



## KYRGYZSTAN COURT VIOLATED DOMESTIC ABUSE SURVIVOR'S RIGHTS

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

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### **CHARGES**

Causing bodily harm resulting in death

### **CONDUCT**

Striking her husband in response to a threat he made during a physical altercation, against the backdrop of long-term domestic violence and abuse

### **OUTCOME**

Sentenced to nine years imprisonment, with sentence reduced to six years on appeal

### **TRIALWATCH MONITOR**

American Bar Association  
Center for Human Rights

A 29-year-old domestic violence survivor, convicted of striking her husband with a steel bar resulting in his death, after she endured years of physical and emotional abuse, faced gender discrimination throughout her trial, TrialWatch, an initiative of the Clooney Foundation for Justice, said today. Gulzhan Pasanova said she acted in self-defense after her husband threw a knife at her, hit her, and said he was going to kill her. Ms. Pasanova was sentenced to nine years in prison.

A complaint filed with the United Nations Committee on the Elimination of Discrimination against Women by CFJ and Covington & Burling LLP, along with the victim's Kyrgyz defense attorney, is seeking to remedy the discrimination faced by Ms. Pasanova during her trial.

**“We hope the UN will take prompt action—not only to remedy the violations in this particular case, but to urge Kyrgyzstan to reform how it handles trials involving survivors of domestic violence,”** said Stephen Townley, Legal Director of TrialWatch.

The [TrialWatch report](#)—based on monitoring by the American Bar Association Center for Human Rights as part of CFJ's TrialWatch initiative—found the prosecution “relied on archaic gender stereotypes to make its case, suggesting, among other things, that Ms. Pasanova was lying about domestic violence, that she would not have stayed with [her husband] if she had truly been abused, and that any abuse that did occur was Ms. Pasanova's fault.” The court did not allow Ms. Pasanova to call witnesses who could have testified about her husband's previous abusive behavior and her state of mind on the night of the incident.

Ms. Pasanova's experience reflects a broader pattern in Kyrgyzstan, where domestic violence is seldom prosecuted. In 2019, [approximately 10% of domestic violence cases resulted in criminal](#)

[cases](#). About 20% of female prisoners in Kyrgyzstan convicted of killing male family members argue they [acted in self-defense](#). However, this defense is rarely upheld, in part because courts seldom consider prior history of abuse in analyzing whether a survivor faced an “imminent threat of violence” as required for self-defense claims under Kyrgyz law. According to a 2012 [United Nations report, based on research by local organizations](#), “in practice, [a history of abuse] is not taken into account by [Kyrgyz] judges as a circumstance of self-defense or emergency.”

In light of this, the complaint requests the CEDAW Committee urge Kyrgyzstan to vacate Ms. Pasanova’s conviction and find that Kyrgyzstan has violated its human rights obligations. It also calls on Kyrgyzstan to amend its Criminal Code to better define ‘self-defense’ so that a history of abuse is properly taken into account and provide gender-sensitivity training to reduce the likelihood that other women will have the same experience as Ms. Pasanova.

## BACKGROUND

Gulzhan Pasanova was convicted of causing bodily harm resulting in death to her husband resulting in his death in 2020. The alleged violent incident was not the first she had suffered—[a forensic medical examination after her arrest showed evidence of previous physical abuse](#). She says that on the night in question her husband physically attacked her, threw a knife at her, and threatened to kill her. Fearing for her life, she picked up a steel bar and struck her husband on the head. Ms. Pasanova claims that prior to his death, her husband had subjected her to severe psychological and physical abuse for years, including an incident that required hospitalization—with some incidents of abuse documented in hospital records. Yet the Kyrgyz authorities never investigated Ms. Pasanova’s complaints.

At trial, Ms. Pasanova tried to argue that she had acted in self-defense or, at least, in a state of “extreme emotional distress,” which under Kyrgyz law would have led to her being charged with a different offense carrying a lower potential penalty. The complaint also requests that the CEDAW Committee urge Kyrgyzstan to amend the definition of “extreme emotional distress” in its Criminal Code to make clear its applicability to cases of domestic violence.

In May 2020, [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 and urging the appeal court to overturn her conviction. Following this intervention, her sentence was lowered to 6 years in prison.

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



*TrialWatch is an initiative of the Clooney Foundation for Justice. Its mission is to expose injustice, help to free those unjustly detained and promote the rule of law around the world. TrialWatch monitors criminal trials globally against those who are most vulnerable — including journalists, protesters, women, LGBTQ+ persons and minorities — and advocates for the rights of the unfairly convicted. Over time, TrialWatch will use the data it gathers to publish a Global Justice Ranking exposing countries’ performance and use it to support advocacy for systemic change.*