Mrs. Mamadalieva M (3rd Volume, p.90), testimony of the defendant Mr. Shamshidinov M. interrogated during the investigation has testified that: "On June 12, 2010 at about 9:00 am I heard Mr. Osorov M, Mr. Bakhtiyar, Mr. Maryp and Minura (Mrs. Mamadalieva Minura) campaigning and asking people to go the main road, when I heard it I went home." (3rd Volume p. 20 - 22), the testimony of victims Mr. Mergentaev M., Mr. Haydarov A. during the trial:" On June 12,

when he heard that people blocked Saidullaeva street, we went to the scene. Mrs. Mamadalieva Minyura and Mr. Mirzalimov Shukhrat came to Saidullaeva Street, approached us and addressed to Uzbek guys, who were present there: "Why did you remove the trailer? Put it back" and ordered to put the trailer back across the road. My legal demand not to block the Saidullaeva Street was ignored," according to the prosecutor of district Prosecutor's Office Mr. Bakirov A. "On June 12 we received an information that men and women of uzbek nationality have blocked Saydullaeva, Domlazhanova Streets, etc. Chief of District Interior Affairs Mr. Mergentaev M. along with the 5 - 6 police officers went to the scene, and later they were joined by the officer of the National Security Committee, however, uzbek people did not obey legal demands of the law enforcement officer and blocked the road again", according to the testimony of a witness Mr. Kamchybekov Z.: "I work in a district department of the National Security Committee. I am a curator for the Kyrgyz - Uzbek border in the village of Chek. When I went to the border post, the people whom I trust, called me and said that there is a threat to my life, and that I should go there, then I left the place. On the same day, at about 9: 00 pm I came to the Saydullaeva street of Bazar - Korgon village, where I saw Mr. Mamadalieva Minyura, Mr. Askarov Azimzhan, Mr. Mirzalimov Shukhrat and they were the ones who blocked the road. They did not obey the legal demands of the chief of police to open the road", **also according to other available materials in the case the guilt of Mrs. Mamadalieva M. has been certainly proved.**

Hence the criminal actions of Mrs. Mamadalieva M. are subject to qualification in accordance with §1 Part II of Art. 299, Part I, II, III of Art.233 of the Criminal Code. As she on June 12, 2010 at about 21:00 together by prior agreement with the inhabitants of the village of Bazar - Korgon Mr. Karabaev Mahhamadkadir, Mr. Askarov Azimjan, and Mr. Akmatov Kahharzhan made a speech in from of the people gathered on the street Saydullaeva, located in the northeastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, started an incitement of ethnic hatred between kyrgyz and uzbek people, agitated uzbek citizens to act violently in respect of citizens of kyrgyz nationality thus humiliated honor and dignity of the Kyrgyz people, agitated them to show armed resistance to the representatives of the government and to organize mass disorders, to participate in the riots, actively encouraged to disobey the lawful demands of

representatives of the government. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon. The defendant Mr. Mirzalimov Sh. also pleaded not guilty at trial, however, his guilty in committing a crime under § 1, Part II of Art. 299 of the Criminal Code had been confirmed by the following evidence.

Testimony of the defendant Mrs. Mamadalieva M., during the investigation, the interrogation as a suspect in presence of lawyer Mrs. Kasymova O., where she said: "On June 12, closer to the 07.00 pm I went to pay for my cell phone, and went to the circular road, and there were a dentist Shurik (Mirzalimov Sh.), Mr. Akmatov Sherzod, Mr. Mamadaminov Dilshod, Ikram Haji and 200 ethnic Uzbeks, and they were agitating people to go to the border station." (3rd Volume, p. 81 - 86), by the testimony of Mr. Mahmudzhanov M., who was questioned during the investigation and trial as a witness, testified that: "On June 12, at approximately 07.00 pm 400 - 500 people of Uzbek nationality went on Saidullaeva Street. Gathered people were led by Minyura (Mrs. Mamadalieva M), a dentist Shurik (Mr. Mirzalimov Sh.) and Mr. Askarov Azimzhan. I learned that they had hauled the trailer from my tractor and blocked the road. Then I dragged the trailer back and placed it near my house. The next day they put the trailer back on the street" (1st Volume p. 166 - 188)

The witness Mr. Mahmudzhanov confirmed his testimony at the confrontation with Mr. Mirzalimov in the presence of his lawyer (Vol. 1, p. 116 - 118, Vol. 2, p. 141 - 144), the testimony of Mrs. Shadieva S., who was questioned as a witness during the investigation: "On June 11, 2010, at approximately 8:00 pm, I saw as dentist Shurik (Mr. Mirzalimov Sh.) has gathered about 500 Uzbeks guys and was speaking in front of them. The next day, on June 12, closer to 9: 00 am, when I went to the hospital to visit a brother in - law, next to the circular road on Saidullaeva Street of the village of Bazar - Korgon I saw 10 - 20 guys of Uzbek nationality. And I also saw as Shurik (Mr. Mirzalimov Sh.) stood among them and was making a speech" (5th Volume, 58 - 60), the testimony of victims Mr. Mergentaev M., Mr. Haydarova A. during the trial:" On June 12, when he heard that people

blocked Saidullaeva street, we went to the scene. Mrs. Mamadalieva Minyura and Mr. Mirzalimov Shukhrat came to Saidullaeva Street, approached us and addressed to Uzbek guys, who were present there: "Why did you remove the trailer? Put it back" and ordered to put the trailer back across the road. My legal demand not to block the Saidullaeva Street was ignored," according to the prosecutor of district Prosecutor's Office Mr. Bakirov A. "On June 12 we received an information that men and women of uzbek nationality have blocked Saydullaeva, Domlazhanova Streets, etc. Chief of District Interior Affairs Mr. Mergentaev M. along with the 5 - 6 police officers went to the scene, and later they were joined by the officer of the National Security Committee, however, uzbek people did not obey legal demands of the law enforcement officer and blocked the road again", according to the testimony of a witness Mr. Kamchybekov Z.: "I work in a district department of the National Security Committee. I am a curator for the Kyrgyz - Uzbek border in the village of Chek. When I went to the border post, the people whom I trust, called me and said that there is a threat to my life, and that I should go there, then I left the place. On the same day, at about 9: 00 pm I came to the Saydullaeva street of Bazar - Korgon village, where I saw Mr. Mamadalieva Minyura, Mr. Askarov Azimzhan, Mr. Mirzalimov Shukhrat and they were the ones who blocked the road. **All of the above mentioned arguments fully prove the guilt of Mr. Mirzalimov Sh.**

Hence, criminal actions of the accused Mr. Mirzalimov Sh. are subject to classification under §1 Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic. As he on June 12, 2010 at about 9:00 pm on prior agreement with the residents of Bazar - Korgon district Mr. Karabaev Mahhamadkadir, Mrs. Mamadalieva Minyura, Mr. Akmatov Kahharzhan and Mr. Askarov Azimjan made a speech in front of people gathered on the street of Saydullaeva in the north - eastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, using his official position of the President of the Uzbek National Cultural Center "Abdulhamid - Chulpan" of Bazar - Korgon district started an incitement of ethnic hatred between kyrgyz and uzbek people, agitated uzbek citizens to act violently in respect of citizens of kyrgyz nationality thus humiliated honor and dignity of the Kyrgyz people, agitated them to show armed resistance to the representatives of the government and to organize mass disorders, to participate in the riots, actively encouraged to disobey the lawful demands of

representatives of the government. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon.

At the same time, the guilt of Mr. Mirzalimov Sh. that he in front of people gathered on the street Saidullaeva, located in the northeastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, agitated to organize mass disorders, conjugated to armed resistance to the representatives of the government and to participate in the riots, actively encouraged to disobey the lawful demands of representatives of the government, agitated for violence against the Kyrgyz people is certainly proved by the testimony of the accused Mrs. Mamadalieva M. during the investigation (3rd Volume, p. 81 - 86), by the testimony of a witness Mr. Mahmudzhanov M. given in the course of the investigation and trial (1st Volume, p. 166 - 188), by the protocol of the confrontation of the witness Mr. Mahmudzhanov M. with the defendant Mr. Mirzalimov Sh. in the presence of the attorney Mr. Myrzakulov (2nd Volume, p. 141 - 144), by the testimony of Mrs. Shadieva S., who was questioned as a witness during the investigation (5th Volume, p. 58 - 60), by the testimony of victims Mr. Mergentaev M. and Mr. Haydarov A., and a witness Mr. Kamchybekov Z. during the course of the court hearing.

Besides this, the guilt of Mr. Mirzalimov Sh. that in order to implement criminal intentions to destabilize the sociopolitical situation in the Bazar - Korgon district at around 8:00 am on June 13, 2010 by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkadir, Mr. Mirzalimov Shykyrzhan, Mr. Yuldashev Muhidin and Mr. Talibaev Dilshodbek and on their behalf actively agitated, people gathered on the bridge of Kara - Unkur river at 553, 5 kilometer of Bishkek - Osh road, located in the village of Bazar - Korgon, about 500 - 600 citizens of Uzbek nationality, whose identity has not been established during the investigation, including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad and Mr. Kochkarov Muhamadzakir armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails *to show violence against members of Kyrgyz nationality, organize*

mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives and participated in blocking the Bishkek - Osh road, strategically important state road, located at 553, 5 km of Bishkek - Osh highway on the bridge over Kara - Unkur river in the village of Bazar - Korgon, confirmed by the testimony of the defendant Mr. Rozubaev D. during the investigation in the presence of his attorney Mr. Kozubaev R., where he testified that: "On June 13, 2010 at about 7:00 am in the morning Abdukahar, Minura (Mrs. Mamadalieva) Mamatkadyr, Shukhrat (Mr. Mirzalimov) organized crowd of uzbek people, saying that: "Kyrgyz were coming, gather all on Saydullaeva Street). I followed their instruction and went to Saydullaeva street and saw more that 200 Uzbek people armed with 1 - 2 firearms each and wooden and iron sticks. I went together with them to the bridge, on the bridge I saw the criminal leader Misha armed with a gun; that he saw other 1 - 2 guys armed with guns. While on the bridge they were approached by 10 - 15 unarmed police officers who said: "Keep the order and unblock the road", and later Mr. Karabaev said: "Take the chief hostage and kill the rest of policemen," the group of young men rushed to the police and began to beat them with stones; that when the police began to flee, one of the them fell to the ground, he stroke him twice with a 1 - meter long stick on his head; that then he threw this stick behind the gas - station "Favorite"; that when he was coming back with the group of young Uzbek men to Saidullaeva street a group of about 300 - 400 Kyrgyz people began to shoot them with guns and they ran away (3rd Volume p. 43 - 48), by the testimony of Mr. Mr. Kochkarov, who testified that: "On June 13, he, Saifullah, Zahid and the dentist Shurik (Mr. Mirzalimov Shukhrat) were present on Saidullaeva Street. When Mr. Satybaldiev said: "There is no turning back," they blocked the road (3rd Volume p. 63 - 65), by the testimony of the defendant Mr. Rasulov E., given during the questioning of the investigation, in the presence of attorney Mrs. Kasymova O. "On June 13, 2010 in the morning, Mr. Karabaev M. Ikram hazhy and Shura (Mr. Mirzalimov Sh.) called us and said, "If you are a man, go and block the road otherwise kyrgyz people will come and burn our houses." (3rd Volume, p. 106 - 108), once again confirmed by Mr. Rasulov E. during a confrontation with the defendant Mr. Mirzalimov Sh. during the investigation. In addition, the above guilt of Mr. Mirzalimov Sh. certainly proved by the testimony of a witness Mr. Halikulov I. interrogated during the

investigation, where he said: “I work as a chef in a tea - house “Sahyl.” On June 13, at about 08.00 am on the Bishkek - Osh highway saw about 700 - 800 people of Uzbek nationality. They had sticks and homemade clubs, and knives. Among them I saw the dentist Shurik (Mr. Mirzalimov Sh.), Mr. Mamatkadyr, Osor.”(3rd Volume, p. 9), and by the testimony of victims Mr. Mergentaev M., Mr. Umarhunov K., Mr. Mageev R., Mr. Karimkulov N., Mr. Tairov., Mr. Mantybaev E., Mr. Uturov Z., Mr. Haydarov L., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zhoroev Zh., Mr. Ermekov Sh., and witnesses Mr. Mahmudzhanov M., Mr. Zholdoshev S., Mr. Kamchybekov Z., Mr. Kucharov M. in court.

In these circumstances, criminal actions of Mr. Mirzalimov Sh. committed on June 12, 2010 at about 9:00 pm on the street of Saidullaeva of the village of Bazar - Korgon and on June 13, at about 8:00 am at the bridge on the river Kara - Unkur, located in the village of Bazar - Korgon on 553, 5 km of strategically importance Bishkek - Osh road, subject to qualification only once under Part I, II, III of Art. 233 of the Criminal Code of the Kyrgyz Republic. Since on June 12 at 9:00 pm on Saydullaeva Street of Bazar - Korgon village and the next day on June 13 at 8:00 am in order to implement criminal intentions to destabilize the sociopolitical situation in the Bazar - Korgon district by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov Kahharzhan, Mr. Karabaev Mamatkodir, Mr. Mirzalimov Shykyrzhan, Mr. Yuldashev Muhidin and Mr. Talibaev Dilshodbek and on their behalf actively he agitated, people gathered on the bridge of Kara - Unkur river at 553, 5 kilometer of Bishkek - Osh road, located in the village of Bazar - Korgon, about 500 - 600 citizens of Uzbek nationality, whose identity has not been established during the investigation, including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad and Mr. Kochkarov Muhamadzakir armed with sticks with protruding nails, handmade metal swords, truncheons, firearms, Molotov cocktails *to show violence against members of Kyrgyz nationality, organize mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives* and participated in blocking the Bishkek - Osh road, strategically important state road, located at 553, 5 km of Bishkek - Osh highway on the bridge over Kara - Unkur river in the village of Bazar - Korgon. As a result, strategically important state road of Bishkek - Osh was blocked, the main transport artery has stopped its function,

and there was an obstruction in the work of local authorities, which contributed to a gross violation of public order in the village of Bazar - Korgon. The chief of police department of Bazar - Korgon Mr. Mergentaev Mamyrgyzan and 16 police officers of operational and investigative team, as well as head of the National Security Service of Bazar - Korgon district Mr. Joldoshev Sadyvakas with three employees of the department came to the scene. They demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, Mr. Mirzalimov Sh. campaigned Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns and knives, “to take hostage the chief of police and to kill other police officers”. They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhoroev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious wounds. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

In addition, there was a material damage amounting to 6200 soms to a car VAZ - 2107 of Bazar - Korgon police department with the plate number 060 MIA.

The prosecution of accused Mr. Mirzalimov Sh. under Part I, II, and III of Art.233 of the Criminal Code was conducted by the investigative bodies twice. During the cross - examination, the public prosecutor Mr. Sayakov J. expressed the position (opinion) that criminal acts of Mr. Mirzalimov are subject to qualification under Part I, II, III of Art.233 of the Criminal Code only once, requests to delete the second charge Part I, II, III of Art.233 of the Criminal Code since it was filed twice. The Court considers the position (opinion) of the public prosecutor as legitimate since criminal actions of Mr. Mirzalimov Sh. committed on June 12 around 9:00 pm and on June 13 at about 8.00 pm were intended to organize riots, and hence they are identical. Therefore, the court qualifies the criminal actions of Mr. Mirzalimov Sh. in organizing riots on June 12 and 13 under Part I, II, III of Art.233 of the

Criminal Code only once, and believes that the second indictment under Part I, II, III of Art.233 of the Criminal Code is unnecessary and should be deleted.

Defendant Mr. Askarov A. has not admitted the charges brought by investigative bodies against him neither during the investigation, nor during the proceedings. However, the court finds that his guilt was totally proved at the trial, as well as by procedural documents collected by the investigative bodies.

Namely, guiltiness of Mr. Askarov A. of committing a crime under § 1.3 p II of Art. 28, 30, 227 of Criminal Code of the Kyrgyz Republic is confirmed by the testimony of the head of Bazar - Korgon district administration - Mayor Mr. Artykov K., who was questioned in court as a witness and stated: "On June 12, 2010 having received information that the citizens of Uzbek nationality from Bazar - Korgon village gathered at the Kyrgyz - Uzbek border with the intention to flee to the Republic of Uzbekistan, I went there with a driver and a bodyguard to conduct an explanatory work and persuade them to return to their abandoned homes in Bazar - Korgon district. There were about 1000 people of Uzbek nationality at the border. I saw the leaders of the Uzbek diaspora Mr. Karabaev M., Mr. Askarov A., Mrs. Mamadalieva M., Mr. Akmatov, K. and Mr. Talibaev D. among them, and when referring to Mr. Askarov A., I said: "Azim Ake, return people back, do not agitate them", Azim Ake asked: "What are your guarantees?" Then I said that as district mayor I promise that the Kyrgyz people will do nothing bad to the Uzbek population, and that they will not be accepted in the Republic of Uzbekistan, he responded that "Uzbekistan will take us, they will let us pass through the border, and if they won't, then you will go in front of us, and border guards will shoot you first". Mr. Askarov A., Mrs. Mamadalieva M. and Mr. Karabaev M. loudly called for people of Uzbek nationality who were there "Take the mayor hostage!" People started to drag me deep into the crowd. At that moment I saw the car coming towards the crowd and said: "That the governor is coming, we can solve all problems with him". People got distracted and started looking at the car, at this moment I got into the car and drove to Bazar - Korgon village. The testimony given by Mr. Tashiev K. Sh. and Mr. Kochorov B. Z., questioned during the investigation and trial as witnesses has the same content (5th Volume, p. 22 - 24): "On June 12, 2010, when we went to the border post, located in Seydikum village along with the Acting Mayor Mr. Artykov K., we saw Uzbek leaders Mr. Karabaev M., Mr.

Askarov A., Mrs. Mamadalieva M. We heard Mr. Karabaev M., Mr. Askarov A., Mrs. Mamadalieva M. shouted "Get mayor hostage!", when the mayor Mr. Artykov K. was talking to people. At this time, people of Uzbek nationality began to drag Mr. Artykov K in the midst of the crowd, and the mayor, having seen the car riding towards the crowd, said: "That the governor is coming, we can solve problems with him". People got distracted and started looking at this car; at this point we put Mr. Artykov K. in our car and drove him away". (5th volume, p. 18 - 20). The testimony given by defendant Mrs. Mamadalieva M. during the investigation also confirms the words of Mayor Mr. Artykov K.: "The fact that on June 12, 2010 Mayor Mr. Artykov K. was at the border post and talked to Mr. Askarov A. is true. However, I do not know what they were talking about. Askarov A. and M. Karabaev urged the Uzbek population not to obey the lawful demands of the authorities, and were agitating people all the time, inciting ethnic conflict between Uzbeks and Kyrgyz" (5th Volume, p. 94).

Therefore, under these circumstances, the above mentioned criminal acts of Mr. Askarov A. must be qualified under §1, 3 Part 2 Art. 28, 30, 227 of the Criminal Code of Kyrgyz Republic. Because on June 12, 2010 he along with the leader of Uzbek diaspora Mr. Karabaev M. and other persons, whose identity has not been established during the investigation, campaigned citizens of Uzbek nationality who gathered on the Kyrgyz - Uzbek border, located in Chek village to take the head of Bazar - Korgon state administration Mr. Artykov K. hostage, to make the border guards let them go freely to the territory of the Republic of Uzbekistan and to block the Uzbek population's moving towards Bazar - Korgon village, when Mr. Artykov arrived there to explain that citizen's of Uzbek nationality should return to their homes, thereby becoming an accomplice of the crime. However, for reasons beyond their power the offense was not committed.

In addition, guiltiness of Mr. Askarov A. on committing a crime under Part I of Art. 241 of the Criminal Code of the Kyrgyz Republic have been proved by the following facts.

On June 17, 2010 resolution on conducting a search (seizure) in the house of Mr. Askarov A., located at the address: home No. 3, on Havuzboyu Street of Bazar - Korgon village on June 17, 2010 was made by the investigator. The resolution was mandated by the district prosecutor. Copy of the resolution was presented to the defendant Mr. Askarov A. the same day

(2nd Volume p. 79). Based on this resolution, the investigator of Bazar - Korgon district DIA Mr. Zhorobekov N. in the presence of witnesses Mr. Bazarkulov M. and Mr. Berdibekov N. and the Assistant of Prosecutor of Bazar - Korgon district Mrs. Turazhanova J. searched the house of Mr. Askarov A., located at the address: home No. 3, on Havuzboyu Street of Bazar - Korgon village. 10 (ten) pieces of cartridges of the "Pistol Makarov" (PM) were found and confiscated during a search. The same day, during the inspection it was found that they belong to the pistol Makarov of 9mm model, on the back side they have the inscription "38 - 88" (thirty eight - eighty eight), the length of cartridge is 25 (twenty five) mm, diameter - 9 (nine) mm. (2nd Volume p. 80 - 83). In conclusion No.184 dated June 25, 2010 of forensic examination of the Jalalabad Regional Department of the Internal Affairs it is stated that "10 (ten) pieces of cartridges of 9x18 mm caliber that were found in the house of Mr. Askarov A. belong to the military firearms "Pistol Makarov" (PM) with serial number "38 - 88", and that "during the experiment it is established that the cartridges were suitable for firing" (2nd Volume p. 117).

Therefore, under such circumstances, criminal action of Mr. Askarov A., committed on the above mentioned episode, must be qualified under Part I of Art. 241 of the Criminal Code of Kyrgyz Republic, as he illegally kept 10 (ten) pieces of 9x18 mm caliber cartridges belonging to the military firearms of "Makarov Pistol" (PM) with serial number "38 - 88" in his house number 3 on the Havuzboyu street of Bazar Korgon village.

Defendant Mr. Askarov A. did not limited with the above mentioned crimes, and continuing his criminal acts, he committed a crime under §1 Part II of Art. 299 of the Criminal Code of Kyrgyz Republic. The Court considers that his guilt in committing a crime in this episode completely proved by the following facts.

Namely, defendant Mrs. Mamadalieva M., during the investigation, and the interrogation as a suspect in presence of lawyer Mrs. Kasymova O. stated: "On June 11, 2010 at about 4:00 pm Mr. Akmatov, Mr. Karabaev, Mr. Askarov, Mr. Mirzalimov and others got together and went to the meeting at the stadium. In an hour, when she was at the circular road of the village of Bazar - Korgon she heard as the guy named Kairat was saying: "bring rifles and other weapons, Abdukahar will pay for everything", and then she went home. The next day on June 12 at about 3:00 pm when she came to the

circular road she saw a crowd of people, and when she asked Mr. Karabaev "What happened?" he replied that it was not women's business. At that very moment Mr. Askarov with the gathered people sat in 7 - 8 cars and they drove back to the stadium to hold a meeting. In 15 minutes they came back and when people asked, "What happened?" they replied: "We are going to open customs at the border and we need to get ready". When I came back home and said, "Let's go to the customs!" my sister and son - in - law Abdusamat disagreed. Later at around 7:00 pm I went to pay my phone bills at the circular road and I saw a dentist Shurik (Mr. Mirzalimov Sh.) Mr. Akmatov Sherzod, Mr. Mamadaminov Dilshod, Ikram hajy and more than 200 Uzbeks who agitated people to go to the border station. When I paid my cell phone bill and returned home. At around 9:30 pm when we came out to the Saydullaeva Street with Azam ake, who works at the Bazar - Korgon local government, Arapbay ake and others. At that moment Azam ake got a phone call from a taxi driver Rajabiy, who told that he saw the chief of police removing a trailer that blocked the street. And then I, Azam ake and Arapbay ake went to the Saidullaeva Street. There I had a verbal altercation with the chief of police because they removed a trailer of a tractor and opened the way. Later, when the chief of police left, we again blocked the street with a trailer. At around 10:00 pm Mamadkadir ake and Mr. Askarov Azimjan came and said: "You organize the people and do not move, if the police or the Kyrgyz come, beat them!" I left the scene after 10 minutes and went home. About hundred uzbek guys left there armed with sticks with protruding nails. The next day I packed my stuff and went to the "Jaman" village. When Mr. Askarov A. and Mr. Karabaev M. urged people to go out to Saidullaeva Street, I went out and closed a road with a truck" (3rd Volume, p. 81 - 86). These statements were confirmed by the defendant Mrs. Mamadalieva M. in a confrontation with Mr. Askarov A. (3rd Volume p. 103). Further, Mr. Mahmudzhanov M., who was questioned during the investigation and trial as a witness, testified that: "On June 12, at approximately 7:00 pm 400 - 500 people of Uzbek nationality went to Saidullaeva Street. Gathered people were led by Minyura (Mrs. Mamadalieva M), a dentist Shurik (Mr. Mirzalimov Sh.) and Mr. Askarov Azimzhan. I learned that they had hauled the trailer from my tractor and blocked the road. Then I dragged the trailer back and placed it near my house. The next day they put the trailer back on the street" (1st Volume p. 166 - 188), and confirmed his testimony at the confrontation with the defendant Mr.

Askarov A. (2nd Volume p. 71). In addition, the testimony of a witness Mr. Kamchybekov Z.: “I work in a district department of the National Security Committee. I am a curator for the Kyrgyz - Uzbek border in the village of Chek. When I went to the border post, the people whom I trust, called me and said that there is a threat to my life, and that I should go there, then I left the place. On the same day, at about 9: 00 pm I came to the Saydullaeva street of Bazar - Korgon village, where I saw Mr. Mamadalieva Minyura, Mr. Askarov Azimzhan, Mr. Mirzalimov Shukhrat and they were the ones who blocked the road. They did not obey the legal demands of the chief of police to open the road”, **the guilt of Mr. Askarov A. in above mention episode has been certainly proved.**

Hence, indicated criminal actions of the accused Mr. Askarov A. are subject to classification under §1 Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic. As he on June 12, 2010 at about 9:00 pm on prior agreement with the residents of Bazar - Korgon district Mr. Karabaev Mahhamadkadir, Mrs. Mamadalieva Minyura, Mr. Akmatov Kahharzhan made a speech in front of people gathered on the street of Saydullaeva in the north - eastern part of the village of Bazar - Korgon, and inhabited by citizens of Uzbek nationality, and started an incitement of ethnic hatred between kyrgyz and uzbek people, agitated uzbek citizens to act violently in respect of citizens of kyrgyz nationality thus humiliated honor and dignity of the Kyrgyz people, and also agitated to block the road leading to the village of Bazar - Korgon. As a result of the above - mentioned propaganda Uzbek diaspora manually set barricades on the streets of Saydullaeva, Damlozhanova, Kurbanova, Jalal - Abadskaya, Rakhimova, Tazhibayeva of Bazar - Korgon village, resulting in inflicted impediments to the work of public authorities, enterprises and trade and resulted in large - scale disruption of public order in the village of Bazar - Korgon.

At the same time, guilt of Mr. Askarov A. that on June 12, 2010, at approximately 9:00 pm he spoke to the crowd of people of Uzbek nationality on the street, urged them *to show violence against members of Kyrgyz nationality, organize mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives* is fully proved by the testimony of the defendant Mrs. Mamadalieva M., witness Mr. Mahmudzhanov M given in the course of the investigation and trial, as well as the protocols of the confrontation (3rd

Volume, p. 81 - 86, 102, 103; 1st Volume, p. 116 - 118; 2nd Volume p. 71 - 73), and the testimony of witness Mr. Kamchybekov Z., who was questioned in court.

In addition, the accused Mr. Askarov A., continuing criminal acts again in order to carry out criminal intent on destabilizing social and political situation in Bazar - Korgon district, on 13 June at 8:00 am, by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov K., Mr. Karabaev M., Mr. Yuldashev M., Mr. Mirzalimov S. and Mr. Talibaev D., and acting on their behalf, actively encouraged the crowd of Bazar - Korgon village at the bridge on Kara - Unkur river located at 553,5 km of Bishkek - Osh road, armed “with sticks with protruding nails, homemade metal swords, truncheons, firearms, Molotov cocktails” including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad, Mr. Kochkarov Muhammadzakir and approximately 500 - 600 persons of Uzbek nationality, whose identity has not been established by the investigation, *to show violence against members of Kyrgyz nationality, organize mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives* and participated in blocking of the strategically important for the Kyrgyz Republic Bishkek - Osh road at 553.5 km on the bridge over Kara - Unkur river in Bazar Korgon village. 16 employees of the investigation group along with the chief of Bazar - Korgon district DIA Mr. Mergentaev Mamyrzhan and the head of Bazar - Korgon district department of the National Security Committee Mr. Joldoshev Sadyvakas with 3 staff members of the department went to the scene, and demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, Mr. Askarov A. campaigned Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns and knives, “to take hostage the chief of police and to kill other police officers”. They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the

scene from received serious wounds. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

In addition, there was a material damage amounting to 6200 soms to a car VAZ - 2107 of Bazar - Korgon police department with the plate number 060 MIA.

His guilt in the crime, aiming at the riots, also proved by the testimony of defendant Mr. Rasulov E. given during the investigation: "On June 13, 2010 in the morning, Mr. Karabaev M., Ikram hazhy, Shurik (Mr. Mirzalimov Sh.) and Azimzhan aka (Mr. Askarov A .) called us and said, "If you are a man, go out and close the road, otherwise Kyrgyz will come and will burn our houses!" (3rd Volume, p. 106 - 108), fully confirmed by testimony of the accused Mr. Rasulov E. during the investigation at confrontation with the participation of the lawyer of Mr. Askarov A. - Mr. Abylakimov A. (3rd Volume, p. 104), by the testimony of witness Mr. Mahmudzhanov M. and the protocol of his confrontation with the accused Mr. Askarov A. (1st Volume p. 116 - 118; 2nd Volume p. 71 - 73), by the testimony of Mr. Yuldashev K. questioned during the investigation as a witness: "On June 13, 2010 I went to the market for groceries. On the way back, when I almost reached home, I saw as Mr. Askarov Azimzhan was driving his car "Tiko" on Saidullaeva street near bread - baking plant and urged people: "Hey, guys! Why are you sitting here, "bastards"! Get out on the road!" At this time there were about 200 guys of Uzbek nationality at the circular road. Approaching them, I saw that Mr. Askarov Azimzhan, standing on the stairs outside his office, was shouting: "Guys, go out on the road" and, turning to him, I scolded (dirty mouthed) him: "What are you, being a lawyer yourself, taking out young guys to the road and opposing them to the government? It is better to gather elders and ask for forgiveness!" Then Mr. Askarov Azimzhan asked me to go into the office with rough voice, and we went to the second floor. There, he yelled at me and said: "This is camera, this is disc! I will do it!", and then I scolded him again: "You bastard! Why are you pushing young kids to go on the road?" and left him" (5th Volume p. 45 - 46), and by the testimony of victims Mr. Mergentaev M., Mr. Umarahunov K., Mr. Mageev R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Uturov Z., Mr. Khaidarov A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zhoroev J., Mr. Ermekov S. and witnesses Mr. Zholdoshov S., Mr. Kamchybekov Z. and Mr. Kucharov M. given in court.

Consequently, the above mentioned criminal acts of Mr. Askarov A. committed on June 12, 2010 closer to 9:00 pm on Saidullaeva street of Bazar Korgon village and on June 13, 2010 around 8:00 am at the bridge on Kara - Unkur river in Bazar - Korgon village at 553.5 km of strategically important Bishkek - Osh road, which were aimed at "mass riots", are subject to qualification only once under Part I, II, II of Art. 233 of the Criminal Code of Kyrgyz Republic. Because he addressing persons of Uzbek nationality gathered on Saidullaeva Street on June 12, 2010, at approximately 9:00 pm, by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov K., Mr. Karabaev M., Mr. Yuldashev M., Mr. Mirzalimov S. and Mr. Talibaev D., urged them *to show violence against members of Kyrgyz nationality, organize mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives*. Further, Mr. Askarov Azimzhan, continuing criminal acts again in order to carry out criminal intent on destabilizing the social and political situation in Bazar - Korgon district, on June 13 at 08.00 am, by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov K., Mr. Karabaev M., Mr. Yuldashev M ., Mr. Mirzalimov Sh. and Mr. Talibaev D., and on their behalf, actively encouraged the crowd of Bazar - Korgon village at the bridge on Kara - Unkur river located at 553.5 km of Bishkek - Osh road and armed "with sticks with protruding nails, homemade metal swords, truncheons, firearms, Molotov cocktails" including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad, Mr. Kochkarov Muhammadzakir and approximately 500 - 600 persons of Uzbek nationality, whose identity has not been established by the investigation, *to show violence against members of Kyrgyz nationality, organize mass disorders associated with armed resistance to the authorities, to participate in the riots, not to obey to legal demands of government representatives* and was involved in blocking of Bishkek - Osh road of strategic importance for the Kyrgyz Republic at 553.5 km on the bridge over Kara - Unkur river in Bazar Korgon village. 16 employees of the investigation group along with the chief of Bazar - Korgon district DIA Mr. Mergentaev Mamyrzhan and the head of Bazar - Korgon district department of the National Security Committee Mr. Joldoshov Sadyvakas with 3 staff members of the department went to the scene, and demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, he *becomes an accomplice in the crime*, Mr.

Askarov A. campaigned Mr. Rozubaev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns and knives, “to take hostage the chief of police and to kill other police officers”. They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhoroev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious injuries. Guilt of Mr. Askarov A. as an accomplice of crime in this episode is fully proved with no doubt by the data collected during the investigation, then during the trial by testimony of victims Mr. Mageev R., Mr. Karimkulov N., Mr. Tairov T., Mr. Dosov S., Mr. Umarahunov K., Mr. Ermekov S. who said: “On June 13 in the morning, the chief Mr. Mergentaev M. reported that the bridge on the Bishkek - Osh road is blocked by Uzbeks and that we should go to the place. When we received his order, we went to the bridge without weapons. There were about 400 - 500 guys, armed with fittings, bottles filled with gasoline, sticks, truncheons, sickles, and guns. When the chief of police Mr. Mergentaev M. demanded to open the road, Mr. Askarov Azimzhan ordered “to take the chief of police hostage, and kill the remaining police officers”, called us “Kyrgyz dogs”, and Uzbek guys who were there began to throw stones at us and resisted. We got hit on feet and stomach by stones. Mr. Myktybek Sulaimanov was also with us and stepped back, when suddenly a stone hit he on his leg and he fell. The group of Uzbek guys surrounded him and started beating him with batons and kicked him. We barely ran out of the crowd, got on the “Porter” truck, and left for the police station. Later it became clear that the Uzbek guys dragged Mr. Sulaimanov toward the teahouse “Sahyl”, located along the road and killed him by plunging a sickle and hitting with batons, then burned his body” (1st Volume, p 28 - 30, 36, 37, 44, 45, 50, 51, 57, 58, 64, 65, 72, 85, 86, 93, 94, 101,102) and the protocols of confrontations of victims with the accused Mr. Askarov (2nd Volume p. 63 - 76), the testimony of the victim Mr. Mergentaev in court: “On June 13, 2010 at 8:00 am the Bazar - Korgon district department of internal affairs received an information that the people of Uzbek nationality gathered at the Bishkek - Osh road in Bazar - Korgon

village. I went there along with the colleagues. When we arrived there, around 1000 people of Uzbek nationality were present there, they blocked the bridge over the Kara - Unkur river and did not allow people or transportation to cross it. At the scene Mr. Karabaev and the accused Mr. Askarov A. and Mr. Mirzalimov S. were shouting “We will fight Kyrgyz, we will blow up the bridge!” I was conducting an explanatory work and tried to talk to a guy from the crowd named Mahmud, but he did not want to understand and said: “We do not believe you”. Mr. Karabaev Mamatkadyr stood on the sidelines, and the crowd of Uzbeks surrounded us (my colleagues stood next to me). I told them that the road must not be closed, to which they replied: “No, we won’t open the road, we will stand up till the end, and we will fight Kyrgyz”. At that moment Mr. Sulaimanov Myktybek was standing at a distance of 1 meter away from me. He also tried to talk to an Uzbek guy, and suddenly, when Mr. Karabaev Mamatkadyr and Mr. Askarov Azimzhan said: “Do not believe them. Why are you standing, kill the chief of police!” I was forced to retreat. And then someone from behind hit me on the head with a stone or a stick, I fell on the ground without seeing anything. Colleagues surrounded me, blocking from the crowd, uproar increased and the colleagues who were there put me in a car and took me away. I came to the Department of internal affairs and sent the investigation group to the scene, they went there and brought the body of Mr. Sulaimanov: he was brutally killed by the Uzbek people”, and the testimony of Mr. Khaidarov, Mr. Uturov, witnesses Mr. Abdazov S., Mr. Kamchybekov, Mr. Kucharov M. and Mr. Zholdoshov.

Under such circumstances, the criminal action of Mr. Askarov committed on a specified episode must be qualified under Art. 30 - 340 of the Criminal Code of Kyrgyz Republic. On June 13 at 8:00 am, Mr. Askarov by prior agreement with the leaders of the Uzbek diaspora Mr. Akmatov K., Mr. Karabaev M., Mr. Yuldashev M., Mr. Mirzalimov S. and Mr. Talibaev D. actively encouraged the crowd in Bazar - Korgon village at the bridge over the Kara - Unkur river located at 553.5 km on Bishkek - Osh road, armed “with sticks with protruding nails, homemade metal swords, batons, firearms, Molotov cocktails”; including Mr. Rozubaev Dilshodbek, Mr. Rasulov Elmurad, Mr. Kochkarov Muhammadzakir and approximately 500 - 600 persons of Uzbek nationality whose identity has not been established by the investigation *show violence against members of ethnic Kyrgyz, organizing mass disorders with armed resistance to the authorities, participated in the*

riots, did not to obey legal requirements of government representatives and were involved in blocking of Bishkek - Osh road of strategic importance for the Kyrgyz Republic at 553.5 km on the bridge over Kara - Unkur river in Bazar Korgon village. 16 employees of the investigation group along with the chief of Bazar - Korgon district DIA Mr. Mergentaev Mamyryzhan and the head of Bazar - Korgon district department of the National Security Committee Mr. Joldoshev Sadyvakas with 3 staff members of the department went to the scene, and demanded to stop the illegal actions of the Uzbek diaspora and to open the road. Disobeying their legal demands, he *becomes an accomplice in the crime*, Mr. Askarov A. campaigned Mr. Rozubayev D., Mr. Rasulov E., Mr. Kochkarov M. and other Uzbek citizens, whose identity has not been established during the investigation, armed with guns and knives, "to take hostage the chief of police and to kill other police officers". They showed a resistance to unarmed police officers that came to perform their duties. As a result, employees of Bazar - Korgon police department Mr. Mergentaev M., Mr. Mageev R., Mr. Atayarov R., Mr. Karimkulov N., Mr. Tairov T., Mr. Mantybaev E., Mr. Dosov S., Mr. Umarhunov K., Mr. Uturov Z., Mr. Khaidarov A., Mr. Temirbaev A., Mr. Abdullaev A., Mr. Salymbaev E., Mr. Zholchiev K., Mr. Zhorojev J., and Mr. Ermekov M. received minor injuries, and Mr. Sulaimanov M. died at the scene from received serious injuries. In order to conceal the crime body of Mr. Sulaimanov M. was set on fire.

In addition, there was a material damage amounting to 6200 soms to a car VAZ - 2107 of Bazar - Korgon police department with the plate number 060 MIA.

In addition to the above - mentioned arguments, Mr. Askarov is charged under § 3, 4, 5, 6, 9, 10, 13, 14, 15 p. II of Art. 30 - 97, and § 1, 4, 5, 6, 9, 10, 13, 14, 15 of Art. 28, 30 - 97 of the Criminal Code of the Kyrgyz Republic. State prosecutor Mr. Sayakov J. expressed the position (opinion) during the pleadings that the criminal actions of Mr. Askarov must be qualified only by the Art. 3 - 340 of the Criminal Code of the Kyrgyz Republic, and believes that paragraphs 3, 4, 5, 6, 9, 10, 13, 14, 15 part II of Art. 30 - 97, and § 1, 4, 5, 6, 9, 10, 13, 14, 15 of Art. 28, 30 - 97 of the Criminal Code of the Kyrgyz Republic should be excluded since the prosecution charged him excessively. The court also considers the viewpoint (opinion) of the public prosecutor as legitimate. Since Mr. Askarov organized riots on June 13, at about 8.00 am, and became accomplice in killing of a

police officer Mr. Sulaimanov during the execution of his duties in maintaining public order and public security. The subject of the crime is considered to be a police officer.

Also, the investigative bodies charge Mr. Askarov under § 1, 3, 4, 5, part II of Art. 28, 30 - 227 of the Criminal Code of the Kyrgyz Republic in the reasoning part of the resolution under circumstances when Mr. Askarov calls "to take chief of police hostage, and kill the remaining police officers", whereas they do not indicate involvement of Mr. Askarov as a defendant according to § 1, Part II, Art. 3, 4, 5. Art. 28, 30 - 227 of the Criminal Code of the Kyrgyz Republic (5th Volume p. 111 - 119) in the operative part of the resolution. In accordance with Part III of Art. 214 of the Criminal Procedure Code of the Kyrgyz Republic, the resolution should contain a decision to bring a person as an accused one.

In Part I of Art. 264 of the Criminal Procedure Code of the Kyrgyz Republic it is stated that the proceedings in court are made only in respect of the accused one and only to the indictment, which charged to him. Consequently, the court has no right to give a legal assessment of actions of Mr. Askarov on this episode. In addition prosecutors did not state whether they support or refute the allegation in this episode.

In addition, the investigation charges to Mr. Askarov under Art. 299² Part I of the Criminal Code of the Kyrgyz Republic. However, the court finds that during the trial criminal action of Mr. A. Askarov in this episode has not been proven. Thus, experts of forensic theological examination, having examined 3 pieces of CDs with the inscription "Kurban ait 2007", "banana" and "ANGTE" placed in a blue package, concluded that these discs belong to the Islamic party Hizb - ut - Tahrir (3rd Volume p. 158 - 159). However, the investigator Mr. Zhorobekov in the protocol did not indicate that on June 17, 2010 during a search he found the above - mentioned 3 items of CDs with the inscription "Kurban ait" 2007", "banana" and "ANGTE". The record of the search indicates that at the house of Mr. Askarov there were found cartridges of hand gun Makarov - 9 mm sample and other CDs, documents belonging to Mr. Askarov and SIM - card (2nd Volume, p. 80 - 82). Also, the investigator Mr. Moydunov did not specify 3 pieces of CDs with an inscription "Kurban ait" 2007", "banana" and "ANGTE" in the protocol of inspection of CDs on August 4, 2010 (3rd Volume p. 160). As it is evident from the case, search of the house of Mr. Askarov was held on June 17, 2010,

and the forensic theology examination was appointed on July 27, i.e, after 1 month and 10 days. The resolution did not indicate what CDs sent for examination, and in fact there is no information about what CDs were sent for examination (3rd Volume p. 156). Under such circumstances, the fact of discovery of 3 pieces of CDs with the inscription “Kurban ait” 2007”, “banana” and “ANGTE” in the house of Mr. Askarov is questionable.

In accordance with Part II of Art. 26 of the Constitution of the Kyrgyz Republic, any doubt on the burden of proof shall be interpreted in favor of the defendant.

Therefore, under these circumstances, due to the absence of the defendant's guilt under Part I of Art. 299² of the Criminal Code of the Kyrgyz Republic Mr. Askarov must be acquitted according to this episode.

Defendants Mr. Rasulov, E., Mr. Rozubaev D., Mr. Kochkarov M. and Mr. Abduraimov A. pleaded not guilty in court. However, during the testimony that they gave with presence of the attorney at the investigation, they partially admitted guilt. Their guilt in committing crimes under Part II of Art. 233 and Art.340 of the Criminal Code certainly fully proved by their own testimony during the investigation, the testimony of the victims in court, the conclusions of forensic and other materials in the case.

Namely, testimony of Mr. Rasulov during interrogation as a suspect in the presence of his lawyer Mrs. Kasymova testified that: “On June 12, 2010 at about 1:00 pm I took my wife, sister, mother and children to the customs and returned home at about 3:00 pm. In the evening at 9:00 pm I came out to the street, and heard people screaming from the direction of the highway and then went home. Then I left by a white car “Matiz” to spend a night in the Komsomol village at my matchmaker Mr. Tolonbay’s place. The next day I came to the circular road to talk to my family members. There were about 50 - 60 people. I recognized among them Mr. Karabaev Mamatkadyr, Ikram, and Mirzahid. They commanded “block the road”. Then I got to the cattle market on a white “Porter” truck. I saw “Moskvich” car burning on the bridge of the road. I came to the bridge and blocked it with another 1,000 people. At that time the chief of police Mr. Mergentaev came with his colleagues and requested Mr. Karabaev "Do not block the bridge"; the latter did not obey and they grabbed each other. Guys that were present there began throwing stones at the policemen, the police began to run, a police officer Mr. Sulaimanov fell when got hit with a stone and the guys started to beat him and dragged him

towards the garden of the teahouse “Sahyl”. When I got to the garden they were stabbing Mr. Sulaimanov with knives. A guy younger than me for 6 - 7 years ran from the crowd. *I lit the bottle filled with gasoline, which I had on my hand, and threw at Mr. Sulaimanov. The bottle hit Mr. Sulaimanov on his leg, and broke to pieces; Mr. Sulaimanov was soaked with gasoline. The fire was extinguished and a guy named Israil lit it again.* I don’t know his last name. At that moment Myktybek was still budging. After that I returned to the people on Saidullaeva Street, started my car and fled to the abroad. I returned back to Kyrgyzstan on June 17, 2010. Mr. Karabaev, Ikram hajy, Shurik (Mr. Mirzalimov) and Azimjan (Mr. Askarov A.) agitated: “If you are men, come out and block the road. Otherwise the Kyrgyz will come and will burn your houses and shoot you”. When I came to the bridge I saw that the people on the road had sticks with protruding nails, fittings, sticks. I took the bottles with gasoline from a guy who was distributing them from a blue car “Porter”. I am not familiar with this guys and “Porter” was parked at the “Dolono” gas station (3rd Volume p. 106 - 108; 5th Volume p. 138 - 139), the testimony of accused Mr. Mageev R., Mr. Karimkulov H ., Mr. Tairov T., Mr. Dosov S., Mr. Umarahunov K., Mr. Ermekov Sh., Mr. Haydarov A. during the investigation and trial (1st Volume, p. 28 - 30, 36, 37, 44, 45, 50, 51, 57, 58, 64, 65, 72, 85, 86, 93, 94, 101, 102), the testimony of the accused Mr. Uturov Z. that he made in court: “On June 13, 2010 at the bridge of Bishkek - Osh road among Uzbek people that were gathered I recognized accused Mr. Rasulov E., because he had been previously condemned and was in detention in the detention center Bazar - Korgon police department. At that time I worked in the Bazar - Korgon detention center, the testimony of witnesses questioned in court Mr. Abdazov S., Mr. Kamchybekov Z., and Mr. Kucharov M. and Mr. Zholdoshov S. fully and indisputably prove the guilt of accused Mr. Rasulov.

Testimony of Mr. Rozubaev during interrogation as a suspect in the presence of his lawyer Mrs. Kasymova, who testified that: “On June 13, 2010 at about 7:00 am in the morning I came out to the Street and saw that people of Uzbek nationality were heading toward the road. They were led by Abdukahar, Minura (Mrs. Mamadalieva), Mamatkadyr, Shukhrat (Mr. Mirzalimov) who were saying that: “Kyrgyz were coming). When I heard that, I went to Saydullaeva Street and saw more that 200 Uzbek people armed with 1 - 2 firearms each and wooden and iron sticks. I went together with them to the

bridge, on the bridge I saw the criminal leader Misha armed with a gun, I saw other 1 - 2 guys armed with guns. While on the bridge we were approached by 10 - 15 unarmed police officers who said: "Keep the order and unblock the road", and later Mr. Karabaev said: "Take the chief hostage and kill the rest of policemen," the group of young men rushed to the police officer and began to beat them with stones. When the police began to flee, one of them fell to the ground; I hit him twice with a 1 - meter long wooden stick on his head. Later I threw this stick behind the gas - station "Favorite", and came back to Saydullaeva Street. When they almost reached to the road a group of about 300 - 400 Kyrgyz people began to shoot them with guns and they ran away (3rd Volume p. 43 - 48, 55, 56), the testimony of Mr. Satybaldiev during the investigation, who testified that: "On June 13, 2010 I saw that about 20 Uzbek guys were beating someone near the tea house "Sahyl", when I got there, it turned out that they were beating somebody that I knew police - officer Myky ake (Mr. Myktybek Sulaimanov). Mr. Dilshad (Mr. Rozubaev Dilshad) and Adakhan were beating Myky ake on the head with sticks, Myky ake was covering his head with both hands and sat, leaning against a tree; at that moment Zakir (Mr. Kochkarov Muhamadzakir) repeatedly hit Myky ake with a sickle on his back, neck, shoulder, foot. Mr. Elmurad said: "Do not interfere; if someone dies, only another cop will die," and threw four bottles of lit gasoline on Myky ake; Myky ake's right foot caught on fire. When I ran to Myky ake, he said: "Do not touch me, do not touch!" At this point, one of the guys said: "The cops are coming!" and the guys ran away in the direction of Saydullaeva Street. On June 21, 2010 I met with the local inspector Saidali ake and testified that Myky ake was killed by Dilshad, Adakhan, Zakir, and Elmurad (3rd Volume, p. 28 - 30), the testimony of accused Mr. Mageev R., Mr. Karimkulov H., Mr. Tairov T., Mr. Dosov S., Mr. Umarahunov K., Mr. Ermekov Sh., Mr. Haydarov A. during the investigation and trial (1st Volume, p. 28 - 30, 36, 37, 44, 45, 50, 51, 57, 58, 64, 65, 72, 85, 86, 93, 94, 101, 102), the testimony of witnesses questioned in court Mr. Abdazov S., Mr. Kamchybekov Z., and Mr. Kucharov M. and Mr. Zholdoshev S. that: "I recognized the defendant Mr. Rozubaev among the Uzbeks who blocked the bridge, as Mr. Rozubaev grabbed the head of DIA by his neck and pushed the police chief Mr. Mergentaev when the latter said: "Do not block the way!". He testified that then the riots broke out and the young people began throwing stones at the police officers he pulled the chief of police out of the crowd, the

testimony of the victim Mr. Ermekov Sh., who state in court that: "Mr. Rozubaev broke the rear window of the car that belongs to the Bazar - Korgon police department," and available evidences from the protocol: 1 pc. handmade stick (truncheon) protruded with nails, a pair of sneakers with traces of blood, 1 pc. T - shirt with traces of blood and 1 pc. knife found during a search of the house Mr. Rozubaev D (3rd Volume, p.50 - 51), protocol of reproducing the situation and circumstances of the event (3rd Volume, p. 52), report of evidence examination (3rd Volume, p. 69 - 70), the conclusion of the forensic examination from July 1, 2010 No. 108,109 M, found that "the shirt of Mr. Rozubaev D has blood group "O" that is same blood group of the victim Mr. Sulaimanov Myktybek (3rd Volume, p.132 - 135), and other materials of the case completely and undeniably prove the guilt of the defendant Mr. Rozubaev D.

The testimony of Mr. Kochkarov as a suspect and the accused with attorneys Mr. Myrzakulov and Mr. Abylakimov, where he stated: "Starting from June 12 to June 13, 2010 I did not sleep and stood the sentinel on Nasirova street in the Bazaar - Korgon village with Mamatahunov, Aibek, Akmatahun, Ahmatahunov Kurbanahun, Akmatahunov Alijan, Farhodbek, Abduraim ake, Akbarali, Zainabitdin, Bahridin, Zohridin, Bahadir, another Bahadir, Husnidin, Artykbaev, Akmat. In the morning of June 13, at about 7:00 I left with Bahridin, Kurbanahun, Husnidin by a white car "Tiko" which belonged to a guy named Tilla. On the roadside there was a car "Moskvich", which we later burned with guys from the "Jaman" village. At the same moment a car "Mercedes" was driving by and we stopped them. We saw that the driver was Kyrgyz; we broke the rear glass with a stone. However, the driver picked up a speed and disappeared. Soon after Mr. Mahmud Ake said: "We will block the bridge!" When we arrived at the bridge and blocked it, the police arrived and we started to beat the police officers; and when we they started to chase the fleeing police officers, one of the policemen fell near a garden of "Sahyl" teahouse with his face down. Our guys started kicking and punching him with hands and feet, I took the sickle from a guy named "Ilkhom" and began to strike him on the shoulder and on the area of the left kidney. After that I came back to the road with the billiard cue with protruding nails, which I have prepared at home myself, and helped to block the road (3rd Volume, p. 61 - 66, 77 - 78, 5th Volume, p. 109 - 110), the testimony of the witness Mr. Satybaldiev: "On June 13, 2010 near the tea house "Sahyl" a

guy named Zakir (Mr. Kochkarov Muhamadzakir) repeatedly hit Myky ake (deceased Mr. Sulaimanov Myktybek) with a sickle on his back, neck, shoulder, foot. On June 21, 2010 I met with the local inspector Saidali ake and testified that Myky ake was killed by Dilshad, Adakhan, Zakir, and Elmurad (Vol. 3, p. 28 - 30), the testimony of accused Mr. Mageev R., Mr. Karimkulov H., Mr. Tairov T., Mr. Dosov S., Mr. Umarahunov K., Mr. Ermekov Sh., Mr. Haydarov A. during the investigation and trial (1st Volume, p. 28 - 30, 36, 37, 44, 45, 50, 51, 57, 58, 64, 65, 72, 85, 86, 93, 94, 101, 102), the testimony of witnesses questioned in court Mr. Abdazov S., Mr. Kamchybekov Z., and Mr. Kucharov M. and Mr. Zholdoshov S. that: "I recognized the defendant Mr. Kochkarov M.", and available evidences from the protocol: 1 pc. handmade stick (truncheon) with a length 80 cm. protruded with nails, 1 pc. ax, 2 pc. of shirts with traces of blood and 1 pc. sickle that looked like a knife, 1pc. knife found during a search of the house Mr. Kochkarov M (3rd Volume, p.69 - 70), protocol of reproducing the situation and circumstances of the event (3rd Volume, p. 71 - 72), the conclusion of the forensic examination from July 1, 2010 No. 108,109 M, found that "the shirt of Mr. Kochkarov M has blood group "O" that is same blood group of the victim Mr. Sulaimanov Myktybek (3rd Volume, p.132 - 135), and other materials of the case completely and undeniably prove the guilt of the defendant Mr. Kochkarov M.

The accused Mr. Abduraimov at the interrogation in the presence of lawyers Ms. Kasymova and Mr. Usmanov, testified that: "On June 12, 2010 at around 5:00 pm when I was playing football at the stadium, Mr. Karabaev and Mr. Akmatov said: "Now go to the highway, block out the Saidullaeva street, stop your game". Then, after listening to them we came out to Saidullaeva Street together with guys. Minura eje (Mrs. Mamadalieva) was agitating people by saying: "Stay here, do not go anywhere; if you leave, you're not men." I stood there for a while, but then, feeling that I was hungry and I went home. When I came home, I guarded our street till 3:00 am, then went home and fell asleep. The next day on June 13, 2010 at about 8:00 am when I left the house, a blue "Porter" car pulled up. An acquaintance Rahman, who was sitting among the passengers waved at him and said: "Get in the car". Then he pulled my hand and seated me in the car. The car drove to the beginning of Saydullaeva Street, and my acquaintance Rahman gave me two bottles filled with gasoline; and Mr. Umurzakov Marip said: "We're going to the Zakir's

teahouse to block that place". We came to the teahouse, and suddenly the assembled people marched to the bridge and I also went with them. When we came to the bridge, many people began to disperse. While I was at the bridge three people approached from the direction of the teahouse "Sahyl" and said: "Why are you holding the bottles? Throw them away!" And I went to the teahouse "Sahyl" and threw the bottles to the place that was burning and returned to circular road on Saidullaeva Street. My father of Mr. Abduraimov Mamashakir was also present there, later I took my father to my uncle Jamaldin, and soon went to the Republic of Uzbekistan to the village of Uyгур of Pahta - Abad region. When I came back to Kyrgyzstan after 10 days, I was caught by the police. To the question of the investigator: "Did you know that at the place that was set on fire, a police officer was murdered? The accused Mr. Abduraimov I replied: "Yes, I knew that" (6th Volume p. 178 - 180). Also, his guilt is fully and undoubtedly proved by the testimony of accused Mr. Mageev R., Mr. Karimkulov H., Mr. Tairov T., Mr. Dosov S., Mr. Umarahunov K., Mr. Ermekov Sh., Mr. Haydarov A. during the investigation and trial (1st Volume, p. 28 - 30, 36, 37, 44, 45, 50, 51, 57, 58, 64, 65, 72, 85, 86, 93, 94, 101, 102), the testimony of witnesses questioned in court Mr. Abdazov S., Mr. Kamchybekov Z., and Mr. Kucharov M. and Mr. Zholdoshov S. and with other case files.

In addition, the criminal actions of the defendants Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I are fully confirmed by the conclusion of forensic examinations No. 15 on June 27, 2010. The examination concluded that the death of Mr. Sulaimanov M. was caused by numerous injuries to vital organs and blood loss (1st Volume, p. 21 - 25), in other words above mention conclusion confirms the fact of injuries on the body of Mr. Sulaimanov M. under the circumstances indicated in the case.

Consequently, under such circumstances, the criminal actions of the defendants Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I. must be qualified under Part II of Art. 233 and Art. 340 of the Criminal Code of the Kyrgyz Republic. Since the defendants Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I. on June 13 at about 8:00 am blocked the road on a bridge over the river Kara - Unkur of the Bishkek - Osh highway, came to a place, where the riot took place, after the appeals of Mr. Karabaev M. and Mr. Askarov A. "take the chief hostage and kill the rest of the police officer" they attacked a police officer Mr.

Sulaimanov, who was performing his duties to protect public order and public security in order to settle the riots. Specifically, the defendant Mr. Rasulov E. set fire on the body of Mr. Sulaimanov M. by applying two bottles filled with gasoline, the defendant Mr. Rozubaev D. 2 times hit him over the head with a wooden stick length of 1 meter, the defendant Mr. Kochkarov M. stabbed him with a sickle into both shoulder and in the left kidney, and the defendant Mr. Abduraimov I. threw two bottles filled with gasoline at Mr. Sulaimanov's body when he was burning in a garden of a tea house "Sahyl". As a result Mr. Sulaimanov died at the scene after injuries to vital organs and blood loss.

In addition, Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I. were charged by the investigative authorities under § 3, 4, 5, 6, 9, 10, 13, 14, 15 Part II of Art. 97 of the Criminal Code of the Kyrgyz Republic. State prosecutor Mr. Sayakov J. expressed the position (opinion) during the pleadings that the criminal actions of Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I. must be qualified only under the Art. 30 of the Criminal Code of the Kyrgyz Republic, and believes that §3, 4, 5, 6, 9, 10, 13, 14, 15 part II of Art. 97 of the Criminal Code of the Kyrgyz Republic should be excluded since the prosecution charged him excessively. The court also considers the viewpoint (opinion) of the public prosecutor as legitimate. Since on June 13 at around 8:00 am, the defendants Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., and Mr. Abduraimov I. took part in the riots and killed a police officer Mr. Sulaimanov M., who was performing his duties for the protection of public order and to ensure public safety in order to resolve these riots. The subject of the crime is considered to be a police officer.

Besides this, the charge that brought against Mr. Abduraimov I. under Art. 263 Part 2 of the Criminal Code shall be excluded because the accused Mr. Abduraimov I. killed a police officer Mr. Sulaimanov M., whose body was set on fire with two bottles filled with gasoline. In the pleadings the public prosecutor Mr. Sayakov J. did support this charge against the defendant, but rather asked to exclude.

During the trial the defendant Mr. Mulavhunov S. pleaded not guilty, but his guilt in committing crimes under part III of Art. 242 and Part II of Art. 30 - 233 of the Criminal Code Republic is fully proved by the following evidences available in the case.

During the investigation, Mr. Mulavhunov S. pleaded guilty partly and testified during the interrogation in the presence of his lawyer Mr. Myrzakulov that Mr. Kadyrjan Batyrov came to the village of Bazar - Korgon and told people that "clashes will soon begin," and to protect his family Mr. Mulavhunov produced two self-made swords on June 12, 2010 which were placed in a cow-house in front of the house; the length of one sword was 1 m., length of the other - 1 m 3 cm. He also testified that when he and his family went to Uzbekistan on June 12, 2010, a guy named "Azat" came and took the swords without asking, since Azat saw swords at the time of manufacture of on June 12, 2010 (4th Volume, p. 208 - 214 - 217, 125, 126).

The case file shows that the two swords, made by Mr. Mulavhunov were found in the car of Mr. Turakulov "Daewoo - Tiko" with a plate No. D 85 - 16 L.

At the confrontation between the witness Mr. Turakulov and the accused, Mr. Mulavhunov confirmed that the two swords found in the car of Mr. Turakulov were made by him (4th Volume, p. 232 - 233).

In the forensic report No. 242 dated July 30, 2010, it was stated that the found two homemade swords belong to the category of cold weapons (3rd Volume, p. 154).

The guilt of accused Mr. Mulavhunov was fully proven by photo-evidence (5th Volume p. 155), the decision on recognition of physical and other evidence (3rd Volume p. 160 - 161), and with other case files.

Moreover, during the inspection of physical evidence, the defendant Mr. Mulavhunov S. said that he recognized two swords that he made himself.

Consequently, under such circumstances, the criminal actions of the defendant Mr. Mulavhunov S. shall be qualified under Part II of Art. 242 and Part II of Art. 30 - 233 of the Criminal Code of the Kyrgyz Republic. Since on June 13, 2010, he specially prepared handmade "sword" from two braids that he had at home, and handed them to Uzbek guy by the name Azat, whose identity has not been established yet, thus becoming an accomplice of the crime, conjugated with riot between Kyrgyz and Uzbek communities in the Bazar - Korgon district.

In the conclusions of the forensic psychiatric examinations the defendants Mr. Askarov A., Mrs. Mamadaliyeva M., Mr. Mirzalimov S., Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M., Mr. Abduraimov I. were

found sane (4th Volume p. 75 - 83, 143 - 145, 147 - 149, 151 - 153, 6th Volume p. 196 - 198).

The investigative authorities have not assigned a forensic psychiatric examination to the accused Mr. Mulavhunov S. However, there is no doubt of his sanity, and it is clear that he is in a sane state. Accordingly, the Court finds that there is no need to appoint a forensic psychiatric examination.

According to the above mentioned evidence, the court finds that the defendants' arguments on their non - participation in the organization of riots on June 12 - 13, and that the investigation was carried out unilaterally with accusatory bias, are given in order to avoid criminal liability. In fact, the defendants Mr. Kochkarov M., Mr. Rasulov E., Mr. Rozubaev D. and Mr. Abduraimov I. during the investigation and questionings in the presence of their lawyers, partially admitted their guilt, and told who organized riots and how they killed the police officer Mr. Sulaimanov M.; and while reproducing the scene and circumstances of the event they demonstrated how everything happened. And the fact that on June 12 - 13, the defendants Mrs. Mamadalieva M., Mr. Mirzalimov S. and Mr. Askarov A. organized and participated in the riots was proved by the witnesses, victims and the defendants Mr. Kochkarov M., Mr. Rasulov E., Mr. Rozubaev D. and Mr. Abduraimov I. With regard to the defendant Mr. Mulavhunov S., his guilt was indisputably proved. During the investigation, the defendants' rights as outlined in the Criminal Procedure Code of the Kyrgyz Republic, were not violated, all the interviews were conducted in the presence of their lawyers.

The Court also considers the arguments presented by lawyers in the pleadings as unfounded since, as noted above, the defendant's guilt is indisputably and fully proved by the testimonies of the defendants themselves, victims and witnesses, a forensic medical examination, protocol of examination of physical evidence, reproduction of the scene and circumstances of the event, and other case files.

As it is evident from the case file, the defendant Mr. Rasulov E. was indicted on November 6, 2008 by the decision of the Bazar Korgon district court according to §. 3, 4, part 2 of Art.129 and Art. 56 of the Criminal Code of the Kyrgyz Republic with 2 years of imprisonment. Decision of the Jalal - Abad Regional Court dated December 11, 2008 under Art.63 of the Criminal Code imposed probation for two (2) years. The defendant Mr. Rasulov E. committed the above - mentioned grave and extremely grave crimes during

his probation as decided by the court. Consequently, on the basis of the Art. 64 of the Criminal Code probation is cancelled, and the punishment is set in accordance with the Art. 60 of the Criminal Code of the Kyrgyz Republic. At the same time, in accordance with § 3, Part 4 of Art. 16 the crimes that he committed are not considered as a second offence since he was sentenced provisionally.

The court finds no circumstances that mitigate the responsibility of the defendants. At the same time, the nature and the degree of danger to the society of crimes committed by the defendants Mr. Askarov A., Mr. Rasulov E., Mr. Rozubaev D., Mr. Kochkarov M. and Mr. Abduraimov I., by killing a police officer who was carrying out his duties during massive disturbances, in a way that threatens the lives of many, by means of using explosives, committing this crime by the defendants Mrs. Mamadalieva M., Mr. Mirzalimov S. by prior agreement and in a manner dangerous to the lives of many individuals, and committing the crime by the defendant Mr. Mulavhunov S. by means of knives and with grave consequences, the court considers these circumstances as aggravating the liabilities of the defendants.

In addition, the court finds that the punishment be appointed in compliance with the requirements of Part II of Art. 53 of the Criminal Code, which states that a person who has committed a crime must be assigned a fair punishment, which is necessary and sufficient for its correction and prevention of further crimes.

Also, sanctions under Part II of Art.299 of the Criminal Code of the Kyrgyz Republic provide punishment in the form of imprisonment with deprivation of the right to engage in certain activities. However, the sanctions of this Art. do not define the term during which a person loses his/her right to take up certain positions or engage in certain activities. Accordingly, the court considers that imposing the sentence under this Art. would be correct if Part I of Art. 46 of the Criminal Code of the Kyrgyz Republic is applied.

In sentencing the defendant Mrs. Mamadalieva it is necessary to consider the Resolution of the plenary session of the Supreme Court of the Kyrgyz Republic dated July 6, 2001, No. 7, "On the practice of appointment correctional institutions by the courts"

According to the requirement of the Art.88 of Criminal Procedure Code of the Kyrgyz Republic, objects of no value and not suitable for use shall be destroyed, the cartridges must be sent to Department of Internal

Affairs of the Jalal - abad region, and the documents seized at the house of Mr. Askarov A., should be stored together with the case files.

Based on the above - mentioned facts and guided by Art. 309 - 312, 315, 317 - 320, 324 of the Criminal Procedure Code of the Kyrgyz Republic, the court

SENTENCED:

1) Mrs. Mamadalieva Minyura Tirkashevna found guilty in committing offenses under § 1 Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic, under Part I, II, III of Art. 233 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under § 1 Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic in the form of five (5) years of imprisonment with the deprivation of the right to occupy certain positions or to engage in certain activities during (three) years; under Part I of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of nine (9) years of imprisonment; under Part II of the same Art. in the form of 4 (four) years of imprisonment; under Part III of the same Art. in the form of two (2) years of imprisonment.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mrs. Mamadalieva M. T. penalty of twenty (20) years imprisonment with deprivation of the right to occupy certain positions or engage in certain activities right during (three) years, to be served in correctional facilities for women convicts. The term of sentence comes into force as of June 26, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of § 3 Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as two days of detention in correctional facilities for women convicts.

2) Mr. Kochkarov Muhammadzakir Mamashakirovich found guilty in committing offenses under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic, and under Art. 340 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under Part II of Art. 233 in the form of eight (8) years of imprisonment; under Art. 340 of the Criminal Code of the Kyrgyz Republic in the form life imprisonment with confiscation of property to the state.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Kochkarov M. M. penalty of life

imprisonment with confiscation of property to the state to be served in the in the correctional facility of special regime. The term of sentence comes into force as of June 24, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of § 4 Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as one day of detention in the correctional facility of special regime.

3) Askarov Azimzhan found guilty in committing offenses under § 1.3 of Part II of Art. 227 - 30, 28 of the Criminal Code of the Kyrgyz Republic, part I of Art. 241 of the Criminal Code of the Kyrgyz Republic, § 1 of Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic, Parts I, II, III of Art. 233 of the Criminal Code of the Kyrgyz Republic, Art. 340 - 30 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under § 1.3 part II of Art. 227 - 30, 28 of the Criminal Code of the Kyrgyz Republic in the form of one (1) year of imprisonment; under § 1, Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic in the form of five (5) years of imprisonment with deprivation of the right to occupy certain positions in law enforcement bodies, notaries, prosecutor's office and to engage in activities that require a law degree in governmental institutions and organizations during three (3) years; under Part I of Art. 233 of the Criminal Code in the form of 9 (nine) years of imprisonment; under Part III of the same Art. in the form of four (4) years imprisonment; and under Part III of the same Art. in the form of 3 (three) years of imprisonment; under Art. 340 - 30 of the Criminal Code of the Kyrgyz Republic to life imprisonment with confiscation of property to the state.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic complete addition, to fully assign to Mr. Askarov A. an aggregate punishment in the form of life imprisonment with deprivation of the right to occupy certain positions in law enforcement bodies, notaries, prosecutors and engage in activities that require a law degree in governmental institutions and organizations during 3 (three) years and confiscation of property to the state to the served in the correctional colony of special regime. The term of sentence comes into force as of June 16, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of §4 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as one day of detention in the correctional colony of special regime.

To acquit Mr. Askarov A. under § 1 of Art. 299² of the Criminal Code of the Kyrgyz Republic due to the lack of corpus delicti.

4) Mr. Mulavhunov Sanjarbek Zhamaldinovich found guilty in committing offenses under Part III of Art. 242 of the Criminal Code of the Kyrgyz Republic, under Part II of Art. 30 - 233 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under Part III of Art. 242 of the Criminal Code of the Kyrgyz Republic in the form of one (1) year imprisonment, according, under Part II of Art. 30 - 233 of the Criminal Code of the Kyrgyz Republic in the form of eight (8) years imprisonment.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Mulavhunov S. J. penalty of nine (9) years imprisonment to be served in the correctional colony of intensive regime. The term of sentence comes into force as of July 27, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of §3 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as two days of detention in the correctional colony of intensive regime.

5) Mr. Mirzalimov Shukhrat Saidkulovich found guilty in committing offenses under § 1 of Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic, under Part I, II, III of Art. 233 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under § 1 of Part II of Art. 299 of the Criminal Code of the Kyrgyz Republic in the form of five (5) years imprisonment and disqualification to hold the office of a dentist or other position in the village, district and city hospitals on the territory of the Kyrgyz Republic, or to engage in activities in the non - governmental institutions and organizations during (three) years, under Part I of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of nine (9) years imprisonment, under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of 4 (four) years imprisonment, and under Part III of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of two (2) years' imprisonment.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Mirzalimov Sh. S. penalty of

twenty (20) years imprisonment with deprivation of the right to occupy the position of the dentist or other office in the village, district and city hospitals on the territory of the Kyrgyz Republic, or to engage in activities in the non - governmental institutions and organizations during (three) years to be served in the correctional colony of intensive regime. The term of sentence comes into force as of June 16, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of §3 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as two days of detention in the correctional colony of intensive regime

6) Mr. Rozubaev Dilshodbek Tohtasinovich found guilty in committing offenses under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic, under Art. 340 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of eight (8) years imprisonment, under Art. 340 of the Criminal Code of the Kyrgyz Republic in the form of life imprisonment, with confiscation of property to the state.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Rozubaev D. T. penalty of life imprisonment with confiscation of property to the state to be served in the correctional colony of special regime. The term of sentence comes into force as of June 23, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of §4 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as one day of detention in a correctional colony of special regime

7) Mr. Rasulov Elmurad Muminzhanovich found guilty in committing offenses under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic, under Art. 340 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of eight (8) years imprisonment, under Art. 340 of the Criminal Code of the Kyrgyz Republic in the form of life imprisonment, with confiscation of property to the state.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Rasulov E. M. penalty of life imprisonment with confiscation of property to the state to be served in the

correctional colony of special regime. The term of sentence comes into force as of June 30, 2010.

On the basis of Part IV of Art. 64 of the Criminal Code of the Kyrgyz Republic to abolish probation, sentenced by Jalalabad Regional Court on December 11, 2008.

On the basis of Art. 60 of the Criminal Code of the Kyrgyz Republic to fully add term of punishment sentenced by Bazar - Korgon district court on November 6, 2008 and that has not been served, and finally assign to Mr. Rasulov E. M. penalty of life imprisonment with confiscation of property to the state. The measure of restraint in form of detention remains unchanged.

On the basis of §4 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as one day of detention in a correctional colony of special regime.

8) Mr. Abduraimov Isroilbek Magomatshakirovich found guilty in committing offenses under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic, under Art. 340 of the Criminal Code of the Kyrgyz Republic. To sustain a sentence: under Part II of Art. 233 of the Criminal Code of the Kyrgyz Republic in the form of eight (8) years imprisonment, under Art. 340 of the Criminal Code of the Kyrgyz Republic in the form of life imprisonment, with confiscation of property to the state.

On the basis of Art. 59 of the Criminal Code of the Kyrgyz Republic by complete addition, to fully assign to Mr. Abduraimov I. M. penalty of life imprisonment with confiscation of property to the state to be served in the correctional colony of special regime. The term of sentence comes into force as of August 7, 2010. The measure of restraint in form of detention remains unchanged.

On the basis of §4 of Part II of Art. 62 of the Criminal Code of the Kyrgyz Republic consider each day of detention before the sentence as one day of detention in a correctional colony of special regime

After the sentence comes into force:

Physical evidence: to destroy torn T - shirt and a shirt in 2 batches belonging to the victim Mr. Sulaimanov M., to destroy 1 piece of yellow sword, 2 pieces of short sticks, 1 piece of a big knife, 1 piece of a long stick, seized from the house of Mr. Mulavhunov S., 2 pieces of handmade iron scythe, 1 piece of a stick with protruding nails, 1 piece of video tape, 28 pieces of DVD disks seized from the house of Mr. Mulavhunov, clothing of Mr. Rozubaev and Mr.

Kochkarov, CDs with the inscription “Kurban ait 2007” “banana” and “ANGTE”, to send 10 (ten) cartridges of the hand gun sample with the number “38 - 88” to the custody of the department of internal affairs of the Jalalabad region; to store with the case file 9 packages of files in the amount of 1972 pieces placed in yellow packages seized in the house of Mr. Askarov.

The sentence may be appealed in the appellate court of the Jalal - Abad regional court through the Bazar - Korgon district court within ten (10) days from the date of announcement.

Presiding Judge: signature Mr. Alimkulov N.

Authentic copy Judge: Alimkulov N.