



CLOONEY FOUNDATION FOR JUSTICE FILES AMICUS BRIEF IN THE APPEAL OF GULZHAN PASANOVA IN KYRGYZSTAN

Trial Grade: D

CHARGES

Grievous Bodily Harm

OUTCOME

Convicted, Sentenced to Nine
Year Jail Term

TRIALWATCH MONITOR

American Bar Association
Center for Human Rights

FAIRNESS REPORT

Staff at the American Bar
Association Center for Human
Rights

MAY 12, 2020

The Clooney Foundation for Justice's (CFJ) TrialWatch initiative monitored the criminal trial in Kyrgyzstan of Gulzhan Pasanova, a domestic violence survivor. Following an unfair trial, Pasanova was sentenced to nine years in prison for causing her husband's death during an altercation in which she states that he physically attacked her. Today, CFJ filed an [amicus brief](#) in support of Ms. Pasanova's appeal arguing that the trial court violated her rights under international human rights law by, among other things, preventing her from presenting evidence about her husband's history of domestic violence. CFJ urges the appeal court to overturn her conviction.

Domestic violence is pervasive in [Kyrgyzstan](#)—in the first two weeks of 2020, at least three women were killed by their husbands or partners. Additionally, many female [prisoners](#) in Kyrgyzstan convicted of murder or attempted murder reportedly suffered prolonged periods of domestic abuse. While Kyrgyzstan has recently enacted a series of laws aimed at curbing domestic violence, as Ms. Pasanova's case demonstrates, more must be done to ensure that domestic violence survivors who use violence to protect themselves receive [fair trials](#).

The American Bar Association Center for Human Rights, which monitored Ms. Pasanova's trial as part of the TrialWatch initiative, concluded in a [TrialWatch Fairness Report](#) that Ms. Pasanova's trial violated numerous rights protected by Article 14 of the International Covenant for Civil and Political Rights, including the right to call and examine witnesses and right to be presumed innocent.

CFJ calls on the Osh Regional Court to vacate Ms. Pasanova's conviction and remand the case for a new trial conducted in accordance with international human rights law.

BACKGROUND

Relying on the Fairness Report, the CFJ amicus brief argues that the trial court violated Ms. Pasanova's right to adequate facilities to prepare her defense and the right to call and examine witnesses by: (i) denying her motion for expert testimony regarding whether the deceased's past abuse of Ms. Pasanova affected her mental state; and (ii) refusing to call witnesses who could have corroborated her testimony about her husband's violent behavior. This evidence was fundamental to Ms. Pasanova's argument that the offense with which she was charged should have been requalified to one carrying a lower potential sentence applicable to those acting under "extreme emotional distress." The amicus brief also argues that the trial court deprived Ms. Pasanova of her right to the presumption of innocence by confining her in a cage throughout the proceedings.

Finally, the brief explains that the trial was infected by gender stereotypes, in violation of the ICCPR's prohibition on sex discrimination. For instance, the prosecution argued that Ms. Pasanova would have left the deceased if he had actually beaten her and that, in any event, the deceased was entitled to abuse Ms. Pasanova because she allegedly had an affair. Meanwhile, the court did not even consider the possible effect of the abuse on the defendant's mental state.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE



**CLOONEY
FOUNDATION
FOR JUSTICE**

The Clooney Foundation for Justice's *TrialWatch* initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, *TrialWatch* advocates for victims and is developing a Global Justice Ranking measuring national courts' compliance with international human rights standards.