



## CLOONEY FOUNDATION FOR JUSTICE STATEMENT ON GULZHAN PASANOVA'S CASSATION COMPLAINT TO THE SUPREME COURT OF KYRGYZSTAN

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice. For further inquiries, please contact [info@cfj.org](mailto:info@cfj.org).

**Trial Grade: D**

### CHARGES

Grievous Bodily Harm

### STATUS

Convicted, Sentenced to Nine Year Jail Term, With Sentence Reduced to Six Years on Appeal

**October 4, 2020**

TrialWatch, an initiative of the Clooney Foundation for Justice, monitored the criminal trial in Kyrgyzstan of Gulzhan Pasanova, a domestic violence survivor. Following an unfair trial, Ms. 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. Ms. Pasanova appealed and CFJ [filed an amicus brief](#) supporting her appeal. The brief argued that the trial court had violated Ms. Pasanova's rights by denying her request to call witnesses who could have corroborated her testimony regarding prior domestic abuse and spoken to her mental state at the time of the incident in question. The Court of Appeals, however, deemed the appeal "ill-founded." It concluded that "the fact that the Defendant . . . was previously subjected to domestic violence and as a result [on the night in question] defended herself has not been proven." Yet this was precisely what Ms. Pasanova had sought to prove at trial—and had been denied the ability to do.

With the case now before the Supreme Court and set for hearing on October 6, CFJ reiterates its views, expressed in its [amicus brief](#), and **calls on the Supreme Court to vacate Ms. Pasanova's conviction and remand the case for a new trial conducted in accordance with international human rights law. The courts must do their part to address the fact that [a quarter of the women in Kyrgyzstan have reported experiencing domestic violence.](#)**

## BACKGROUND

Although the Court of Appeals affirmed Ms. Pasanova's conviction, it nevertheless reduced Ms. Pasanova's sentence by one third under Kyrgyzstan's 2020 Law on Amnesty. The relatives of Ms. Pasanova's deceased husband then sought review before the Supreme Court, urging that court to impose a more severe sentence. In response, Ms. Pasanova also filed a cassation complaint, renewing arguments she had made before the Court of Appeals regarding the unfairness of the first-instance trial.

As Ms. Pasanova explains in her cassation complaint before the Supreme Court, "neither the court of the first instance nor the court of the second instance took into account the fact that [Ms. Pasanova] was a victim of domestic violence." This fundamental failure was at the root of the numerous violations of Ms. Pasanova's rights identified by the American Bar Association Center for Human Rights in the [TrialWatch Fairness Report](#) on Ms. Pasanova's trial and in CFJ's amicus brief.

CFJ's brief also explained that the trial was infected by gender stereotypes in violation of the Convention on the Elimination of All Forms of Discrimination against Women, to which Kyrgyzstan is a party. As the amicus brief describes, "Ms. Pasanova's trial was tainted by the very patriarchal attitudes and harmful gender stereotypes that [the] UN [has] previously observed [in Kyrgyzstan]." For instance, in addition to the court's refusal to explore Ms. Pasanova's allegations of domestic violence, the prosecutor interrupted "Ms. Pasanova's testimony with insults and sought to portray her as a bad and ungrateful wife." This too provides support for vacating Ms. Pasanova's conviction.

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### ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE



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*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.*