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CIREA 2

NOTE

from: General Secretariat

to: CIREA

Subject : Danish fact-finding mission to Kazakhstan and Kyrgyzstan

Delegations will find attached the report of the Danish fact-finding mission to Kazakhstan and Kyrgyzstan carried out between 27 May and 10 June 2001 ¹.

¹ This report will be translated into English only.
This report may be made available to the public.

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1. Introduction

Between 27 May and 10 June 2001 the Danish Immigration Service and the Norwegian Directorate of Immigration carried out a fact-finding mission to Kazakhstan and Kyrgyzstan, with the aim of collecting information within the following terms of reference:

- In a fact-finding report drawn up following meetings with the relevant authorities, international and national organisations, lawyers and NGOs, the delegation will report on the following:
- The political situation, including party structure and the situation for opposition parties and political activists.
- The situation regarding freedom of expression.
- The situation regarding military service, including punishments for draft evasion and desertion.
- The situation of minorities, including Uighurs, Russians and Jews.
- The situation of fundamentalist Islamic groups.
- The situation of religious groups, including Christians.
- The judicial system and the administration of justice.
- The situation regarding citizenship, registration of residence and personal documents, including issue of exit visas.
- The situation regarding entry to and exit from the country, including entry for asylum applicants whose applications have been rejected (refused asylum applicants).

The Danish Refugee Board asked that the terms of reference should include the extent to which it was possible for residents of Kazakhstan and Kyrgyzstan to obtain the protection of the authorities, and how complaints about the police and other authorities were handled. The Board also asked for information on the situation of ethnic Lezhgians in Kyrgyzstan; on the extent to which forced recruitment took place; and on the extent to which Islamic fundamentalist groups were fighting the authorities. Regarding Kazakhstan, the Refugee Board wanted information on the relationship between the Cossack "Fatherland" association and the Islamic groups. The Danish Police Service wanted information on means of identification, including fingerprint files and personal registration in both countries. The Police also requested information on what proof the authorities in both countries required to accept that a person was one of their nationals. They also wanted to know which authorities were responsible for identification and whether it would be possible for the Police Service to make direct contact with those authorities. Finally, the Police asked the delegation to pay attention to any other circumstances which might be relevant in connection with their return of individuals to Kazakhstan and Kyrgyzstan. Finally, the Norwegian authorities asked for information on the situation of homosexuals in both countries.

The delegation held meetings in Almaty and in the capital Astana in Kazakhstan, and in Osh and in the capital Bishkek in Kyrgyzstan (see maps in Annexes 1, 2 and 3). Meetings were held with the authorities, with international and local human rights organisations, with representatives of ethnic and sexual minorities and with journalists, etc. Please refer to the list of persons consulted in section 4, in which individual sources are also described in more detail.

Despite a prior appointment it was not possible to hold a meeting with a Uighur organisation in Osh, as the leader failed to turn up and subsequently did not want to meet the delegation. In Kazakhstan one source wished to be referred to as an international organisation, and one source wanted to appear anonymously in its replies to some questions in the missions' report. In Kyrgyzstan one international organisation and its local branch, one group of young human rights activists and one Western embassy also wished to appear anonymously in the missions' report. On several subjects the Western embassy did not wish to be quoted at all. The requests for anonymity were presented on various grounds, including a desire not to damage working conditions on the ground with refugees, etc. and one source did not want to become involved in the practical consideration of asylum cases in any one country or be quoted as a reference in the case of refusal.

The criteria for selecting the sources included how representative they were, and their competence and knowledge in relation to the issues to be examined. An effort was made to consult a wide range of sources, so authorities and national and international organisations, etc. were included. As far as possible, questions of a legal nature were put to legal experts and organisations. The number of sources was chosen depending on the complexity of the issue and on the time available to the delegation. As far as possible, an attempt was made to verify factual information from sources by the use of other, including written, sources. The sources' assessments and views on particular issues are reproduced faithfully in the report.

The delegation was well received in both Kazakhstan and Kyrgyzstan. Local interpreters were used for several of the meetings.

No effort has been made in the report to standardise the transliteration of names and place names, which can vary depending on the transliteration system used.

2. Kazakhstan

2.1. Geography and demography

With an area of 2,7 million square kilometres, Kazakhstan is the largest of the five Central Asian states (see Annex 1). To the north and north-west it is bounded by the Russian Federation; to the east lies China; to the south are Kyrgyzstan, Uzbekistan and Turkmenistan and the Aral Sea; and to the west the Caspian. Large parts of the country are steppe and desert. The Kazakh Consular Service Department pointed out that in terms of area Kazakhstan is the ninth largest country in the world, and that, by way of comparison, it is five times larger than France (see map of Kazakhstan in Annex 2).

At the time of the 1989 census the population was 16,46 million. Estimates from June 2000 indicated that the number of inhabitants was then about the same as in 1989.

The dominant religion is Islam, with the majority being Sunni Muslims, followed by Russian Orthodox, Catholics, Protestants, etc.

A distinction is made between the national language, which is Kazakh, and the official languages which are Kazakh and Russian. Kazakh is an Altaic Turkic language, and is written in the Cyrillic alphabet¹. It is estimated that only a minority of the Kazakhs, and none of the other minorities, speak Kazakh, which is why Russian is the dominant language.

¹ Until 1928 the Arabic alphabet was used, then the Roman alphabet until 1940 when it was again replaced, this time by the Cyrillic alphabet.

2.2. History and political structure

Traditionally the Kazakhs have been nomads, and there has only been a Kazakh people as such since the 16th century. In the 16th century the Kazakhs divided into three hordes: the Great Horde in the south east, the Middle Horde in central Kazakhstan and the Lesser Horde in the north. The hordes were subdivided into tribes and clans. This social structure has survived for centuries and is still in existence. In the second half of the 19th century large-scale immigration of ethnic Russians began, and continued until the break-up of the Soviet Union. Russian immigrants settling on the agricultural lands of the Kazakh nomads caused great discontent, and when Czarist Russia imposed compulsory conscription for Kazakhs in 1916 during the First World War, this led to violent unrest which was quashed. Following the October Revolution the Kazakhs were recognised as one of the Soviet Union's many nationalities and incorporated into the Russian Soviet Federative Socialist Republic. In 1920 the area obtained the status of autonomous republic within the Russian Republic, and as the Russians did not distinguish between Kazakhs and Kyrgyz it was called the Kyrgyz Autonomous Soviet Socialist Republic. Kazakhstan did not achieve nationhood until December 1936, when it became the Kazakh Soviet Socialist Republic within the USSR. During the collectivisation of the 1930s the last Kazakh nomads were forced to settle; it is estimated that a million Kazakhs died of starvation or otherwise as a result of the collectivisation of agriculture.

In December 1990 Kazakhstan declared itself to be a sovereign State, but in a referendum in March 1991, 94% of the population voted for the Soviet Union to be maintained. It was only following the August coup in 1991 and the final dissolution of the Soviet Union that Kazakhstan declared itself to be an independent state on 16 December 1991, the last of the Central Asian countries to do so. Immediately thereafter, on 21 December 1991, the country signed the CIS agreement as a founding member. Kazakhstan's current President, Nursultan Nazarbayev, became Chairman of the Council of Ministers in 1984, First Secretary of the Communist Party of Kazakhstan in 1989, and Chairman of the Kazakh Supreme Soviet in February 1990; in April 1990 he was elected by the Parliament to the newly-established post of President. He was elected as President in direct elections in December 1991 with 98% of the votes cast, as the sole candidate.

The President has subsequently carried out far-reaching reforms in the machinery of the State. For example, the 48 Ministers have been reduced to 25. There have been reforms in the economic sector in particular. The President has also implemented comprehensive programmes to fight corruption ¹.

In April 1995, 95% of the population voted for an extension of the President's term in office until 2000. In January 1999 he was re-elected for a further five-year period as President from a field of four candidates, gaining 83% of the votes. The opposition criticised the conduct of the election as several candidates were excluded, including former Prime Minister Kazhgeldin, on the grounds that he had taken part in a meeting of an unregistered political organisation. (In February 2000 Kazhgeldin was accused of illegally obtaining and possessing weapons and ammunition). Before the election other newly formed opposition parties either could not register with the Ministry of Justice or had great difficulty in doing so. The OSCE and other international observers criticised the election and the election campaign preceding it. Amongst other things, the OSCE criticised the ban on candidates standing who in the year before the election had been sentenced to administrative sanctions for "planned offences". Restrictions on the right to demonstrate and lack of opposition access to the media were also criticised ².

¹ This section is based on *Eastern Europe and the Commonwealth of Independent States* 1999 and *ibid.* 2000, London 1999 and 2000.

² OSCE, Office for Democratic Institutions and Human Rights: *The Republic of Kazakhstan. Presidential Election, 10 January 1999, Assessment Mission.*

Kazakhstan's first elections to the Parliament (called the "Kenges") were held in March 1994. They were won by the People's Unity Party, chaired by the President, and independents on the "President's list", which meant that the President's supporters became the largest group in the new Parliament. The election led to a constitutional crisis in 1995, when the Constitutional Court declared the election invalid, and the Parliament had to resign. Until the next parliamentary election could take place and a new constitution and electoral law be adopted, the country was ruled by presidential decree. A new constitution, which included a restructuring of the main political organs, was agreed to by referendum in August 1995. These changes led to the establishment of a bicameral system: a senate with 47 members of which 7 were to be appointed by the President and a representative assembly, the Majlis, with 67 directly elected members. The new Constitution also increased the President's powers and abolished the post of Vice-President. On 9 December 1995 elections were held to the new Majlis, but as only 41 of the 67 seats were won the election had to be repeated in areas where no representatives had been elected. On 10 and 24 October 1999 further elections to the Majlis took place, in which the problems of the first round were repeated and led the OSCE once again to criticise the conduct of the elections. Criticism was made of interference by the authorities, including the courts favouring parties which were close to the existing power structure, and intimidation of opposition parties' campaigns. The OSCE concluded that the election did not come up to the standards set in the 1990 Copenhagen document ¹.

The Committee on International Affairs, Defence and Security claimed that Kazakhstan was a pluralist democracy and rejected the notion that the political opposition had problems or that any political persecution took place, as claimed by various national NGOs and international organisations. Compared with other former Soviet Republics the economy of Kazakhstan was very stable, and unlike them it had not suffered from ethnic or other conflict.

¹ See OSCE, Office for Democratic Institutions and Human Rights: *Republic of Kazakhstan. Parliamentary elections, 10 and 24 October 1999, Final Report*, January 2000.

An international organisation believed that Kazakhstan had a skilful and competent President, who used clever advisers to the country's advantage. The Parliament (Majlis) on the other hand consisted of poorly educated and rather incompetent members, and the Communist Party was the only real opposition party. In the case of Kazakhstan the President's extensive powers were therefore not a negative point.

In 1996 Kazakhstan entered an informal alliance with China, Russia, Kyrgyzstan and Tajikistan, known as the Shanghai Five. In August 1999 the countries adopted the Bishkek joint declaration on cooperation on a number of issues, including the fight against terrorism. In July 2000 cooperation was intensified through the Dushanbe declaration, and in June 2001 it was extended to include Uzbekistan. At the same time the alliance was restyled The Shanghai Organisation for Cooperation (SOC). There are plans to set up a joint anti-terrorist centre in Bishkek, and to establish a permanent joint military emergency force. (The Bishkek and Dushanbe declarations are attached as Annex 4).

2.3. Freedom of expression

The Almaty Helsinki Committee explained that when the former State-owned media were privatised, most media and production facilities were taken over by private organisations. Nowadays the media are divided between various financial interest groups, some of which are linked to the President's family.

The Committee believed that pluralism in the media was now limited and that many people could not get access to the media. There were some opposition newspapers but their circulation was not particularly large and they had major financial problems. Some of them were printed abroad, e.g. in Russia or Kyrgyzstan.

An international organisation reported that a new law on the media had been adopted. Discussions on the subject in Parliament had mostly concerned the extent to which Russian TV programmes should be translated into Kazakh and whether more Kazakh programmes should be produced. According to the Almaty Helsinki Committee, an amendment to the new media law had been adopted in March 2000. The Committee believed that the aim of the amendment was to make it possible for the authorities to control the independent media.

The Committee also reported that many cases against journalists and publishers had been brought to court, particularly cases of libel, etc., as public criticism of a person was often regarded as personal harassment. In some of these cases a particular edition of a newspaper had been confiscated. The court cases often ended with heavy fines being imposed on the publishers.

2.4. Ethnic situation

2.4.1. Ethnic situation generally

Over 100 ethnic minorities live in Kazakhstan, and according to the IOM, Kazakhstan is the most multi-ethnic society of all the former Soviet republics. In this respect it differs greatly from the other Central Asian countries. The minorities are represented and have a mouthpiece in the state organisation the *Assembly of Nations*.

According to the 1989 census, the ethnic Kazakhs were the largest ethnic group, making up 39,7% of the population, but not therefore in a majority. The next largest group was the Russians with 37,8% (in 1979 they had been the majority), followed by 5,8% Germans, of whom many were deported to Central Asia during the Second World War, and 5,4% Ukrainians. The rest consisted of Uzbeks, Tartars, Koreans deported from the Soviet Far East at the end of the 1930s, Dungan (Chinese Muslims who came to Kazakhstan in the middle of the 19th century), Uighurs, etc.

Because of large-scale migration since Kazakhstan's independence, the demographic picture has changed considerably during the 1990s. Thus about 183 000 ethnic Kazakhs from Russia, China, Mongolia, Turkey and other countries have migrated to Kazakhstan, which according to the IOM had increased the proportion of Kazakhs to 53,4% in 1999. Conversely, the percentage of Russians, Germans, Ukrainians and Belarusians has fallen, as more than 1,5 million people, chiefly Russians, have left Kazakhstan. According to a census held in 1999 the population has thus fallen from 16,4 million in 1992 to 14,9 million in 1999. The percentage of Russians is now 30%, Ukrainians 3,7%, Germans 2,4%, Belarusians 0,7%, Uzbeks 2,5%, Tartars 1,7%, Uighurs 1,4% and Koreans 0,7%. For the eponymous ethnic group these changes mean that for the first time in the country's history Kazakhs form a majority of 53,4% of the population.

This large-scale emigration was regarded by sources including the IOM, UNDP and an international organisation as a result of a powerful outburst of Kazakh nationalism following independence. For example, to favour ethnic Kazakhs, Russian was abolished as an official language and replaced by Kazakh with the result that only those who mastered written and spoken Kazakh could be employed in the public administration or take political office. This excluded many of the ethnic minorities who could speak only Russian, including all the Russians and also many Kazakhs who had never learned Kazakh, and the majority of the country's well-educated elite. After vehement criticism from a wide range of human rights groups and from Russia for comprehensive State discrimination against ethnic groups other than the Kazakhs, Russian was reintroduced as an official language. However, a distinction is now made between the State language, which is Kazakh, and the official languages, which are Kazakh and Russian. As Kazakh speakers are in a minority, Russian is *de facto* the dominant language. However, a command of Kazakh remains necessary to take political office or a leading job in the public administration. The consequence of this is a serious under-representation of minorities including Russians in the public administration and in Parliament.

Kazakh nationalism is founded in the **Kazakhs'** feeling that they were discriminated against in their own country in the Soviet period. Amongst other issues, they felt that their national language was being discriminated against as the official language was Russian and there was a lack of education in Kazakh. Thus many Kazakhs could not speak Kazakh. This problem still continues.

Another major reason for this feeling of being discriminated against was that Kazakhs, as the eponymous ethnic group, were a minority in Kazakhstan. In the early 1990s the government therefore set up a programme to encourage the immigration of ethnic Kazakhs from abroad, of whom there were believed to be between three and four million, to increase the proportion of ethnic Kazakhs in the population. Many of these Kazakhs had never been to Kazakhstan and were either second or third generation emigrants. Thus the majority of them do not speak Kazakh either ¹.

Approximately 183 000 Kazakhs, mainly from Mongolia, China, Turkey, Russia, Uzbekistan and Afghanistan have migrated to Kazakhstan since 1994. According to one source which wished to remain anonymous on this subject, many of them – particularly those from Mongolia, Uzbekistan and Afghanistan – have found it very difficult to become integrated. This is partly because they have major language difficulties, as some come from non-Russian-speaking countries, and partly because many of them are very poorly educated peasants who have had difficulties finding work. Although the State has provided accommodation for the immigrants its has not provided education, and according to IOM many of the immigrants are now some of the poorest in the country. The immigrants have also been confronted with a great deal of bureaucracy. For example, it has been particularly difficult for them to get hold of the right forms to apply for citizenship, or the forms had to be bought, according to IOM, from "greedy officials" for up to KZT 500 (about DK 90) ². The result is that of the 183 000 Kazakh immigrants only 68 300 have obtained citizenship. The rest have not yet achieved citizenship and, moreover, are stateless, since the Kazakh authorities demanded that as a condition for becoming Kazakh citizens they should renounce their previous citizenship. This has also been a problem for Kazakhs from Mongolia amongst others, as Mongolia has set many bureaucratic obstacles to their renunciation of Mongolian citizenship.

¹ See footnote 1 on page 9.

² For this reason, IOM has had 30 000 copies of the most important forms printed and distributed them to the migration authorities and NGOs in the Almaty area with specific instructions that they are to be issued free of charge to potential applicants.

According to the UNDP the reason for the large-scale emigration of **Russians** was that until three to five years ago, the Russians felt very much discriminated against in everyday life by the Kazakhs and by the authorities, since they were excluded from public posts and political office because of the requirement for Kazakh language skills. Another reason was the decline in the country's economy, which meant that overall the Russians did not see any future for themselves and their children in Kazakhstan. As it was mostly the well-educated who left, this led to a serious brain-drain which did great damage to the country. According to the UNDP, the IOM, and a source which wished to remain anonymous on this question, the Kazakh authorities have tried to improve conditions for the Russians in order to put a brake on Russian emigration; as a symbol of goodwill towards the Russian minority and towards Russia itself, an ethnic Russian has recently been appointed as Minister for Justice. According to the Committee on International Affairs, Defence and Security, this has meant that those Russians who emigrated to Russia in the 1990s have been returning to Kazakhstan in increasing numbers.

According to the UNDP, the emigration of **Germans** was caused by a combination of a poor economic situation and a feeling of discrimination because of the language situation, and a lack of opportunities to learn German. The German Government had supported migrants with a special programme involving financial support for the journey itself and for integration in Germany. The Germans remaining in Kazakhstan were no longer discriminated against.

UNDP reported that a number of **Jews** also emigrated during the 1990s, and that nowadays there were believed to be about 100 000 Jews in Kazakhstan. The Jewish community consisted of both Sephardic and Ashkenazi Jews. The UNDP believed that Jewish organisations were vigorous and were supported by the Israeli Embassy. There was one synagogue. Jews were not discriminated against and were integrated into society. Many Jews held senior posts in the public administration and in the political structure. According to UNHCR the Jews do not and never have had problems in Kazakhstan.

The Cossacks, who are not an ethnic group but a social and cultural one, came originally from Ukraine and Russia. Two years ago there were a number of violent events in northern and eastern Kazakhstan, including in the Astana district, in which the Cossack liberation movement aimed to have some of the northern and eastern areas of Kazakhstan included in the Russian Federation. UNDP reported that the Cossack leaders were imprisoned because of their separatist activities and policies two years ago, and the conflict had then ceased.

None of the sources was aware of the **Lezhgians**, an ethnic minority from Azerbaijan, having problems in Kazakhstan.

The UNDP was not aware of any discrimination against the 100 000 **Turks** in the country, nor against the **Chechens**, including Chechen refugees ¹.

The UNDP explained that the question of ethnic minorities was a very sensitive and serious one for the Kazakhs, and that the situation was difficult until a few years ago. The situation for ethnic minorities had now generally improved, partly because the economic situation had got better. However, there were still economic and cultural problems. According to the UNHCR the minorities generally had no problems in Kazakhstan nowadays, except for the Uighurs, and ethnic discrimination cannot alone be a ground for asylum, even for the Uighurs. The IOM felt that ethnic minorities in Kazakhstan were now generally not discriminated against. The IOM and UNHCR added that many of those who had left had done so for social and economic reasons.

The UNDP pointed out that all ethnic minorities, as long as they were Kazakh citizens, had personal documents, and all had access to social benefits which did, however, have to be paid for in practice.

2.4.2 . Uighurs

2.4.2.1. General

Uighurs are believed to be descended from a Central Asian nomadic people called the Huns. Uighurs speak a Turkic language which has been written since the 6th century with its own alphabet (however, nowadays Cyrillic is used). The Uighurs claim to have brought Buddhism to Central Asia before converting to Islam in 934.

¹ In both Kazakhstan and Kyrgyzstan, Chechens are prevented by the authorities from having access to the asylum procedure.

The name Uighur is mentioned for the first time in Chinese sources from around the time of the birth of Christ, and the first Uighur state was founded in the 8th century in eastern Turkestan ¹. The Uighur kingdom had its period of greatness between 850 and 1250, when it covered more or less the whole of Turkestan. The last Uighur kingdom lasted until 1876 in eastern Turkestan, when it was invaded by the Chinese Manchu and incorporated in China as the province of Xinjiang (new borders).

Both before and after the take-over of power by the Chinese Communists, at which time the province received autonomous status, demands for independence and a free Turkestan led to considerable unrest, violent street fighting and bomb attacks by various militant Uighur groups and opposition parties. Since the 1980s, and particularly since the independence of the Central Asian states, Chinese policy towards the Muslim Uighurs has led to increasing oppression and serious abuses of human rights. Several hundred Uighurs, accused of being separatists, have been executed, and many have fled to neighbouring countries ². This oppression has exacerbated the militant situation, and most recently on 8 June 2001 there were reports of a clash between several hundred Chinese and Uighur students in Xian.

The Committee on International Affairs, Defence and Security explained that China was combating the Uighur unrest in various ways, for example by changing the structure of the population in the province, with ethnic Chinese being settled in large numbers in Xinjiang province, and by comprehensive attempts to assimilate the Uighurs in the province. Officially China denies that the country has problems with the Uighurs and says that if it does have problems they are internal. The source also believed that the Chinese authorities were preventing Chinese Uighurs from leaving China, with extensive controls at the border.

¹ Historically Turkestan covered the area of Central Asia inhabited by Turkic-speaking peoples, and stretched from the Caspian in the west to the Gobi desert in the east (Mongolia). Thus Turkestan covered the current Central Asian states, parts of Mongolia and eastern China.

² For a more comprehensive and detailed account of the situation, see Amnesty International's report of April 1999: *People's Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region*.

The Centre for Integration of Refugees reported that officially there were 8 million Uighurs living in China, but that since the Uighurs in China did not register so as to avoid paying tax, the unofficial figure could very well be 15 million. With regard to those Uighurs living outside Xinjiang province in Central Asia, the Centre said that before the First World War there had been approximately one and a half million Uighurs in Uzbekistan, Kazakhstan and Kyrgyzstan.

2.4.2.2. Uighurs in Kazakhstan

According to the Centre for Integration of Refugees, the number of Uighurs living in Kazakhstan before the Second World War was about 600 000. However, because of large-scale emigration to China, the number of Kazakh Uighurs had fallen to 210 000 today. As many did not register, the unofficial figure was 300 000. Moreover, the Association of Sociologists and Political Scientists, which is working on a research project on the situation of Uighurs in Kazakhstan, Kyrgyzstan and Uzbekistan, added that many Kazakh Uighurs changed their ethnicity when they renewed their identity documents and national passports, which meant that the number of ethnic Uighurs in Kazakhstan was higher than the official figure.

The Association explained that Kazakh Uighurs mainly lived in the countryside, and that there were several Uighur communities in the Almaty area and towards the Chinese border. To enter those areas a special security pass had to be shown, which could be obtained from the local authorities. However, Uighurs who lived in those areas could travel freely in and out. Other Uighurs could enter the area if accompanied by a Uighur who was permanently settled there. The Committee on International Affairs, Defence and Security reported that the number of Uighurs in the Almaty area was about 40 000.

2.4.2.3. *Political, social and cultural situation*

The Association of Sociologists and Political Scientists reported that there were 14 Uighur organisations in Kazakhstan, including cultural organisations, but since their budgets were small the Uighurs had problems in financing cultural activities, publishing, etc. to support the maintenance of their national and cultural identity. As the Uighurs received no funds from the state, several Uighur newspapers had had to close, so there was now only one Uighur newspaper, *Uighur Avazi*. Two years ago a weekly TV programme which had been two hours long was cut back to 20 minutes.

There are no official, i.e. registered, Uighur parties. Unregistered political organisations include the Uighurstan Liberation Organisation and the United Eastern Turkestan National Front. None of our sources could provide more detailed information on the scale of these organisations' activities. The Association of Sociologists and Political Scientists stated that there were no Uighurs in the government, and only one Uighur in Parliament. There had previously been 63 Uighur schools; the number was now down to 13. As grounds for the closures the government claimed that the Uighurs did not use the schools. Only 0,7% of the students at higher educational institutions are Uighurs. The UNDP reported that there were a number of Uighur schools in the Almaty area. According to the Centre for Integration of Refugees, Uighurs tended to have large families, with four or five children on average. The Association of Sociologists and Political Scientists reported that the Uighurs tended to live by trading on local markets, etc. Their standard of living was low, and because of a lack of cash bartering was common. Many were also employed on the black market.

The Centre for Integration of Refugees explained that Kazakh Uighurs differed from Chinese Uighurs in that Chinese Uighurs spoke Uighur with a particular Chinese Kutai dialect, and used the Arabic alphabet when writing; the Kazakh Uighurs used the Cyrillic alphabet. The Chinese Uighurs were also more traditionally Muslim than the Kazakh Uighurs, who were described as "mellow" Muslims. The Russian influence on the Kazakh Uighurs had left cultural traces, which appeared in clear differences in culture and behaviour between the two Uighur peoples.

2.4.2.4. *Chinese Uighurs in Kazakhstan*

The Centre for Integration of Refugees explained that nearly all Kazakh Uighurs had relatives in China. The Committee on International Affairs, Defence and Security confirmed that thousands of Kazakh Uighurs had relatives in China, and were concerned about them, as was understandable. The Centre for Integration of Refugees pointed out that until 1963 Kazakh Uighurs had been allowed to emigrate to China and Chinese Uighurs to emigrate to Kazakhstan. Before 1997 there were no restrictions on travel to and fro over the border for either Chinese or Kazakh Uighurs. Nowadays there was still lively trade between Uighurs in the two countries, but the ability to make family visits had been restricted. This was partly because of bureaucracy – the authorities, acceptance of the invitations needed to get a visa was becoming more restricted – and partly because of exorbitant demands for bribes. In the past many Chinese Uighurs married Kazakh Uighurs permanently resident in Kazakhstan, and some Chinese Uighurs, particularly those who took part in political activities in China, had remained in Kazakhstan because of problems crossing the border and now lived there illegally. By law they were entitled to a residence permit on the grounds of marriage to a Kazakh citizen, and theoretically they could also apply for Kazakh citizenship. However, the source believed that in practice they never obtained citizenship.

The Committee on International Affairs, Defence and Security did not believe that any of the Kazakh Uighur organisations supported the Chinese Uighurs in their struggle for an independent Turkestan by supporting the unrest in China. However, some individuals might be involved. IOM would not dismiss the possibility that the Chinese Uighurs received some support from the Kazakh Uighurs, and one international organisation was convinced that Kazakh Uighurs spread propaganda for an independent state in Kazakhstan. The Centre for Integration of Refugees explained that there were three Chinese movements advocating a Turkestani state, but said that these movements had no members amongst the Kazakh Uighurs. None of the sources could confirm the rumours that the Chinese Uighur organisation *Free Turkestan* had its headquarters in Almaty. The Kazakhstan International Bureau for Human Rights and the Rule of Law denied that Kazakh Uighurs were militant or terrorist and believed that they were politically active within the permitted democratic framework.

The Association of Sociologists and Political Scientists believed that because of the Chinese Uighurs' conflict with the Chinese authorities, Uighurs in the Central Asian countries were generally associated with separatism, extremism and terrorism, and that terrorist incidents were always linked with the Uighurs. The Centre for Integration of Refugees believed that the media contributed to forming a negative view of the Uighurs. The Association of Sociologists and Political Scientists also believed that the media were brainwashing the public with propaganda about Uighur extremists. An international organisation added that because of Kazakhstan's relationship with China, the Kazakh authorities were attempting to curb the political activities of Kazakh Uighurs.

As far as our sources were aware, there had only been one terrorist incident in Kazakhstan presumed to have been committed by Chinese Uighurs. In October 2000 two Kazakh policemen were murdered, and Chinese Uighurs were believed to be behind the attack. Several hundred Chinese Uighurs were arrested but released again following intervention by international organisations. In an operation to find the perpetrators the Kazakh police stormed a flat where Chinese Uighurs were living. As a result of the operation four men were killed, a woman was imprisoned and several children were taken to a children's home. According to the Association of Sociologists and Political Scientists the authorities wanted to deport the woman forcibly to China, where she risked the death penalty. However, this was prevented by the intervention of a number of human rights organisations. The woman has now been released. The action was vehemently criticised by human rights organisations, because the authorities had not undertaken a proper investigation beforehand, it was not proven that the dead men had been involved in the murder of the policemen, and one of them had been trying to give himself up. However, the police did find various weapons in the flat.

Because of Kazakhstan's relationship with China and the Shanghai Five agreements (see Annex 4), many sources – including IOM, an international source, a source which wanted to be anonymous on this subject, the Association of Sociologists and Political Scientists and the Centre for Integration of Refugees – believed that Chinese Uighurs who fled to Kazakhstan found it very difficult to obtain refugee status there. The Centre for Integration of Refugees reported that in the last five years, 500 Chinese Uighurs had come to Kazakhstan as refugees. Of 20 Chinese Uighurs who applied for asylum in 2000, only four were granted refugee status. One source, which wished to be anonymous on this subject, added that Uighur refugees from China were prevented from having access to the asylum procedure in Kazakhstan. In February 1999 Kazakhstan wanted to forcibly return a group of Uighurs to China, where they would probably have been condemned to death. The organisation succeeded not only in preventing that forcible deportation but also in stopping future deportations. The source was also able to arrange for Chinese Uighurs, who had been imprisoned in Kazakhstan for illegal immigration amongst other things, and who had been in danger of forcible deportation to China, to apply for asylum in several Western European countries. The source concluded that Chinese Uighurs generally could not obtain protection in Kazakhstan, nor could they do so in any of the other Central Asian states. The source added that Kazakhstan was conducting a non-tolerance policy towards separatist groups, and that this policy was directed at the Chinese Uighurs.

Several sources, including the Centre for the Integration of Refugees, pointed out that unofficially many more Chinese Uighurs had fled to Kazakhstan, but they had not applied for asylum and instead were staying illegally with Uighur relatives. The Committee on International Affairs, Defence and Security denied that there was illegal immigration from China, but also reported that approximately 4 000 Chinese had been sent back to China in 2000. The Kazakhstan International Bureau for Human Rights and the Rule of Law reported that in an attempt to combat the illegal immigration of Uighur refugees from China, the migration police often stopped persons who appeared suspect to them, and detained them without legal authority for up to a month in their special cells, unless the detainees paid bribes for their release. This form of detention could take place repeatedly.

The Centre for Integration of Refugees was not aware of any cases of Kazakh Uighurs being accused of hiding illegal Uighur refugees from China, and therefore did not know what the penalties were. However, the Centre believed that there could be reprisals in the form of raids on houses. The Association of Sociologists and Political Scientists believed that Kazakh Uighurs who hid Chinese Uighurs were punished with fines, and if they were suspected of doing so were kept under surveillance. The Association also believed that all Uighurs who had relatives in China were registered and monitored by the local police.

The Centre for Integration of Refugees was able to provide three examples of the Kazakh authorities' punishment of Chinese Uighurs staying illegally in Kazakhstan. In one case a Chinese Uighur was sentenced to six months in prison for possession of false documents. In another, a Chinese Uighur arrested for crossing the border illegally was sentenced to one and a half years in prison. In a third case, a Chinese Uighur who had been politically active in China and was also in possession of false documents was arrested and then applied for political asylum. As he could not obtain refugee status in Kazakhstan, he was helped out of the country and is now living in Norway.

2.4.2.5. The general human rights situation of the Uighurs

The Committee on International Affairs, Defence and Security believed that Uighurs only have problems in China, that Kazakh Uighurs have the same rights as other ethnic groups in Kazakhstan, and that there is no discrimination by the authorities. An international organisation did not feel that there were problems in the relationship between Uighurs and Kazakhs, and added that the two ethnic groups have lived peacefully together for many years. The UNDP did not believe that Uighurs were discriminated against because of being Muslims. The IOM found that Kazakhs generally were tolerant towards the Uighurs, but were inclined to tell stories about the supposedly violent behaviour of the Uighurs, since like Chechens, Uighurs carry knives as part of their culture. The IOM also believed that as long as Kazakh Uighurs did not politically agitate they had no problems with the authorities. The Association of Sociologists and Political Scientists was not aware of cases of violence against Uighurs, nor of other forms of conflict in daily life. One source, which wished to be anonymous on this question, added that Kazakh Uighurs generally had no problems, but could have problems with the authorities if they cooperated politically with the Chinese Uighurs. The Kazakhstan International Bureau for Human Rights and the Rule of Law believed that following the case of the two murdered Kazakh policemen, Kazakh Uighurs had been under increased pressure from the authorities and that, on the pretext that this was a case of terrorism or extremism, the police were disregarding the law in their behaviour towards the Uighurs.

2.5. Religious situation

The Almaty Helsinki Committee told us that in recent years there had been discussions about a new draft law on the freedom of religion. According to the draft, Islam and the Russian Orthodox Church would be recognised as official religions, but no others. The government's argument was that if the population was given unlimited religious freedom, a situation would arise similar to that in Uzbekistan. The source also believed that religiously-inspired opposition might arise, which the government wanted to prevent.

The IOM added that Islam did not have particularly deep roots in Kazakhstan, and that historically it had been adapted to the nomadic lifestyle of the Kazakhs. Any reference to Muslim fundamentalists, with Afghanistan and Uzbekistan as examples, caused fear. Uzbekistan was cited as an example that poor people excluded from political power turned to Islam and, if they became extremists, tried to affect political power structures ¹.

2.6. Military service

One source which wished to be anonymous on this question explained that the overall situation in the Kazakh armed forces resembled that of the armed forces elsewhere in the former Soviet republics. Resources for the armed forces were not given priority to the same extent as for the internal forces and police. Accordingly the financial base of the armed forces was poorer. This information was confirmed by the Almaty Helsinki Committee, which added that in Kazakhstan there was a sort of tradition that older officers harassed young conscripts who had no opportunity to obtain protection. This had led to several conscripts ending their military service in a traumatised state.

The local source explained that there were two years, ordinary military service with no possibility of any alternative service. This was confirmed by the Almaty Helsinki Committee, which added that in principle all young men were meant to perform military service. On several occasions there had been talk of reform in the army, including the introduction of a possibility of alternative service, but because there had been frequent changes of Minister for Defence these reforms had not yet been implemented.

Regarding those who refused to perform military service on religious or other conscientious grounds, for example Jehovah's Witnesses, the Almaty Helsinki Committee reported that up to 40 people had been punished for evasion in 1997. Subsequently, some amendments to the law were adopted, which made it possible to defer military service for Muslims and Christians who were professionally occupied with their religion, e.g. as imams or priests. This had also come to include the Jehovah's Witnesses by extension.

¹ For the overall religious situation in the country see the US State Department report: *2000 Annual Report on International Religious Freedom: Kazakhstan*, September 2000, and section c on the Freedom of Religion in the US State Department's report: *Kazakhstan, Country Report on Human Rights Practices – 2000*, February 2001.

The Almaty Helsinki Committee could not provide figures but believed that many conscripts deserted from military service.

Under Articles 372 and 373 of the penal code, "absence" is when a conscript leaves his unit without permission but returns voluntarily, and "desertion" is when a conscript leaves his unit without permission with the intention of avoiding the remainder of his service. Under Article 372, which has six provisions, absence of between two and ten days is punished with detention for up to six months or, under Article 372(1), with service in a military discipline unit for up to a year. The punishment becomes more severe with the length of the absence, and if it happens in time of war. Under Article 373(1), desertion is punished with imprisonment for up to seven years, and is more severe if weapons are taken or if the desertion occurs in time of war. However, both Articles contain provisions that punishment may be waived if there are serious personal reasons for the absence or desertion ¹.

The Almaty Helsinki Committee said that in recent years amnesties had regularly been granted to deserters, and that between two and three thousand people had received amnesties and returned to their units. The law on amnesty had been made public in newspapers and other official media. Those who were not covered by the amnesty served their sentence in a military prison or in special units.

No sources had any information on the number of draft evaders, or the punishments they received.

Both the Kazakhstan International Bureau for Human Rights and the Rule of Law and the Almaty Helsinki Committee stated that there were no Kazakh soldiers serving in Chechnya. The Almaty Helsinki Committee added that there were no agreements on military cooperation between the Russian Federation and Kazakhstan in connection with the conflict in Chechnya. Until 2000, Kazakhstan had participated in a CIS peacekeeping force in Tajikistan, but had not had troops stationed in other countries. The Kazakhstan International Bureau for Human Rights and the Rule of Law said that if there were Kazakhs taking part in the conflict in Chechnya they were doing so as volunteers or as mercenaries.

¹ *Ugolovnyj Kodeks Respubliki Kazachstan*, Almaty 2001.

2.7. *Sexual minorities*

The ban on homosexuality was lifted in 1997/98. Under Article 121 of the penal code, homosexuality is nowadays still punishable if it involves violence or minors.

A source which wished to remain anonymous on this question explained that homosexuality was not socially accepted, but that despite this homosexuals nowadays did not risk persecution by the authorities or police harassment.

An international organisation believed that homosexuals still had problems as regards social acceptance, but added that there were several clubs for homosexuals in Almaty.

Three representatives of homosexual organisations reported that there were three organisations for homosexuals in Almaty, namely *Contrast* and *Alternative*, which are registered as organisations which combat AIDS, and *the Organisation of Kazakh Homosexuals and Lesbians*, which is not registered. The latter was informed by a lawyer that because of its name it could have problems obtaining registration. It therefore gave up trying to register.

None of the organisations has offices as such, and they therefore also have difficulty publishing information. However, they are jointly setting up a home page on the Internet on a Russian server. Any plans for other activities such as demonstrations have to be submitted to the authorities for approval with information about participants and where the activities are to take place.

The representatives explained that there were currently two clubs for homosexuals in Almaty but that this was not enough in relation to the number of visitors. There were no special clubs for lesbians, who did not have their own organisation.

Contrast and *Alternative* were also cooperating with a state organisation responsible for AIDS prevention and an AIDS campaign.

The representatives explained that a few years ago the existence of homosexuals was not recognised. It was impossible to get work if you had been convicted as a homosexual. Under the law, which had now been repealed, punishment was three to five years' imprisonment. Even now homosexuals avoided behaviour which made their sexual orientation evident, and avoided coming into contact with the police so as not to risk harassment or even violence. The representatives also believed that whereas it was possible for homosexuals to live safely in Almaty, the situation was more serious and difficult in the countryside, where homosexuals could have major problems if they were open about their sexuality. They deplored the lack of opportunity for alternative military service, since they believed that under current conditions in the armed forces, with harassment and discrimination, it was rather more difficult for homosexuals to perform their military service than it was for others. They also believed that there was general ill-will towards homosexuals in Kazakhstan, that nothing was written about homosexuality in the media, or that if anything was written it was linked with drug abuse and drug trafficking.

2.8. Judicial system

In the August 1995 Kazakh constitution, the independence of the judiciary is guaranteed.

The courts are divided into a Supreme Court, district (oblast) and local courts. According to a report by Professor Karoly Bard, there are also military courts ¹. The President proposes to the Senate the appointment of Supreme Court judges, on the recommendation of the Supreme Judicial Council, the Constitutional Council, the Supreme Court and others. The President also appoints judges for the district and local courts, on the recommendation of the Supreme Judicial Council, from a list drawn up by the Ministry of Justice. Judges are appointed for life ².

¹ Karoly Bard, Professor at the Central European University Legal Studies Department: *Review of the Constitutional Law of the Republic of Kazakhstan on the Judicial System and the Status of Judges*, date unknown (2000/2001).

² See sections d and e of *Kazakhstan. Country Report on Human Rights Practices – 2000*. US State Department, January 2001.

An international organisation thought that in recent years significant steps had been taken towards a reform of the judicial system. The new criminal law, adopted in July 1997, and the new law on the administration of justice were acceptable and of international standard.

However, under the criminal law it was still possible to impose a death sentence for particularly serious offences ¹.

According to the source there were problems with the implementation of the new reforms. The police and court officials lacked education. Often they did not know the contents of the new laws, they were badly paid, and their mentality was still marked by the Soviet period.

The UNDP stated that with a mandate from the President it had drawn up a draft law on the establishment of the institution of ombudsman. The plan is that the post of ombudsman should be established within the next three years. The draft law is now awaiting presentation to the government, and will then be presented to the Parliament for adoption. The UNDP has also received a mandate to work for the ratification of the Convention on Human Rights, the Convention against Torture, the Convention against Racial Discrimination, the Convention on the Rights of the Child, etc. The organisation is also involved in the preparation of Kazakhstan's ratification of the Covenants on economic and social rights, and on civil and political rights. It is also involved in projects to spread knowledge and acceptance of human rights amongst the population, and in the education of officials and journalists in human rights.

The Kazakhstan International Bureau for Human Rights and the Rule of Law believed that looking just at the legislation, the country would appear to have become more democratic since 1998, but that in reality there was no difference. The view of society had not changed, and it was still the state which came first and individuals after. Legislation contained statements about democratic programmes and the state appeared to be democratic, but the other side of the coin was that the country had not yet become party to international agreements and conventions on human rights. Former communists still held the senior posts in the system, including the judicial system.

¹ See Article 49 of *Ugolovnyj Kodeks Respubliki Kazachstan*. Almaty 2001.

The source felt that the lack of renewal was also apparent in the understanding of legal concepts and democratic expressions. People often talked at cross-purposes, since they used the same concepts but understood them differently. Thus the police believed that public gatherings also meant meetings in general. In September 2000 the police had wanted to supervise a meeting in the organisation's office, explaining that they had the right to supervise a public gathering. The organisation took the case to the Supreme Court. The Supreme Court was unable to take a position and it was only when the President intervened that it was established that public gatherings were not the same as ordinary meetings, and that the police did not have powers to take part in the latter.

The Almaty Helsinki Committee believed that the judicial system was poorly maintained, that its financial resources were scant, and that the level of qualifications of the judges was low. It complained that the UN's standards had not been ratified by Kazakhstan, and that international protection could thus not be used. It also felt that Kazakh legislation did not protect ordinary people or ensure citizens' rights, but focused solely on punishment. The source also criticised the fact that the secret security services had become stronger.

The Kazakhstan International Bureau for Human Rights and the Rule of Law added that since the change of system there had been no change of judges, and criticised the fact that judges in the courts were appointed not elected. There was also corruption in both the Ministry of Justice and the courts, and cases in the courts were often decided by the parties out-bribing one another.

An international organisation explained that there had been no tradition of independent judges in the Kazakh judiciary. As part of the efforts towards reform a project had therefore begun in early 2001 with the aim of making the courts independent, but the source was not sure that the project would work. In the summer of 2001 a two-year training programme for judges was also due to begin.

The Kazakhstan International Bureau for Human Rights and the Rule of Law said that a proposal for a training project in which the judges were to be trained in the USA had been rejected on the grounds that the judges would simply see how rich judges were in the USA and then demand even larger bribes.

One international organisation explained that under the law a citizen could be detained for 72 hours before the prosecuting authority brought a charge. There had been proposals that this period should be reduced, but this had not yet happened. The question was rather whether the current rule was observed by the authorities.

An international organisation believed that the right to defence did not function satisfactorily, and defence lawyers complained of a lack of information from the prosecution authority, lack of access to the accused, and a lack of payment from the state if the accused did not have funds.

The source did believe that it was possible to have a fair trial, but there was no guarantee of this as the courts were corrupt. However, the organisation said that there were clever lawyers, although they lacked experience, and that for a clever lawyer it was possible to win a case, and it was possible to appeal to the Supreme Court. The Kazakhstan International Bureau for Human Rights and the Rule of Law believed that such appeals were not possible.

The Bureau believed that defence lawyers continued to work as they had done under the Soviet system, and were therefore still not defending the rights of the accused but the interests of the State.

An international organisation reported that there had been a few political cases, but that such cases were not usual. One involved two bodyguards of a well-known opposition politician. They were convicted of a crime they had committed earlier, and the sentence aroused criticism because they were convicted on the basis of evidence from a witness which had been changed several times during the trial. The source added that individual cases had been brought against journalists.

2.8.1. Administration of justice

The Almaty Helsinki Committee said that mistreatment and torture in police custody were common occurrences. An international organisation confirmed this, adding that it was generally known by the population and that the President had publicly recognised the problem. There was a will to improve the situation, and it had become possible to complain about such attacks. Some policemen had recently been brought before the courts and accused of mistreating detainees.

The UNDP told us that a report on torture in Kazakh prisons had been drawn up in the spring, and that they were involved in work to change conditions.

The Committee on International Affairs, Defence and Security, commenting on the police's use of violence, said that Kazakhstan was not unique in relation to the other former Soviet republics, but that it had been the first of them to introduce a law against corruption.

2.9. Citizenship, documents, entry to and exit from the country, etc.

2.9.1. Citizenship

The Consular Service Department explained that Kazakh citizens who were permanently resident abroad but who were also registered as citizens with the Kazakh authorities remained citizens of Kazakhstan, irrespective of how long they stayed abroad. However, if a Kazakh citizen stayed abroad for more than five years without the authorities' permission, he lost his Kazakh citizenship. Nevertheless, the authorities always considered the cases of persons who had lived in the Russian Federation for some time individually, before taking a decision on whether citizenship had been lost. Dispensations from the rules could also be made for those who had been ill. Two thousand Kazakhs living in Germany have thus recently lost their Kazakh citizenship following a Presidential decree. But the source believed that overall more ethnic Kazakhs had obtained citizenship than Kazakhs had lost it.

The IOM said that Belarus, the Russian Federation, Kazakhstan and possibly Kyrgyzstan had agreed on a simplified procedure for obtaining citizenship for those returning to their home countries.

According to the Consular Service Department, a foreigner who married a Kazakh citizen automatically obtained a permanent residence permit. A special committee decided whether he could then obtain Kazakh citizenship on application. Until such time the person in question could keep his original citizenship, but then had to renounce it as Kazakhstan did not accept dual citizenship.

The Kazakhstan International Bureau for Human Rights and the Rule of Law said that it was very difficult to obtain Kazakh citizenship. After 13 years of marriage to a Kazakh woman, a man from Syria had applied for Kazakh citizenship. The application had been refused and the case went to the Supreme Court. The Supreme Court confirmed the refusal on the grounds that even after 13 years of marriage in which three children had been born, the possibility that it was a marriage of convenience could still not be ruled out. In another case an Afghan citizen was refused on the grounds that at one stage he had renewed his passport at the Afghan Embassy and therefore must be regarded as still having links with Afghanistan.

The IOM felt that the extensive bureaucracy made it difficult to obtain Kazakh citizenship.

The Consular Service Department confirmed that with information about a person's last address in Kazakhstan and other personal details it was possible, by referring to the Kazakh authorities, to establish whether or not that person was a Kazakh citizen.

2.9.2. Registration

The UNDP explained that there was an obligation to register but that special permission was no longer needed to settle in particular areas. The Kazakhstan International Bureau for Human Rights and the Rule of Law believed that the registration requirement had become less strict than had previously been the case.

The UNDP also commented that foreigners had to register with the police within three days of arrival. The Kazakhstan International Bureau for Human Rights and the Rule of Law added that this registration requirement applied to each town in which the foreigner might stay ¹.

2.9.3. *Personal documents and exit visas*

The Consular Service Department explained that the procedure for issue of new national passports to Kazakh citizens had begun in 1994. Ninety-nine percent of the population was now in possession of the new passports. The passports, which still described the holder's ethnic origin ², were used as internal passports, and required exit visas to be valid for use abroad. There were two forms of exit visa, namely an open-ended one, which was issued to someone who was going to settle permanently abroad, and one with an expiry date, the "tourist" exit visa. However, a person with a time-limited exit visa, who was staying abroad and wanted to marry there and take up permanent residence, could apply to the Kazakh authorities from abroad to get his exit visa changed to an unlimited exit visa.

One source, which wished to remain anonymous on this subject, said that the issue of an exit visa could be denied if there were financial obligations to be met such as maintenance payments to children following divorce, debts to the authorities, if a crime had been committed or in connection with military service.

The source added that departure without an exit visa could be punished by a short stay in prison but that in practice people were mostly sentenced to fines.

The IOM confirmed this information and added that the time taken by the migration police, who were the issuing authority, to handle an application, could be very long because of extensive bureaucracy. Issue via a travel agent was much quicker. The IOM believed that there was no problem in getting an exit visa for a short stay abroad, and of 100 000 applications only five had been rejected.

¹ Under these rules the participants in the mission had to register in Almaty but not in Astana. However, several attempts to register in Almaty were unsuccessful as the delegation was supposedly not in possession of the correct invitations. This was despite the fact that the Danish participants had official invitations from the Kazakh authorities.

² The Russian term used in the passports for ethnic origin is *nacional'nost'*, or nationality, which should not be confused with *grazdanstvo* which means citizenship.

A local source, which wished to be anonymous, went on to explain that in different districts there were different rules on what documents needed to be obtained and presented to obtain an exit visa, and that these rules were constantly changing. For example, a document might be required in which the employer confirmed that the person in question would still be employed when he returned. An exit visa must be applied for in the area where the applicant was registered. The processing time for the application was about a week and the visa cost about USD 40. If faster processing was required then the cost of issue doubled. The visa was valid for six months and then had to be renewed and paid for again.

Discussion over whether to abolish the rules on exit visas had been unsuccessful to date, according to the Consular Service Department, partly because the State would thereby lose a considerable revenue. However, negotiations were currently under way between the Ministry of Home Affairs and the Ministry of Justice over abolishing both forms of exit visa. The Ministry of Home Affairs wanted to keep the rules on exit visas for permanent departure. The source believed that the result of the negotiations would be known in July or August 2001, and it was expected that the requirement for an exit visa would be abolished. Several sources, including one which asked to be anonymous on this question, and the Kazakhstan International Bureau for Human Rights and the Rule of Law confirmed that the authorities were working towards abolition with effect from July or August 2001.

2.9.4. *Entry to and exit from the country*

The Kazakh International Bureau for Human Rights and the Rule of Law felt that it was traditional for the State to want to control the movements of its citizens, but that despite this there was no law on entry and exit or on the freedom of movement of the population within the country's borders.

The UNDP stated that citizens from CIS countries could enter without visas, except for Turkmenistan, where there was a reciprocal visa requirement. The citizens of all other countries required visas.

The Consular Service Department commented that, in parallel with abolition of the rules on exit visas, a general lifting of the rules on entry visas was also being considered.

The source explained that Chinese traders in particular, who had been able to enter Kazakhstan without visas until 1993, found it a problem that they needed visas to trade in Kazakhstan. Although the Kazakh authorities did not want to prevent any entry from China, there was a need for some control by maintaining the visa requirement, partly to prevent Kazakhstan being used as a transit country by Chinese and others. The source added that visa applications from Chinese citizens were assessed individually, and that a number of visas were issued to Chinese citizens.

According to the Consular Service Department, border controls between Kazakhstan and China had to date not been sufficiently effective, but at the end of 2000 Kazakhstan and China began to cooperate to reinforce controls. Controls were now stronger but were still not satisfactory. The Department reported that on the 1 700km long border with China there were five border posts, of which two were Chinese and three international.

The Consular Service Department also explained that border controls with Kyrgyzstan to the south had been stepped up, since drugs and weapons were being illegally transported from Afghanistan via Tajikistan, Kyrgyzstan and Kazakhstan and on to the West. Every week cases were reported of drugs being transported through Kazakhstan. Kazakhstan cooperated closely with neighbouring countries on this problem.

2.9.5. *Conditions on entry for refused asylum applicants*

The Committee on International Affairs, Defence and Security explained that it was not punishable for Kazakh citizens to seek asylum abroad. IOM confirmed this, and another source which wished to be anonymous on this subject added that there was no legislation which could be brought to bear in this context.

The Kazakhstan International Bureau for Human Rights and the Rule of Law explained that on their return, refused asylum applicants were called on by the authorities to explain their reasons for seeking asylum abroad. No proceedings were brought against refused asylum applicants, and they were not discriminated against, but were disapproved of. Uighurs who had been refused asylum in another country did not tell others what had happened for fear of the consequences.

The Centre for Integration of Refugees explained that refused asylum applicants who returned to Kazakhstan did not officially have difficulties, but that in practice they were summoned for an interview and were registered. No-one knew what the further consequences of this might be.

A source which wished to be anonymous on this subject reported that the situation for Uighurs who had been refused asylum was very sensitive, as the very fact that they had sought asylum abroad could be seen by the authorities as an indication that they were not only Uighurs, but politically active Uighurs. Uighurs could be questioned by the police about their grounds for seeking asylum, and if they gave political reasons they risked not only harassment but also having criminal cases brought against them and ultimately being punished. The source pointed out that there was a need to discuss whether Kazakh Uighurs' asylum applications should be regarded as a *sur place* situation. Of the several thousand Kazakh Uighurs who had sought asylum in the West in recent years, only a few had been sent back, and the source was keeping a close eye on their situation. Such Uighurs could obtain legal assistance from NGOs dealing with refugees. Other than the Uighurs, the source did not believe that other refused Kazakh asylum applicants had problems on their return.

The IOM believed that refused asylum applicants did not have problems on entering Kazakhstan, but could have practical problems for example in finding a new place to live. In January 2001 thirty-three refused asylum applicants were returned to Kazakhstan by force, and 168 returned voluntarily. IOM was not aware that any of them had had problems with the authorities. If any cases had been brought against them, the IOM would know about it.

The IOM explained that the journeys of the Uighurs who had sought asylum in the West in recent years were arranged by local travel agents. Newspaper advertisements offered exit visas and Schengen visas, a contact person in the target country, grounds for asylum and documents to support it. The IOM had initiated a sort of counter-project, in which it advertised in the same newspapers with information about the real conditions for asylum applicants in Western Europe and the fact that the result was refusal and deportation. Before the project started there were up to 200 advertisements by the travel agents every month. The number had since fallen to about 10 a month.

3. Kyrgyzstan

3.1. Geography and demography

With an area of 198 500 square kilometres, Kyrgyzstan is the second smallest of the Central Asian countries. To the north the country borders on Kazakhstan; to the west lies Uzbekistan; to the south and south-east lies Tajikistan; and to the east is China. The country is mountainous with a few densely populated valleys, including the Fergana valley and the Chu and Talas valleys close to the border with Kazakhstan. The capital, previously called Frunze, was renamed Bishkek (Biskek) following Kyrgyzstan's independence. The second largest city is Osh (Os) (See map in Annex 3).

In 1989 the population was 4,29 million. Of these, 52,4% were ethnic Kyrgyz, and the rest belonged to about 80 other ethnic groups. In July 2000 the population was estimated to have risen to 4 685 230. The level of urbanisation, at 39%, is low.

The dominant religion is Islam, with the majority being Sunnis. There are also a number of other religious communities, including the Russian Orthodox and Jewish faiths.

Kyrgyz, the national language, is an Altaic Turkic language, using the Cyrillic alphabet ¹. Russian has the status of common ethnic language.

¹ The Arabic alphabet was used until 1920. This was replaced in 1928 by the Roman alphabet, and the Cyrillic alphabet was introduced in 1941. Although a decision to reintroduce the Roman alphabet was made in 1993, the Cyrillic alphabet is still used.

3.2. History and political structure

The Kyrgyz are believed to be a mixed Mongolian and Turkish people, originating from the area of the Yenisei river in what is now the Tyva region of the Russian Federation. In the 10th and 11th centuries they migrated south, to what is now Kyrgyzstan. The people were first referred to as Kyrgyz in the 16th century. After being ruled alternately by various short-lived Turkish kingdoms and by China, in the 19th century the region came under the Uzbek Khanate of Khokand. During the 19th century Russian expansion the area was absorbed into Czarist Russia. In 1916, during the First World War, the Kyrgyz revolted against Russia's introduction of forced conscription. The revolt was quashed and many Kyrgyz fled to China. After the October Revolution the area was incorporated into the Russian Soviet Federative Socialist Republic as part of the Turkestan Autonomous Soviet Socialist Republic. In 1924 the area became the Kara-Kyrgyz Autonomous Oblast, in 1925 the Kyrgyz Autonomous Oblast and later that year the Kyrgyz Autonomous Soviet Socialist Republic; in 1936 it became a union republic, the Kyrgyz Soviet Socialist Republic. The Kyrgyz people's clan-based culture, stemming from a traditionally nomadic lifestyle, survived the Soviet culture in country districts in particular, and thus is still evident both socially and culturally.

At the end of the 1980s, in the time of the Soviet leader Gorbachev's policy of glasnost, various political groups were formed, which united in 1990 as the Kyrgyzstan Democratic Movement. As a result of the unrest in the Osh region between the Uzbeks and the Kyrgyz in June 1990 (see next section), the Chairman of the Supreme Soviet had to resign and was replaced by Askar Akayev, who was regarded as a political liberal, and who initiated comprehensive programmes for political and economic reform. In August 1990 Kyrgyzstan declared independence, which was implemented with the dissolution of the Soviet Union at the end of the year. In December 1991 Kyrgyzstan signed the CIS agreement.

In October 1990 Akaev was elected as the country's first President in direct elections as the only candidate, with 95% of the votes. Under the 1993 Constitution the parliamentary assembly, Zogorku Kenes, has a total of 105 members. These are divided into a People's Assembly with 70 members, which represents regional interests and meets twice yearly, and the permanent Legislative Assembly which has 35 members.

In 1995 elections to the new parliament were held. In the same year, Akaev was re-elected as President from three candidates, with nearly 72% of votes cast. The election was closely fought in the Osh region between Akaev and Absamat Masaliev, the Chairman of the Communist Party, who since independence has been one of Akaev's severest critics. Following a referendum in 1996 a number of provisions were added to the Constitution, giving the President more power. The opposition criticised the President for not democratising the country sufficiently. At the time of the Presidential election in 1996 there were accusations of electoral fraud ¹.

In 1999, before elections to both chambers, a new electoral law was adopted banning parties which could threaten Kyrgyzstan's stability and ethnic harmony. The result of the elections held on 20 February and 12 March 2000, in which the Communist Party became the largest party, was criticised by the opposition and by the OSCE, which had sent election observers. The OSCE criticised the administration of the election and the situation in the media, as well as the fact that several opposition parties had been denied registration before the polls, or that a previous registration had been cancelled, and that systematic irregularities had taken place against a leading opposition politician. Overall the OSCE concluded that the opportunity for specific parties and candidates to be represented in the parliament had been systematically undermined ².

On 29 October 2000 a Presidential election was held. Of six candidates, Akaev was again elected with 74,4% of the votes. Once again, irregularities were reported, and the opposition claimed that there had been fraud with the voting slips. It was also claimed that the percentage of votes won by the incumbent President in the various districts was suspiciously similar.

¹ This section is based on the following sources: *Eastern Europe and the Commonwealth of Independent States* 1999 and *ibid.* 2000, London 1999 and 2000.

² OSCE, Office for Democratic Institutions and Human Rights: *Kyrgyz Republic. Parliamentary Elections 20 February and 12 March 2000. Final Report.* April 2000.

Akaev has been praised by the international community for his far-reaching reforms, embracing economic stabilisation, the fight against corruption and criminality and the stabilisation of the social structure. Kyrgyzstan has been described as *the democratic island of Central Asia*, and has obtained international support in many areas on those grounds. A Western Embassy believed that the President was popular and that the irregularities at the last Presidential election were quite superfluous, as the President would probably have been re-elected without them in any case.

An international organisation believed that Kyrgyzstan was moving away from the democracy for which it had earlier been known and that, probably on grounds of security, increased pressure was being put on the press and the opposition. The parliamentary Human Rights Committee said that the parliament had insufficient powers, as all political power lay in the office of President. The source added that e.g. the Legislative Assembly could not ratify laws involving the economy without first consulting the Ministry of Finance. It also criticised the fact that regional governors were not elected but appointed by the President.

The Media Resource Centre stated that government posts were still distributed on the basis of tribal and clan allegiance, rather than political orientation. The IOM added that family connections were of decisive importance.

Regarding Kyrgyzstan's alliances, see page 8 of the report and Annex 4.

3.3. Conflict in southern Kyrgyzstan

The situation in the southern districts of Kyrgyzstan, Batken, Osh and Jalalabad, which make up part of the **Fergana valley**, has been difficult in recent years. The conflict between Uzbekistan and Kyrgyzstan relates to natural resources including water, to some border areas, to border controls, and to the Uzbek enclaves in the Fergana valley. There are also problems of an ethnic and religious nature, and there has been armed conflict with fundamentalist groups who have come in from Tajikistan.

The Fergana valley, which reaches into Kyrgyzstan (see map in Annex 3), is a sort of meeting-point between the three Central Asian states of Kyrgyzstan, Uzbekistan and Tajikistan. With about 10 million inhabitants, the region is one of the most densely populated areas in the world. The birth rate in the area is also extremely high. Half the inhabitants are under 18 years of age. Besides Tajiks, Uzbeks and Kyrgyz the area is inhabited by 50 other ethnic groups, including 500 000 Uighurs, 400 000 Tartars, 300 000 Russians as well as Kazakhs, Koreans, etc. The religious picture is equally complicated, as there are Christians, Jews, Muslims, etc, and within the Muslims there are both Sunni and Shia Muslims, Ismailis and Wahabis.

The valley has been the scene of many violent conflicts. In 1989 and 1990 conflict broke out in the Uzbek part of the valley between Uzbeks and Meskhetian Turks, which led to over 100 people being killed and 70 000 driven from the area ¹. In May and June 1990 conflict broke out between the Uzbeks and Kyrgyz in the Kyrgyz part of the valley, near the town of Osh, in which several hundred people were killed. The reason for the conflict was that in sharing out the agricultural land which had previously been owned by the State, the local authorities were claimed to have favoured the ethnic Kyrgyz over the Kyrgyz Uzbeks.

¹ The Meskhetians are originally from Georgia. Under Stalin the Georgian Meskhetians were deported to Central Asia. With regard to the Meskhetians' problems in returning to Georgia, see the Danish Immigration Service's reports on its fact-finding missions to Georgia in 1998 and 2000.

The dispute between Uzbekistan and Kyrgyzstan is partly about the drawing of the frontier itself, where the Kyrgyz opposition claims that Uzbekistan has taken over more and more Kyrgyz land ¹. Amongst other things, there is controversy about two small Uzbek enclaves, Vorukh and Sokh, whose 40 000 inhabitants mainly consist of Uzbek Tajiks, and the Tajik Shaymardan. Uzbekistan wants to open a corridor to the enclave of Sokh, which it suspects of sheltering fundamentalist insurgents. The Kyrgyz opposition claims that the Kyrgyz authorities have made a secret agreement to exchange land with Uzbekistan, giving the Uzbeks the corridor they desire in exchange for some Uzbek villages in the border areas with Kyrgyz inhabitants. There is also controversy about border controls. Where previously there was lively trade across the border, the Uzbeks have now introduced restrictive and increased border controls, have closed some crossing points, and have introduced a visa requirement, which is a nuisance for both Uzbek and Kyrgyz inhabitants of the area. The Uzbeks have also laid mines which have killed about 40 people. Finally, there is a dispute because Uzbekistan is jamming Kyrgyz radio and television stations so that the area can only receive Uzbek transmissions.

The Uzbeks explain their behaviour by saying that Kyrgyzstan does not make enough effort to combat the growing fundamentalism in the region, that it shelters Uzbek fundamentalist extremists, and that it is unable to prevent the smuggling of drugs from Afghanistan and Tajikistan. Conversely, in Kyrgyzstan there is a widespread feeling that the Uzbeks are trying to take over more and more land, and that with their large ethnic minority they are attempting to form Uzbek enclaves outside Uzbekistan just as the Serbs did in the former Yugoslavia. There have been several reports in the media about the danger of war between Uzbekistan and Kyrgyzstan. The Media Resource Centre in Osh thought that there were two issues which could lead to war. One was the Uzbeks laying mines in the border areas, of which the Kyrgyz authorities had not been able to obtain a map. The second was the harassment of Kyrgyz women by Uzbek border guards. In one case this led to an incident where a group of Kyrgyz men attacked some Uzbek border guards and disarmed them.

¹ As well as the dispute with Uzbekistan about the border areas, there is also controversy with China. In 1996 and 1999 Kyrgyzstan and China concluded two agreements regulating the frontier, and both have been severely criticised by the Kyrgyz opposition.

Finally, Uzbekistan has been involved in fighting with **armed fundamentalist groups**. In August 1999 several senior Kyrgyz figures, local and foreign civilians and some soldiers were kidnapped, and three villages in the Batken district were occupied by between six hundred and a thousand armed Muslim fundamentalists, who came over the border from Tajikistan. The kidnapers were believed to be either Tajik insurgents, members of the Hizb-ut-Tahrir (Liberation Party) from Pakistan, or members of the Islamic Movement of Uzbekistan (IMU) which is an Uzbek insurrectionary group. They were most probably the latter, since the kidnapers demanded the release of a large number of imprisoned Muslims in Uzbekistan and free access between Kyrgyzstan and Uzbekistan. In September and October 1999 there was fighting between Kyrgyz troops and the Muslim insurgents. In October Uzbek aeroplanes are claimed to have carried out bombing raids over Tajikistan and Kyrgyzstan.

In August 2000 southern Kyrgyzstan was again invaded by armed Muslim groups from Tajikistan. The groups consisted of Uzbeks, Tajiks, Russians, Chechens and Pakistanis under the leadership of the Islamic Movement of Uzbekistan (IMU). Allegedly the movement wanted to overthrow the Uzbek government and establish an Islamic state in the Fergana valley. It is suspected of involvement in the smuggling of drugs from Afghanistan to Russia. It is also claimed that militant Uighurs from China were amongst the insurgents. The Kyrgyz troops' fight against the insurgents ended in the middle of October 2000 when they were pushed back into Tajikistan ¹.

All our sources believed that in the summer of 2001 there would be further attacks from armed Muslim groups in Tajikistan ². This would again cause problems with the evacuation of the civilian population, for which the state did not have the funds.

¹ This information is based on the following sources: *Keesing* Volumes 45 and 46; *The Europe World Year Book* 2000, 41st edition, London 2000; Foundation for Tolerance International: *Inter-Ethnic Conflict Prevention in the Fergana Valley*, Bišket (year not known); C. Fairbanks et.al.: *Strategic Assessment of Central Eurasia*. January 2001; International Crisis Group: *Central Asia: Crisis Condition in Three States*. Brussels August 2000, *Central Asia: Islamist Mobilisation and Regional Security*. March 2001, and *Incubators of Conflict: Central Asia's Localised Poverty and Social Unrest*. June 2001

² According to press releases from Radio Free Europe/Radio Liberty, there was fighting in the border area with Tajikistan in the Batken district between the IMU and Kyrgyz forces on 24 and 25 July 2001. The information was based on an announcement by the Ministry of Defence spokesman. In a press release dated 26 July the national security service stated that it had not been established that the armed groups were from the IMU. According to these press releases at least two soldiers patrolling the border were killed in the fighting. According to Eurasianet the reports on the fighting on 25 and 26 July were denied by the Kyrgyz authorities.

An international source expressed the opinion that this situation had led to a slow destabilisation of the security situation in the whole of Central Asia, and that taken with the serious economic decline this could lead to more widespread disturbances.

The Foundation for Tolerance International explained that there were several theories about the reasons for the armed fundamentalists' attacks in Kyrgyzstan. One was that the fundamentalists, who belonged to the Uzbek opposition and had fled to Tajikistan, were using Kyrgyzstan as a transit country on their way to Uzbekistan to start unrest there. Another theory was that the attacks were meant to distract attention from other unknown political insurrectionist activities in the Fergana valley. A third theory was that this has to do with drugs smuggling and securing transport routes. Finally, some believed that the Russians were behind the instability being caused in the area. As regards financing, it was believed that some Arab countries or the Taliban movement in Afghanistan were behind the unrest. An international source said that it was generally assumed that the trouble was caused by the IMU which was defending a drugs route. The UNHCR believed that the attacks were mostly about drugs. The Kyrgyz Security Council also believed that the armed attacks on Kyrgyzstan were drugs-related, and carried out in order to ensure routes for drugs through the Central Asian countries to Russia and on to Europe, and that the income was used by Muslim fundamentalists to purchase weapons ¹.

The Kyrgyz Security Council also believed that the armed fundamentalist groups, including the IMU, were basically an Uzbek and not a Kyrgyz problem, since the groups only used Kyrgyzstan as a corridor to Uzbekistan. However, Kyrgyzstan could not allow violations of its territory, nor could it allow Kyrgyzstan to be used as a transit country, because of its international obligations. Kyrgyzstan therefore wanted to crack down on the groups, if need be with moral and economic support from Russia for preference, but also from the USA, China and Turkey.

¹ A Western embassy pointed out that in connection with the use of Kyrgyzstan as a transit country for drugs trafficking, drug abuse has increased markedly, particularly in the south of the country. The Security Council confirmed this and added that despite several anti-drugs campaigns, drug abuse was now one of Kyrgyzstan's biggest problems. In 1999 five kg of heroin were confiscated, but in 2000 over 1,5 tonnes had been taken. The source also said that until the 1980s it had been legal to cultivate opium, which was used for the production of medicines, and that despite that and the fact that there had been then (and still was) cannabis growing wild, the country had not had a drugs problem.

According to the Kyrgyz Security Council, in 1999 the **Kyrgyz armed forces** had not been prepared for the fight against the Muslim insurgents, which it described as professional, well-trained and well-equipped terrorists. The army's biggest problem at that stage had been that many of its soldiers were uneducated and had not been trained to fight in the mountains. A Western embassy confirmed that in 1999 Kyrgyzstan had been totally unprepared for the armed attacks. The army was at that time in a very rudimentary state, so that untrained Kyrgyz conscripts were sent to fight in gym-shoes and without training. They were confronted by well-trained soldiers who shot them down from the mountains with modern high-technology weapons.

The Kyrgyz Security Council believed that the most important task was therefore to form an effective army of quality rather than quantity. Kyrgyzstan has received help from the USA worth USD 5,5 million. The army has now trained in camps at an altitude of 4 200 metres , and now has a well-educated army and is prepared to resist military attacks from Tajikistan.

A Western embassy confirmed that Kyrgyzstan has received help from the USA amongst others to support the armed forces, and had created a network of security partners following the last two years' attacks. An international source believed that Kyrgyzstan hoped that through the Shanghai Five agreements a Central Asian force could be established, with troops based in their home countries and which could provide mutual assistance in armed conflicts. The International Crisis Group (ICG) said that Kyrgyzstan had also received military assistance from Russia.

Moreover, according to the Kyrgyz Security Council, Kyrgyzstan has increased its surveillance of the borders with Tajikistan and Uzbekistan. The International Crisis Group reported that the mountain passes used by the Muslim attackers in 1999 and 2000 had now been closed.

The Kyrgyz Security Council reported that many people were leaving the area because of the tense situation, and believed that if there was renewed fighting then Kyrgyz and Russian refugees would come from Tajikistan. The International Crisis Group foresaw that if there were more attacks it would again be necessary to evacuate the local population, and that Kyrgyz refugees would come from Tajikistan and Afghanistan. Two thousand such refugees had already arrived.

The International Crisis Group (ICG) explained that the origins of the IMU lay in political oppression in Uzbekistan, and that Uzbek members who had fled joined Tajik insurgents during the civil war in Tajikistan. The source believed that, as a form of religious opposition, the IMU had many supporters in Uzbekistan. The Media Resource Centre in Osh confirmed that IMU members had been trained in Tajikistan by the Tajik insurgents, and also that it was IMU's aim to create an Islamic state, but by peaceful means. The Centre thought that the Uzbek government should engage in dialogue with the opposition, including the Muslim groups, instead of oppressing it, as Muslims in Uzbekistan were not terrorists but political rebels. The Uzbek government declared them to be terrorists so that it could defend its crackdown on them. An international source believed that besides Uzbeks from Uzbekistan and Tajiks, the IMU also had only a few supporters amongst the Kyrgyz in the southern regions of Kyrgyzstan, but that IMU chiefly recruited its supporters from ethnic Uzbeks. It also thought that non-radical Islam including the Hizb-ut-Tahrir organisation was gaining increasing support in Kyrgyzstan because of rising poverty. As the population did not understand the concept of democracy, democratic opposition was confused with Islam. The ICG added that because of the area's large Muslim minority, Islam was an important factor, but that as a previously nomadic people the Kyrgyz were less religious than the Uzbeks who had always been settled. The Kyrgyz Security Council did not believe that an organisation such as the IMU, which it described as a terrorist organisation, could arise in Kyrgyzstan. However, in Osh there had been violent incidents initiated by Uighurs, but these had been brought to an end by the authorities' intervention.

An international organisation explained that the Uzbek authorities were attempting to monitor the activities of ethnic Uzbeks in the Osh district. The **Uzbek KGB** was strongly represented in Osh, and many Uzbeks in Osh were suspected of cooperating with it. Because of the Shanghai Five agreements, the countries were obliged to extradite. But there had been cases of the Uzbek KGB illegally arresting local Uzbeks and taking them to Uzbekistan, despite their being Kyrgyz citizens. In 2000 there had been two such cases, with four in the first six months of 2001. The figures applied to one district only. The source pointed out that such arrests were technically illegal, since in principle it was only the national authorities who were able to make arrests, and extradition required that the national prosecution authority should give its permission. Moreover, in KGB custody the Uzbeks were subjected to torture in the form of beatings, rapes and electric shocks. Torture did not only occur during detention in Uzbekistan but also in custody in Osh¹. The Uzbek KGB was also active in other ways, planting leaflets and drugs on people they suspected of being in league with the IMU, to bring about arrests and prosecutions. Thus ten people had been charged with distributing leaflets with Muslim content in the first two months of 2001, which was an increase over 2000, when ten people had been charged with this in the whole year. The source criticised the Kyrgyz authorities for being inactive and not protecting their citizens. However, it believed that in Central Asia, citizenship counted for less than ethnic background. Whether an Uzbek was an Uzbek or Kyrgyz citizen was not seem as important.

3.4. Ethnic situation

3.4.1. Ethnic situation generally

In July 2000 total population was estimated at approximately 4 685 000. Of these, 52% are Kyrgyz, 18% Russian, 12,9% Uzbek, 2,5% Ukrainian, and 2,4% German, with the remaining 11,8% divided between about 80 other ethnic groups, including Uighurs, Tartars, Dungan (immigrant Chinese Muslims), Tajiks, Turks and Koreans. Compared with the figures from the 1989 census, the population has risen by about 400 000 while the proportion of Russians has fallen from 21,5% to 18%.

¹ On prison conditions and torture in Uzbekistan see the report *And it was Hell all over again* by Human Rights Watch, December 2000.

The IOM added that there had previously been many mixed marriages but that fewer took place nowadays.

All our sources made a distinction between the ethnic situation generally in the country, and the situation in Kyrgyzstan's southern districts.

Kyrgyz was introduced as an official language in 1985, and Russian became instead a common ethnic language. This status was confirmed in the 1993 Constitution, along with the status of Kyrgyz as state language. In July 1994 Russian became the official language in the Russian-dominated areas.

The Kyrgyz Committee for Human Rights believed that politically there was discrimination against all non-Kyrgyz speaking ethnic groups including Kyrgyz, since Article 43(3) of the Constitution laid down that only a Kyrgyz citizen aged between 35 and 65 who spoke Kyrgyz and had been permanently resident in the country for at least 15 years could stand and be elected as the country's President. Thus at the last Presidential election all the candidates had to take a language test; the criteria for passing it were unclear. The Kyrgyz language requirement did not only apply to the President but also to all those holding political posts at any level, and posts in the state administration. For this reason the source believed that Kyrgyzstan's first parliamentary assembly had been more pluralist in ethnic terms than the following one, in which fewer minorities (and fewer women) were represented. The under-representation of non-Kyrgyz speakers applied to all political and administrative structures in the country.

The source explained that the aim of this constitutional provision was to strengthen Kyrgyz identity, culture and language. Under the Soviet Union the main language spoken was Russian, and only two schools taught in Kyrgyz. All higher educational institutions, including the university, with the exception of the pedagogical faculty, taught in Russian. The result was that only half of the ethnic Kyrgyz, and generally only those who lived in outlying rural areas, and only 20% of the population as a whole could now speak Kyrgyz.

The Parliament's Human Rights Committee believed that the introduction of the language test had led to discrimination against the ethnic minorities, since the language test had to be passed before appointment in e.g. the state administration or the armed forces. The source also believed that there were too few opportunities for non-Kyrgyz speakers to learn Kyrgyz.

This linguistic situation and its implications were largely behind the major emigration of **Russians** in the 1990s, which has continued in the last two years. Thus an international source reported that just in the six months to June 2001, 140 000 Russians had left, which was a significant increase in relation to the previous three years when a total of 70 000 Russians had left ¹. The source added that because of the overall situation many other groups, including Kyrgyz, wanted to leave. The Kyrgyz Committee for Human Rights believed that feelings towards the Russian minority had generally become negative in connection with the conflicts between the Uzbeks and the Kyrgyz in May and June 1990 (see the section on the conflicts in southern Kyrgyzstan), since Moscow sent a commission of enquiry consisting of Russian KGB officers who one-sidedly held the Kyrgyz responsible for the events, which resulted in many Kyrgyz being imprisoned. However, the source believed that when Russians were now leaving the country it was because of the economic and political situation and not because of ethnic discrimination.

The Consular Policy and Law Division pointed out that it was the highly educated Russians who are leaving the country, on account of the economic situation in the country, and because Kyrgyzstan had a very low standard of living compared with other former Soviet republics. In addition, the production industry in which the Russians had primarily been employed had stagnated. The Kyrgyz Security Council deplored Russian emigration, since the Russians were well-educated and had brought many resources to the country.

The UNHCR explained that Russia still had a certain political influence in Kyrgyzstan and used this to protect the ethnic Russians. Thus several ethnic Russians were represented in the government. The Kyrgyz Committee for Human Rights believed that Russia was generally admired in Central Asia.

¹ The US State Department's 2001 report on Kyrgyzstan states that the proportion of Russians has fallen to 14,9%, and in a press notice from the Central Asia Caucasus Analyst dated 4.7.2001 the proportion is given as 13%.

The Kyrgyz Security Council observed that many **Germans** had also left the country since 1998. Of 100 000 Germans, only 20 000 to 30 000 now remained in Kyrgyzstan.

The Jewish Culture Society of Kyrgyzstan reported that before the dissolution of the Soviet Union there had been a **Jewish** minority of between six and nine thousand. However, many had left, particularly to Israel, and the Jewish minority now consisted of only 1 500 people, of whom 95% lived in Bishkek. The Jewish community had one synagogue, two schools and a newspaper ¹. The Society, which has 700 members and receives financial support and donations from American funds, provides humanitarian assistance to elderly Jews amongst others. The Kyrgyz Jews came from the western Soviet Union and were evacuated to Central Asia during the Second World War. A few Bokhara Jews are also in the region. The Jews have no conflicts with other ethnic groups and there has only been one case of anti-Semitism at official level. In a speech a politician expressed anti-Semitic views but subsequently had to apologise to the Jewish community. At everyday level there has been the odd minor incident. The situation for the Kyrgyz Jews has changed radically since Kyrgyzstan became independent, and the source did not believe that, other than the economic situation, there were now any factors such as discrimination to force Jews to leave the country.

The Kyrgyz Committee for Human Rights believed that there were three reasons to **emigrate**. The first was the economic situation. The Committee saw Kyrgyzstan as the poorest of all the former Soviet republics. The average wage varied from region to region. In Bishkek it was highest at about USD 8 per month, but on the other hand many people in the city were unemployed. The national minimum wage was USD 2,10 a month. However, the cost of living was estimated to be USD 25 a month. The second reason was the political situation, with those who protested against the President risking prosecution and fines. The third reason was that the peasants wanted better conditions. This was often why Uighurs emigrated to Russia.

¹ In 2000, three Jewish organisations, including one American one, jointly published the book *Evrej v Kyrgystane* (Jews in Kyrgyzstan), describing the historical, social and cultural situation of the Kyrgyz Jews.

The Kyrgyz Security Council believed that the many ethnic groups in Kyrgyzstan lived together in peace, although there had formerly been some problems. Some of these groups cooperated with the state but others did not. All were represented in the council for ethnic minorities.

A Western embassy expressed the opinion that it was principally the difficult economic situation which lay behind any ethnic problems.

The UNHCR believed that the ethnic minorities suffered from some discrimination but that this was not organised, and there was no discrimination by the authorities.

The Media Resource Centre added that with reference to the country's many minorities, Kyrgyz politicians often referred to Kyrgyzstan as "our common home", but that the Kyrgyz were still dominant.

3.4.2. *Uighurs in Kyrgyzstan*

There are three organisations for Uighurs in Kyrgyzstan. Ittipak, which was founded in cooperation with the authorities, has an office in a public building and is an apolitical cultural organisation. The others are the Association of Uighur Liberation and the Uighur Information Centre, which are both political organisations. The Association of Uighur Liberation advocates independence for Turkestan¹. According to the newspaper Respublica, this Association was therefore oppressed by the authorities. Unlike sources in Kazakhstan, both Respublica and the Media Resource Centre believed that the Chinese separatist movement Free Turkestan had its headquarters in Almaty.

Ittipak, which is a registered organisation, has branches in all the areas with a Uighur minority. For security reasons it did not want to give its membership figures, but stated only that members had membership cards and that the organisation was losing members because many Uighurs were emigrating abroad.

¹ See the section on Uighurs under Kazakhstan.

Ittipak reported that according to official figures from 1999 the Uighur minority consisted of 47 000 people, but this figure did not tally with the security forces' 1998 figure, when they said that there were 200 000 Uighurs. The source doubted the official figures for a number of reasons. From 1955 to 1963 there had been large-scale immigration of Chinese Uighurs. In addition, many Uighurs in the Soviet Union had been assimilated, e.g. through mixed marriages. Children of such marriages often chose Kyrgyz ethnicity so as to obtain the same rights as ethnic Kyrgyz, including educational rights, since Uighurs had been denied access to higher educational institutions.

Ittipak added that before the establishment of the Soviet Union the Uighurs had been a very highly educated people, but that this had changed in the Soviet era. Following Kyrgyzstan's independence the educational situation for Uighurs had considerably improved. Now there was open access to education for all those who could pay the fees, and there were Uighurs in all the higher educational institutions. Under the law the minorities had the right to education in their mother tongue, but because of financial difficulties the law had not been implemented. In the first parliamentary assembly the Uighurs had been represented by one member, namely the former head of Ittipak, but the current parliamentary assembly contained no Uighur representatives, nor were there any in senior posts in the state administration. There were some Uighurs on local political councils. The Uighurs published two newspapers in Uighur, of which one, "The Voice of Conscience", was privately owned. The Uighurs also had a monthly TV programme lasting half an hour and a weekly radio programme of one hour. The Uighurs were to a large extent employed in trading on local markets.

The IOM said that the Kyrgyz Uighurs were traders and were regarded by the population at large as clever, but were also seen as unreliable. Many Uighurs lived in mixed marriages and were well-integrated into society.

Ittipak believed that disputes between Kyrgyz and Uighurs largely arose because of the nationalistic attitude of the mass media, in which the Uighurs were described as extremists and compared with the Chechens. The situation could be compared to that in Russia, where the Chechens were generally regarded as extremists or criminals. In Kazakhstan the situation for Uighurs was also difficult, but it was most difficult in China. The source believed that the mass media's attitudes had formerly led to incidents where Uighurs were attacked by nationalist groups, but that the government had managed to change the situation by intervening with the media. An international organisation confirmed that the picture the press gave of the Uighurs was negative, which generally affected public opinion of them.

In March 2000 the former leader of Ittipak, Nigmatulla Bazakov, was found dead with three gunshot wounds. The circumstances of the killing aroused suspicion that the leader had been assassinated, perhaps because of his political activities, or since he was also a businessman, on account of his economic activities. The case was never solved. Ittipak said that a police investigation was continuing but that as it did not have access to the case, it could not comment on the quality or effectiveness of the investigation and did not want to make any other statement about the case.

Ittipak did express concern about the disappearance of the Kazakh leader of the Uighur organisation Nuzugum Foundation, Dilbirim Samaskova, who was looking after the children of four Uighurs killed by the police in Kazakhstan (see section on Chinese Uighurs under Kazakhstan, above)¹.

Ittipak did not believe that the authorities generally made attacks on Uighurs. The source only knew of one case in which two drunken off-duty policemen had attacked a Uighur without any reason. The incident was described in the newspapers. No consequences were known.

¹ A press release from the Uyghur Information Agency dated 10 June 2001 states that the female leader had been found murdered outside Almaty, after being kidnapped from her home by unknown persons on 24 May. The press release also refers to the murder of two other prominent Uighurs, namely the former chairman of Ittipak and the chairman of the Uighur section of the Writers' Union of Uzbekistan. The latter was said to have been murdered by the Uzbek security forces while being detained in an Uzbek prison in March 2001.

Ittipak did not wish to discuss whether and to what extent there was surveillance of politically active Uighurs.

An international source explained that because of an agreement between Kyrgyzstan and China, the Kyrgyz authorities were obliged to monitor the Uighurs' political activities, and that the Uighurs saw this surveillance as a threat. However, the source was aware of only one case in which a Uighur's home had been searched.

The UNHCR was not aware of politically active Uighurs being watched by the authorities.

The organisation Democracy, which besides other things provides Ittipak with legal advice, described the following case of an attack on Uighurs by the authorities: in December 2000, after some disparaging remarks had been made about Uighurs, there was a brawl between some civil policemen and three young Uighurs. It ended with the Uighurs being taken to a police station where they were seriously mistreated. Despite a complaint by Ittipak to the Ministry of Internal Affairs, no case was ever brought against the policemen. However, the police paid the Uighurs not to make a complaint, and apologised for the incident. The source believed that the police acted illegally in other ways. For example, a person may be assaulted by the police, and then be found to be in possession of an illegal firearm. The person is then prevented from bringing a case against the police. The source also believed that Uighurs, who as traders often travelled with large amounts of money about them, were stopped by the police who demanded up to half the amount they were carrying. If they did not pay they ran a risk that the police would plant drugs on them. Also, house searches without search warrants were a monthly occurrence in Uighur areas, and always connected with demands for money. However, the source emphasised that such incidents also happened to other ethnic groups including Kyrgyz and not just to Uighurs.

Ittipak did not believe that Uighurs emigrated because of violence or discrimination but largely for social or economic reasons.

An international source did not believe that Uighurs were more vulnerable to police harassment than other Kyrgyz citizens.

Many Uighurs in Kyrgyzstan had relatives in China, who they were concerned about. Ittipak believed that Kyrgyz Uighurs received very little information about the situation in China.

The IOM reported that since 1995, official figures showed that 46 Chinese Uighurs had entered the country legally, but many more had entered illegally. Chinese Uighurs who entered illegally and were caught had previously risked deportation to China, but the IOM was not aware that forced deportations were taking place at present. The UNHCR said that few Chinese Uighurs sought asylum in Kyrgyzstan, for fear of being forcibly deported to China. However, they generally did not have access to the asylum system. UNHCR did not know the number of Chinese Uighurs who were refugees, as they did not contact the Kyrgyz authorities, UNHCR or other organisations. There had nevertheless been cases in which Uighurs had been deported to China, where they had been executed. The UNHCR believed that the only way to help such refugees was to seek resettlement. The UNHCR had not, however, had any practical experience of this to date since the Chinese Uighurs did not seek help. It believed that the Chinese Uighurs' problems were not discussed officially because of the country's relationship with China. The Chinese Uighurs in Kyrgyzstan seldom possessed identity documents.

An international organisation observed that the plans to establish an anti-terrorist centre in Bishkek as part of the Shanghai Five agreements were very frightening for the Uighurs. They feared that Chinese authorities in Kyrgyzstan would then arrest Uighurs who they suspected of being active in the rebel movement Free Turkestan. Being handed over to China could mean execution.

The Democracy organisation believed that after the establishment of the Shanghai Five in 1996 Chinese pressure could be observed, which meant that the authorities refused to register Uighur organisations. Traditionally, on the anniversary of the bombing of Hiroshima, demonstrations were held outside the Chinese Embassy to protest against China's atom bomb tests, which took place near the Kyrgyz border and in Xinjiang province. These demonstrations were now prohibited. Because of articles discussing China's attitude to minorities, the organisation's newspaper had been closed by the authorities. The source believed that this was an example of the consequences of China's political influence in Kyrgyzstan.

A member of Ittipak who did not wish to be named said that at the time of an official visit to Kyrgyzstan by a Chinese delegation in the spring of 2001, he had been paid a call by the police one morning. The police had behaved correctly, but had made it very clear that they wanted no problems in connection with the Chinese visit.

The chief editor of Respublica, one of the few independent newspapers in Kyrgyzstan, observed that as a result of the Shanghai Five agreements, whereby the countries committed themselves to mutual respect of one another's sovereignty, meaning non-interference in the human rights situation in any of the countries involved, the newspaper had now been forbidden to publish readers' letters from Uighurs.

The International Crisis Group commented that the situation of Uighurs in Kyrgyzstan was not easy, but that it was much worse in Kazakhstan, as the Kazakh Uighurs had a closer relationship with China.

A group of young human rights activists did not feel that Uighurs were discriminated against, but that the state failed to distinguish between Kyrgyz and Chinese Uighurs to the requisite extent.

The UNHCR agreed that Kyrgyz Uighurs were generally not persecuted. They lived in their own communities, where they protected one another. It confirmed that the Uighurs were not represented in the political structure and believed that they would probably have problems with the authorities if they founded a separate Uighur party.

The IOM believed that in assessing the overall human rights situation for Uighurs, it was important to distinguish between culturally and politically active Uighurs, as the latter could have problems with the authorities.

The Media Resource Centre believed that in comparison with the Chinese Uighurs, the Kyrgyz Uighurs were still marked by the Soviet mentality in that they thought collectively. Kyrgyz Uighurs had a strong sense of identity, and as the Uighur language was well-nigh identical to Uzbek, many Uighurs felt that they had a closer relationship with the Uzbeks than with the Kyrgyz. However, over time many had also become either Kyrgyz or Uzbek and had lost their identity as Uighurs.

3.4.3. *Ethnic situation in southern Kyrgyzstan*

The Foundation for Tolerance International regarded the ethnic situation in the south as very tense, both between the ethnic groups and in the groups' relationship to the local authorities.

The Foundation believed that disputes had arisen from the distribution of the right to use agricultural land previously owned by the State. When the reforms were made, land was distributed to those who were registered in the area. However, as the Uzbeks had failed to register their residence, land rights went mainly to the Kyrgyz. From a legal viewpoint this was thus not actually discrimination, but the Uzbeks felt that they had been discriminated against. An international source confirmed that the Uzbeks felt that they had been treated unfairly in relation to the Kyrgyz, and that there were often discussions about whether the Kyrgyz had received more agricultural land in the land reforms than the Uzbeks, as the Kyrgyz authorities were said to have favoured their families and friends when making the distribution. According to the source this could not be correct as the distribution had been made at meetings held in public. An international organisation explained that the tense situation in 1999 had resulted in a clash between Uzbeks and Kyrgyz following a squabble about strawberries in the local bazaar.

The International Crisis Group said that there were many problems between the ethnic groups in southern Kyrgyzstan but no conflict. The local authorities consisted exclusively of ethnic Kyrgyz which meant that other ethnic groups did not turn to the authorities, including the police, since they believed that the Kyrgyz authorities did not look after their interests.

The Uzbeks, of whom there are 30 million, are the largest ethnic group in Central Asia and the third largest ethnic group in Kyrgyzstan; those living in Kyrgyzstan are mainly in regions bordering Uzbekistan. They have been settled in the area since an early period and, according to the International Crisis Group, believed that the region historically belonged to them. Unlike the Kyrgyz, the Uzbeks are inclined to be nationalistic. They have good positions in business life, and many are well-off. The source says that they are not oppressed as they claim, but are discriminated against, as they are poorly represented in the political and administrative structure compared with their proportion of the population. Thus there are only seven Uzbeks on the local council in the Osh district, and of 50 employees in the district's public administration only three are Uzbeks.

The Media Resource Centre explained how the Uzbeks had previously been in the majority in Osh, and how the Uzbeks were the fastest growing ethnic group in the area. As Osh had formerly been part of Uzbekistan there had been concern that because of the large number of Uzbeks living there, Uzbekistan would ask to have Osh back, or that the Uzbeks would demand autonomy within Kyrgyzstan. The Kyrgyz authorities had therefore implemented a number of programmes to encourage Kyrgyz to settle in the area so as to offset ethnically the large Uzbek population. Thus the state had situated a whole range of educational institutions in Osh, and many Kyrgyz came to the area to receive their education. Overall the Kyrgyz proportion of the population had grown steadily in recent years. A group of young human rights activists explained that many of the Kyrgyz who had fled from Tajikistan and Uzbekistan were advised to settle in towns such as Osh, where the majority of the population had previously belonged to ethnic groups other than Kyrgyz.

The International Crisis Group said that the Uighurs were generally not involved with the Muslim organisations in the south, including the IMU, and that they were very passive compared with the Uighurs in northern Kyrgyzstan, where many were involved with the Muslim Hizb-ut-Tahrir. In the south they lived in small closed village communities. The Group believed that the authorities, who were particularly concerned about extremists in the south, had groundlessly accused the Uighurs of being politically active but that in reality the Uighurs were very passive and always stayed on the fringe of events. This was despite the fact that socially and culturally the Uighurs were close to the Uzbeks. An international organisation confirmed that the Uighurs were not politically active in the Osh district.

In March 2001 the court in Osh passed judgment in a case against five people, including two Uighurs, who were accused of carrying out two terrorist attacks in which four people were killed. Four were condemned to death and one to 25 years in prison. The source did not believe that it had been proved that the five men were guilty. All claimed to have been tortured and then forced to sign confessions. As the enforcement of death sentences in general has been postponed until December 2001 for the time being, the sentence has not yet been carried out. Nor has it yet been commuted¹.

¹ At a meeting with the Association of Sociologists and Political Scientists in Kazakhstan, the delegation was given copies of the judgment and court records. The indictment states that two of the five accused are Uighurs and are Kyrgyz citizens, one is a Turk (no citizenship is given), one is a Russian citizen (with no ethnic group mentioned) and one is an Uzbek who is a Kyrgyz citizen.

The Kyrgyz Security Council considered that the tense situation in the south and the country's general economic situation were the reasons why many people were leaving the country.

3.5. Religious situation

A Western Embassy observed that there was a draft law on freedom of religion, but that it had been withdrawn. The government regarded any form of oppression of Islam as counterproductive, which was why it had a tolerant attitude. The Foundation for Tolerance International did not believe that religion was a subject of conflict but felt that a constructive policy was lacking in this area ¹.

3.6. Military service

The Kyrgyz Security Council informed us that military service in Kyrgyzstan has now been reduced to 18 months. Conscription takes place between the ages of 18 and 26, being the upper age limit for young men who have had their military service postponed for various reasons. As far as possible, military service is performed near the conscripts' homes, so that they can get food from their families. The source believed that this was one reason why there were few draft evaders or deserters.

A group of young human rights activists described how university students are exempt from military service and instead have to take part in a military training course while at university. The law contains various possibilities for exemption, and it is also possible to avoid military service by paying a bribe. An international organisation confirmed that there were many ways to avoid being called up.

An international organisation stated that there was no possibility of performing an alternative to military service. However, the group of young human rights activists believed that alternative service was possible for young men who refused to bear arms on religious grounds. There were few such cases.

¹ On the general religious situation in the country see the US State Department's report *2000 Annual Report on International Religious Freedom: Kyrgyz Republic*. September 2000, and section c on the freedom of religion in the US State Department's report *Kyrgyzstan, Country Report on Human Rights Practices – 2000*. February 2001.

An international organisation added that conditions were very bad in the army, that conscripts were poorly equipped, and that wages were paid irregularly.

The Security Council explained that deserters were sentenced by a military court under criminal law.

Under Article 259 and 260 of the Kyrgyz criminal law, it is a case of absence if the conscript leaves his unit without permission but returns voluntarily, and of desertion if he leaves his unit without permission with the intention of avoiding the rest of his period of service. Under Article 259, absence for a period of between three days and one month is punished with service in a military discipline unit for up to a year, or with imprisonment of up to two years. If the absence exceeds a month, the punishment is service in the disciplinary unit of between one and two years, or imprisonment of between two and five years. Under Article 260, desertion is punished with imprisonment of between three and seven years. If the deserter takes weapons with him, the punishment is increased to imprisonment of between five and ten years. However, both Articles have remarks stating that the punishment is not applied if there is a serious personal reason for the absence or desertion ¹.

A Western embassy was not aware of desertions: they would be a new phenomenon.

No sources could provide information on the number of draft evaders nor on the usual penalties for evasion.

The Security Council observed that the Russian conflict in Chechnya was an internal Russian affair and Kyrgyz conscripts were therefore not sent to Chechnya. Nor were there any other opportunities for Kyrgyz soldiers to take part in conflicts in other countries. On the other hand, professional soldiers were selected for training abroad in countries including Russia and China ².

¹ Ugolovnyj Kodeks Kyrgyzkoj Respubliki, Bisket 1998.

² However, according to several written sources including *The Europe World Yearbook 2000*, Volume II, 41st edition, London 2000, Kyrgyzstan did participate until January 1999 in the CIS peace-keeping force which was stationed in Tajikistan in connection with the civil war there. The Kyrgyz forces were stationed at the Afghan-Tajik border, and were attacked in 1995.

The Kyrgyz Security Council also said that prior to 1999, the possibility had been considered of establishing a professional army consisting entirely of career soldiers. However, this debate was postponed following the first Muslim militant attacks in southern Kyrgyzstan in 1999. A Western embassy confirmed that this had been under discussion but that the discussions had ceased after the first military crisis in the south.

An international organisation reported that in 1999 and 2000, there had officially been 6 000 soldiers and 3 000 international border guards stationed in southern Kyrgyzstan. However, as the army only had 10 000 soldiers the source did not believe that the official figures could be correct.

The UNHCR observed that in 1999 and 2000 both professional soldiers and ordinary conscripts had been sent to the conflict in southern Kyrgyzstan. Whereas in 1999, because of a lack of military preparedness, a number of inexperienced conscripts had been sent in resulting in heavy losses, in 2 000 trained conscripts had generally been sent.

The Foundation for Tolerance International said that the forces stationed in the south were partly from the army and partly special troops. The special troops consisted of a force called the Scorpions, and local forces who in Soviet times had served in Afghanistan. In the event of conflict the regular troops were sent in first, then the special troops and then finally the local troops.

A groups of young human rights activists did not believe that conscripts had taken part in the conflict in the south but only professional soldiers.

None of the sources had any information about forcible recruitment in connection with the conflicts in 1999 and 2000.

3.7. Freedom of expression

The Respublica newspaper, which was founded in 1992, informed us that the former state-owned media had been taken over by economically independent funds following Kyrgyzstan's independence, but 95% of the media were now owned by the President or the President's family, and a TV channel which had previously been independent had just been bought by the President.

Much of the media is financed through advertising, but because of the country's difficult economic situation the opportunities for obtaining income are severely restricted. However, Respublica pointed out that this problem did not apply to the media owned by the President and his family, as the President did not differentiate between his own finances and those of the State. So it was the State which covered expenditure and shortfalls. Sometimes the President simply did not pay his bills, and thus owed large amounts to the printers. Printing and other production costs were high. As the public also had problems with their finances, the price of a newspaper had to be low if it was to be sold at all. This all meant that it was generally financially difficult to publish newspapers.

According to UNHCR there were few independent media and the only newspaper which represented the opposition's views was Respublica. Respublica stated that it had a print run of 10 000, and that every newspaper sold was read by between five and ten people. Respublica could be bought only in privately owned kiosks. The newspaper was printed by the same printers as the government-friendly papers, and the source believed that because it was an opposition newspaper it was often a victim of harassment, e.g. the printers delayed printing the newspaper because of supposed technical problems. The paper had little income from advertisements since businesses did not want to advertise in the independent media. There had been cases of businesses which had advertised in Respublica subsequently being subjected to administrative investigations by the authorities, visits from the tax inspectors, etc.

Respublica believed that the 1992 law on press freedom was still applicable, but in reality there was no freedom of the press. A Western embassy commented that there had been international criticism of political pressure on the independent media, and that internationally there was concern because of the many cases outstanding against editors and journalists. The Kyrgyz Committee on Human Rights said that the state was increasingly clamping down on the press and trying to control it by buying up independent media. Sometimes cases were brought against the press, and because the judges could not be described as independent it was difficult for the press to win such cases.

Respublica explained that critical articles about the President or his family were regarded as libellous, and libel was punishable under the criminal law ¹. In 1995 the newspaper had published an article containing information about the President's purchase of a house in Switzerland for his daughter. Because of the article's implicit question of where the money for this came from, the newspaper was sued and had to close, and the chief editor lost her journalistic rights for 18 months. In 1997 the newspaper published an article on corruption in connection with the President's financial activities. The newspaper was sued once again, and the chief editor was the first Kyrgyz journalist to be sent to prison, sentenced to 18 months.

After three months she was released because of international criticism and other intervention. In a third case, the chief editor was fined USD 200 000 ².

The Media Resource Centre felt that bringing cases against the media was being used as a legal means of restricting the freedom of the press, since court cases in which large fines were imposed often led to a newspaper having to close. The organisation provided legal help to the media and journalists and had won two cases. The organisation also arranged meetings and seminars involving judges and journalists to create better understanding of the press' circumstances.

The source believed that journalists themselves bore a great deal of responsibility for the situation, since their standards were low and many wrote very subjectively and almost never objectively; as an example the source mentioned Respublica. The source considered that there was also a complete lack of press ethics. Journalists lacked education, which was an inheritance from the Soviet media culture, where the media were instruments of political propaganda. The difficult economic situation also meant that journalists were open to bribery, which was particularly the case during the last election. The source also felt that if journalists were better educated they could conduct their dialogue at a higher level and would not be targets for accusations and corruption.

¹ Under Article 128 (2) of the Kyrgyz criminal law (*Ugolovnyj Kodeks Kyrgyzskoj Respubliki*, Bishkek 1998) libel in the press is punishable with a fine of between 50 and 100 times the monthly minimum wage.

² According to a report by the International Helsinki Foundation in July 2001 (*Mission to Central Asia (Kazakhstan, Kyrgyzstan and Uzbekistan) 7-16 June 2001*), on 7 June 2001 Respublica was prevented from publishing its Russian edition because on the orders of the security services, the state-owned printing press Ushkun refused to print that edition. The edition contained an article from the English newspaper *The Guardian*, about the President's daughter obtaining shares in the newly built Hyatt Regency Hotel in Bishkek.

Respublica believed that the many court cases, in which fines were usually imposed, had led to journalists nowadays being very careful and on the whole toeing the political line. Moreover, journalists were registered by the security service.

The UNHCR regarded journalists as a risk group.

The Media Resource Centre listed many taboos which could not be written about. These included politics, corruption, homosexuality, prostitution, religion and the tense ethnic situation in southern Kyrgyzstan. There was no direct censorship, but editors often practised self-censorship. Articles on such issues were published either in Russian newspapers or on the Internet. Respublica said that as the Internet could not be politically controlled, the newspaper printed various web addresses so that readers could find information on the Internet which could not be written about in the newspapers.

Respublica observed that nowadays it had become easier to write about the religious situation and religious conflicts. However, it sometimes happened that the newspaper's opinions on the subject in relation to government policy would be contradicted in the media owned by the President.

The International Crisis Group pointed out that in the summers of 1999 and 2000, the press had been forbidden to report from the conflict areas in the south, and all information from the area had been censored.

The Sunday Observer and International Business Link newspapers said that since they wrote exclusively about economic topics, they did not have difficulties with the authorities. They had to be circumspect about Kyrgyzstan's foreign policy when writing articles on foreign economic issues.

3.8. Situation for homosexuals and women

A group of young human rights activists told us that the ban on homosexuality had been lifted when Kyrgyzstan became independent. However, homosexuality was not accepted socially.

The Media Resource Centre believed that, particularly in southern Kyrgyzstan, women were oppressed in connection with Islam. This applied especially to the Uzbeks. It was not well regarded for a woman to take a job. Separated women and widows were in a difficult social and economic position. It was possible for Muslim women to get divorced but this was condemned by society. The source deplored the fact that women in general were not aware of their rights and said that several international organisations were working on information campaigns for women ¹.

3.9. Other aspects of the human rights situation

Several sources explained that it was difficult for NGOs, and particularly NGOs dealing with human rights issues, to register. The Media Resource Centre believed that local NGOs needed support from the large international human rights organisations to be able to register. An international source described how the chairman of the Helsinki Committee, who had drawn up a report on human rights in Kyrgyzstan, had left the country for fear of arrest. A group of young human rights activists reported that their application for registration had been refused on the grounds that there was no need for human rights organisations in Kyrgyzstan, and that the word international could not be included as it was used by people running businesses. The lack of registration gave rise to a number of practical problems, for example a bank account could not be opened, but otherwise there were no legal consequences for an organisation's activities.

The parliament's human rights committee and the young human rights activists pointed out that the freedom of association and the freedom to demonstrate were restricted. The Young Lawyers organisation explained that an appeal to abolish the law on the freedom of association – under which the local administration may give permission for, and therefore also ban, any public gatherings – was currently being processed. The appeal had been submitted on the grounds that the law restricted the freedom of association.

¹ Regarding trafficking in Kyrgyz women and children see IOM's report of November 2000: *Trafficking in Women and Children from the Kyrgyz Republic*.

3.10. Judicial system

The judicial system consists of the Constitutional Court, the Supreme Court, a court of arbitration and a number of regional and local courts, as well as military courts. There are also councils of elders, mainly in outlying rural areas. Members of the Constitutional Court are appointed for 15 years by the parliamentary assembly on the President's recommendation; members of the Supreme Court and the court of arbitration are appointed in the same way for terms of 10 years.

The Young Lawyers organisation explained that the court of arbitration handles civil cases, and the traditional councils of elders deal with minor criminal offences ¹. Cases brought before a local court may be appealed against in the district court and then in the Supreme Court.

The parliament's Human Rights Committee described plans to establish the institution of ombudsman, and a bill on this issue had just gone through parliament for the first time. The ombudsman was to have his own budget so that the independence of the institution could be assured.

According to the Young Lawyers organisation, the hierarchy of the legislation was first the Constitution, then the laws adopted by the parliamentary assembly, and finally the President's decrees and administrative circulars and instructions. The decrees, circulars and instructions were not always in agreement with the legislation. Thus some instructions restricted human rights and conflicted with the Constitution. Kyrgyzstan has a Constitution, a law on the administration of justice, a law on public administration, a civil law and a new criminal law introduced in 1997/1998. In a number of areas there are only circulars and instructions. For example, there is no law on the freedom of movement, or to regulate migration, nor is there a law relating to stateless people.

¹ The councils of elders have in several cases in the past exceeded their powers, used torture and passed sentences of death or stoning. Such incidents have not been reported in recent years. See the US State Department report *Kyrgyzstan: Country Report on Human Rights Practices – 2000*. February 2001.

An international source observed that reforms had been made in a few areas. The new criminal law was largely an amended version of the old Soviet criminal law, which was why a new law was being drawn up.

Under the criminal law it is still possible to pass the death sentence for particularly serious crimes ¹. However, a moratorium is in place until December 2001.

The Young Lawyers organisation was of the opinion that judges, most of whom were appointed to their posts before Kyrgyzstan became independent, often only knew the circulars and instructions, and preferred to use a normative set of rules rather than the Constitution and international conventions. They did not know how to implement new rules. The source felt that it was difficult to monitor the judicial situation and that it took time to implement new legal rules.

The source also explained that judges in the local and district courts had to pass a test, the contents of which were decided by the President. The parliament's Human Rights Committee believed that the fact that judges were appointed by the President or selected by means of a test of which the contents were decided by him made them dependent, since judges who did not toe the political line were not reappointed. The test had to be passed every three or five years. A Western embassy pointed out that the courts' lack of independence meant that they could be used politically in cases against politicians and journalists.

The Young Lawyers added that discussion was under way about a reform of the courts. There was a proposal that judges should be elected rather than appointed. As part of the discussions on reform, a training centre had been established in Bishkek where judges would learn to use international standards.

¹ See Article 50 of *Ugolovnyj Kodeks Kyrgyzskoj Respubliki*.

The Young Lawyers, parliament's Human Rights Committee and an international organisation all said that there was widespread corruption in the judicial system, partly because salaries were low. The Young Lawyers reported that a judge was paid about USD 80 a month. A senior official in the administration would be paid about USD 25 a month, according to the parliament's Human Rights Committee. It should be borne in mind when considering these salaries that, unlike in the past everything had to be paid for, such as medical care, water, electricity, schooling, etc.

The Young Lawyers explained that many Kyrgyz citizens were ignorant about legal matters, and did not concern themselves with documents, legislation, etc. Many citizens would therefore also try to solve a problem privately rather than taking it to the courts. Both the Young Lawyers and an international organisation explained that bringing a case to court was made more difficult because the plaintiff had to provide proof.

If a citizen nonetheless chose to bring a case, then the Young Lawyers said that the state had to make a lawyer available to those who could not afford one. But as the state did not have the funds needed, this did not happen, and the plaintiff had to choose to let the case drop or find funds elsewhere. The client usually first met his lawyer in court. An international organisation explained that although it was no longer allowed by law, it still occurred that someone was defended by a private person without legal training.

The Kyrgyz Committee for Human Rights commented that of the 2 000 NGOs registered in the county, 80% were involved with legal advice and assistance. An international organisation confirmed that several NGOs provided legal aid. It was often provided by students who were not good enough, particularly in court, as they did not have sufficient training or experience. Sometimes in political cases the organisations were summoned for an interview with the security service and had to explain why they were defending a political activist.

The sources agreed that it was difficult to get a fair trial in the courts, partly because there was widespread corruption. An international organisation expressed the opinion that it was only possible for those with influential connections to get a fair trial, but that they would still need a good lawyer. Parliament's Human Rights Committee believed that the chances of a fair trial were poor, partly because of corruption and partly because there was no clear guidance in case-law. Thus a person could be fined USD 100 000 for theft or get eight years in prison for stealing a neighbour's sheep.

An international source said that investigators from both the prosecutor's office and the police could arrest suspects. A person could be detained for 48 hours before being brought before a court, but this deadline was often exceeded. The Young Lawyers explained that the police seldom completed an arrest report and that therefore there were no records. It was therefore difficult to tell whether the deadline had been respected. An international source was not aware of cases of a person being released on bail or with an undertaking not to leave the country.

An international source pointed out that defence lawyers found it difficult to gain access to their clients in custody. As a rule they did not have difficulties in getting access to the necessary written information.

3.10.1. Administration of justice

The Young Lawyers reported that physical attacks and mistreatment in police custody were normal occurrences. Violence was used to elicit confessions. It was also used to persuade those who had reported crimes to withdraw their reports. An international source suggested that the degree of violence used depended on which element in the judicial structure was involved in the case. Investigators also had recourse to physical and psychological abuse. The Young Lawyers believed that the police used violence which did not leave traces and that it was therefore difficult to document that mistreatment had taken place. Following sentencing and while the sentence was being served there was less violence.

Parliament's Human Rights Committee claimed that although many complaints were made about police violence, no policemen had been charged with the use of violence or torture. Such cases would be brought by the prosecutor. The legal aid organisation Democracy explained that individuals could not bring such a case to court, but could only write a complaint, and the prosecutor would then decide whether a case should be brought. The source believed that the prosecutor seldom did so. Young Lawyers were not aware of cases involving police violence being brought, since mistreatment was difficult to prove. For example, it was difficult to produce witnesses to the violence, as there were often only policemen present who would protect one another. In one case, where a well-known person died after being assaulted, it was claimed afterwards that he had jumped out of the window. It is generally difficult to document that there is mistreatment in police custody although it is discussed openly in the media. An international source confirmed that it was difficult to bring such cases because of the requirements for evidence.

The parliament's Human Rights Committee said that conditions in the prisons were critical. The prisons were overflowing. There are three times as many people in prison as there is really space for, and in police custody cells, which are of eight square metres, more than 20 people may be held.

The Young Lawyers said that there were no clear rules on imprisonment or detention, but that women, minors and men were meant to be kept separately. However, it often happened that women were imprisoned with men, minors with adults, and minor criminals with those who had committed serious offences.

Several of the sources provided examples of corruption by the police, specifically the traffic police. The IOM mentioned a case in which some young men had had their car stolen. As the police knew the perpetrators they threatened the young men to make them withdraw their report, saying that otherwise they might find drugs on them. The legal aid organisation Democracy also provided examples of police corruption (see section on Uighurs in Kyrgyzstan) ¹.

3.11. Citizenship, documents, entry to and exit from the country, etc.

3.11.1. Citizenship

The Consular Policy and Law Division explained that under the citizenship law of 18 December 1993, there were two methods of obtaining Kyrgyz citizenship, namely the general and the simplified method. The simplified method applied to parents and spouses of Kyrgyz citizens, and following an agreement with Russia, Belarus and Tajikistan, to nationals of those countries. The conditions for obtaining citizenship by the general procedure were that the applicant had been permanently settled in the country for at least five years, renounced his previous citizenship since Kyrgyzstan did not accept double nationality, had not had problems with the law in his former country, and had left that country legally. The President took decisions on applications for citizenship.

¹ After their arrival in Bishkek the delegation were stopped in the evening by plain-clothes police, who claimed to be searching for drugs or weapons. One member of the delegation had to produce his foreign currency in the police car and subsequently noticed that USD 100 was missing.

The Department of Passport and Visa Registration added that those who were permanently settled in Kyrgyzstan before independence could also obtain citizenship through the simplified procedure, irrespective of ethnic background. This also included ethnic Kyrgyz born outside the country's borders or who had lived outside the country's borders for many years. Of the 10 000 Kyrgyz who returned to Kyrgyzstan from CIS countries and the 18 000 who returned from other countries, many had obtained Kyrgyz citizenship. The Kyrgyz authorities had records of each ethnic Kyrgyz in the former Soviet Union, including information about birth certificates, school records, passports, etc. If foreign authorities doubted an ethnic Kyrgyz's identity they could ask Kyrgyzstan's missions abroad.

The IOM explained that the procedures to process applications were cumbersome and slow. A committee handled the applications and it could be a nightmare to produce all the necessary documents and fulfil all the conditions. An ethnic Chinese had to wait 20 years before he could obtain citizenship, although he had lived in Kyrgyzstan since he was five. Recently a Tajik had obtained Kyrgyz citizenship after a ten-year application process, and was the first Tajik ever to do so. The IOM saw this as a positive step as there are 10 000 Tajiks in the country who are also waiting for decisions on their applications.

The UNHCR explained that those who obtained citizenship had to settle in areas where Kyrgyz were in a minority.

3.11.2. *Residence permits*

The Department of Passport and Visa Registration stated that residence permits could be obtained on the grounds of marriage to a Kyrgyz citizen. Initially, the residence permit is for a limited period. After two years a permanent residence permit is granted, so long as the person in question has committed no crimes. After five years, an application for citizenship may be made. After obtaining a visa, the spouse must apply for a residence permit in the country. It is also possible to apply from abroad, but the processing time takes longer then.

The IOM thought that it was difficult to obtain a residence permit on the basis of marriage, but it might be easier for some nationalities than for others.

3.11.3. Documents

The Department of Passport and Visa Registration stated that Kyrgyz citizens over the age of 18 are issued with a national passport, which is used as both an internal and external passport. To be valid for travel abroad, the international page in the passport must be stamped. Passports are issued by the passport and visa offices (OVIR), which come under the Ministry of Internal Affairs, but the Ministry of Foreign Affairs stamps the international page. The old Soviet passports are valid until 2002. They are now almost unusable as passports for travel abroad, and are therefore chiefly used as internal passports. The new passports still give the bearer's ethnic group. The IOM said that the old Soviet passports were valid until 2005 when they would have to be changed for Kyrgyz passports.

The Consular Policy and Law Division informed us that the conditions for getting the international page stamped had been liberalised since 1999. However, the bearer must first obtain a visa for the country he wished to visit. Before the international page is stamped, a check is made on whether there are criminal charges or anything else outstanding against the bearer. No further check is made, even on departure. The border authorities have no central database of Kyrgyz citizens, but only of foreigners. However, the border authorities would be informed of Kyrgyz citizens or foreigners resident in Kyrgyzstan who were wanted by the police.

The Young Lawyers of Kyrgyzstan added that the stamp on the international page has the same expiry date as the passport as a whole, so that the passport could be used for several journeys abroad.

The IOM added that the time taken to process an application depended on the applicant's connections, and the fact that the fee was not particularly high. An extra sum under the table could shorten the processing time. The stamp could be denied if the documents presented, including the necessary invitation from the country to which the applicant wished to travel, were found not to be in order. The IOM had heard of cases of the stamp being denied on political grounds. The IOM confirmed that if the international page is stamped then the bearer has been checked by the authorities.

The IOM confirmed that the international page replaced the former exit visa in 1999.

The Department of Passport and Visa Registration added that false passports were a major problem, and that the security of the new Kyrgyz passport was not optimal. The passports are easy to copy and it is easy to change the photographs in them. As different authorities issue the passport and stamp the international page, and since it is not necessary to present yourself in person to get the international page stamped, there can be fraud. The IOM confirmed all these points, adding that it is easy to obtain a passport, so it often occurs that people sell their passports and get new ones issued, claiming to have lost the old one. It is possible to get a passport issued through a travel agent without having to turn up in person. There have also been cases of corruption amongst the issuing authorities.

The IOM pointed out that besides their national passports, Kyrgyz citizens also have a birth certificate and possibly a driving licence which can be used as personal identification.

3.11.4. Registration

The IOM stated that the earlier form of *propiska*, in which a permit had to be obtained to settle in a particular place, had been abolished and replaced with an obligation to register. However, the available accommodation had to fulfil certain conditions, including conditions on size and sanitary facilities, before a person could be registered. These requirements, which are constantly changing, apply especially in the capital Bishkek, where many people therefore live illegally. Without a registration stamp in your passport you cannot have access to social benefits. The Kyrgyz Committee for Human Rights confirmed that people had to register in order to get a job or use the hospital services, but nowadays registration was problem-free.

3.11.5. Migration situation

The Consular Policy and Law Division said that many Kyrgyz left because of the high level of unemployment in the country, particularly young people aged between 20 and 25. They were often tempted by travel agents offering work and permanent residence permits abroad. Young people paid the agents large sums but the agents disappeared with the money. Other travel agents sold applications for asylum with supporting documents. The 500 Kyrgyz citizens who sought asylum in western Europe in recent years were economic migrants. If Kyrgyzstan was able to cooperate with western Europe such problems could be prevented in future. The source wanted cooperation and agreements with various countries on the exchange of labour.

The UNHCR said that it was working on the draft of an immigration law which met international standards. In June a new aliens law was to be presented to Parliament. The UNHCR had provided training to case-workers in the asylum system and to those who worked on border controls.

3.11.6. Conditions on entry for refused asylum applicants

The IOM was not aware that refused asylum applicants had problems on entry, if their documents were in order. An international organisation was not aware of asylum applicants having problems and had not heard of their property being confiscated. The UNHCR explained that there was no legislation which could be used against Kyrgyz citizens who had sought asylum abroad, and that there was no problem with the authorities regarding entry to Kyrgyzstan for refused asylum applicants, including Uighurs.

4. List of organisations and persons consulted

4.1. Kazakhstan

Almaty Helsinki Committee: Nivel Fokouce, Director.

A member of the International Helsinki Federation, founded when Kazakhstan became independent.

Association of Sociologists and Political Scientists of Almaty City: Bahitgamal I. Bekturganova, President.

An association of researchers working on various research projects including one on the situation of the Uighurs in the whole of Central Asia.

Centre for Integration of Refugees: Nuražunova Tungam Majdanovna and Žamraev Allemžan Tilikovič.

A branch of the Counterpart Consortium which is supported by USAID, working regionally on the integration of refugees and arranging training and seminars for about 20 NGOs involved with this issue.

International organisation.

IOM International Organisation for Migration: Michael Tschanz, Chief of Mission IOM Kazakhstan.

Kazakhstan International Bureau for Human Rights and Rule of Law: Zhovtis Evgeny, Director.

Draws up human rights reports and recommendations for legislation, and provides legal aid; cooperates with UNHCR.

Ministry of Foreign Affairs of the Republic of Kazakhstan, Consular Service Department: Bagdat Zh. Seitbattalov, Head of Directorate, and Rasheed T. Rakhimbekov.

Parliament of the Republic of Kazakhstan, Committee on International Affairs, Defence and Security: Zhabayhan M. Abdildin, Chairman and Senator.

UNHCR (United Nations High Commissioner for Refugees): Dr Abdul Karim Ghoul, Head of Liaison Office.

UNDP (United Nations Development Programme): Leyla Bayshina, Project Coordinator.

Representatives of the Uighurs in Almaty

4.2. *Kyrgyzstan*

Centre for the Development of Traditional and Contemporary Culture: Gulzat Kenjebekova, Director.

"Democracy": Tursun Islam Niyaz Oglu: Chairman

A registered NGO consisting of a few lawyers, founded in 1998. Provides legal assistance to Uighurs and other minorities.

Department of the Migration Service of the Kyrgyz Republic: Tolon Samutdinovich Turganbayev, Director-General, and Emil Kachylekovich Imakeyev, Senior Specialist.

Foundation for Tolerance International: Indira Raimberdieva, Program Officer.

Founded in 1995/96 in cooperation with UNHCR with the aim of teaching teachers about tolerance. The main aim of the organisation is now conflict prevention. During the conflicts in 1999 and 2000 in southern Kyrgyzstan the organisation took part in relief work. Its cooperation partners are the Swiss Foreign Ministry, UNICEF, UDAID, etc.

A group of young human rights activists.

A newly formed human rights organisation which wishes to be anonymous.

ICG, International Crisis Group: Azizulla Gaziev, Political Analyst, and Saniya Sagnaeva, Political Analyst.

IOM International Organisation for Migration: Kakoli Ray, Chief of Mission in the Kyrgyz Republic, and Ruth Pojman, Chief Programme Specialist.

Ittipak, Uighur Society of the Kyrgyz Republic: Rozmukhamet A. Abdulkakiev, Chairman, and members. (See description of the organisation in the section on Uighurs).

Jewish Culture Society of Kyrgyzstan, Menora; Kritsman Vladimir, Chairman and Director of Private-State Jewish School, and Rosa M. Fish, Vice-chairman.

The Jewish cultural centre arranges a number of cultural activities, provides language teaching and offers humanitarian help to the elderly. The Jewish school receives financial support from the State.

Kyrgyz Committee for Human Rights: Manasabyk Žakyšov, Lawyer and Member of the Board, and Nijazaaly Bekberdinov, Coordinator.

Founded in 1986. Now a member of the organisation against torture OMCT, of the International Helsinki Federation, etc. Considering becoming a member of the International Federation for Human Rights. Provides information to the organisations mentioned above.

Kyrgyzstan's International weekly, The Sunday Observer: Angelina Tsoi, Correspondent.

Media Resource Centre

Training centre for journalists based in the Fergana Valley. The organisation has 120 members. It is financed with Swiss aid and has previously received support from UNESCO, which still finances four seminars a year. The organisation has various international cooperation partners, including Simira in Switzerland. As well as training, the organisation runs seminars on various topics such as drugs, prostitution, etc. Finally, the organisation provides legal assistance to journalists and editors.

Ministry of Foreign Affairs: Dr Eric A. Beishembiev, Head of Consular Policy and Law Division, and staff.

Ministry of Internal Affairs: Colonel Nurkamil Abdykarovich Botoyarov, Director General of Department of Passport and Visa Registration

OSCE (Organisation for Security and Co-operation in Europe): Dr Marie-Carin von Gumpfenberg, Human Dimension Officer, and Kathleen Samuel, Political/Human Dimension Officer.

Media Resource Centre: Alisher Khamilov, Director.

Human Rights Committee of the Žogorku Keneša Kyrgyz Republic: Oksana Aleksandrovna Malevannaja, Chairman and PM.

"Respublica", (daily independent newspaper): Zamira Sydykora, Editor-in-Chief

Security Council of Kyrgyz Republic: Askarbek Mameev, Deputy Secretary.

UNHCR (United Nations High Commissioner for Refugees): James Lynch, Head of Liaison Office, and Isabelle Mihoubi, Senior Regional Adviser.

Young Lawyers of Kyrgyzstan: Yan Violetta, Deputy.

Founded in November 1997 on the initiative of students from the Kyrgyz-Russian Slavic University. Now has branches in the Osh, Djalal-Abad, Naryn and Yssyk-kul regions. The board has seven members. As well as arranging training, providing legal assistance and supporting refugees during the asylum procedure, the organisation also provides advice on the preparation of legislation, for example in connection with the electoral law and the law on refugees and immigration, and it cooperates with UNHCR and UNICEF.

A Western Embassy

5. Annexes

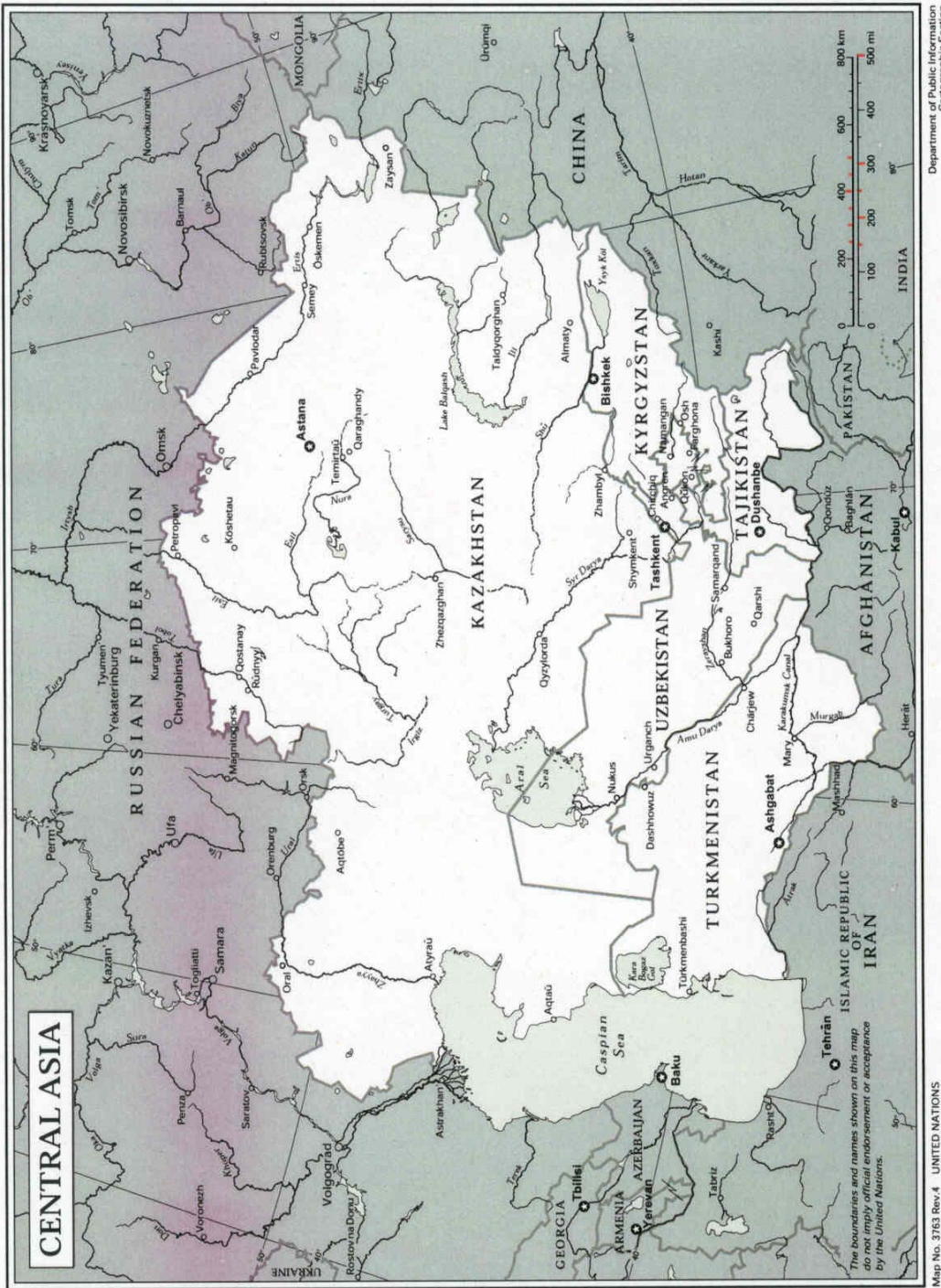
Annex 1: Map of Central Asia

Annex 2: Map of Kazakhstan

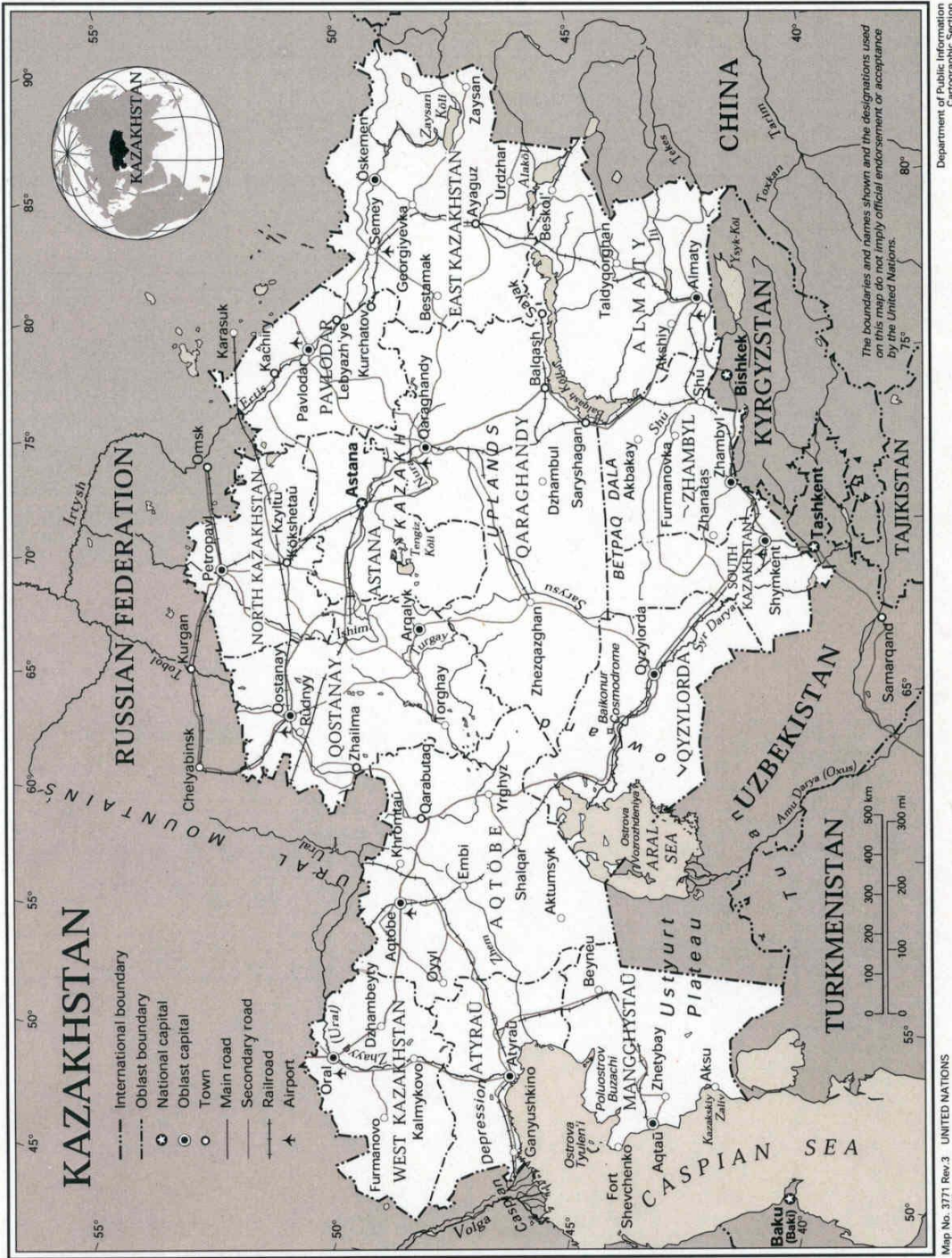
Annex 3: Map of Kyrgyzstan

Annex 4: The Bishkek and Dushanbe declarations

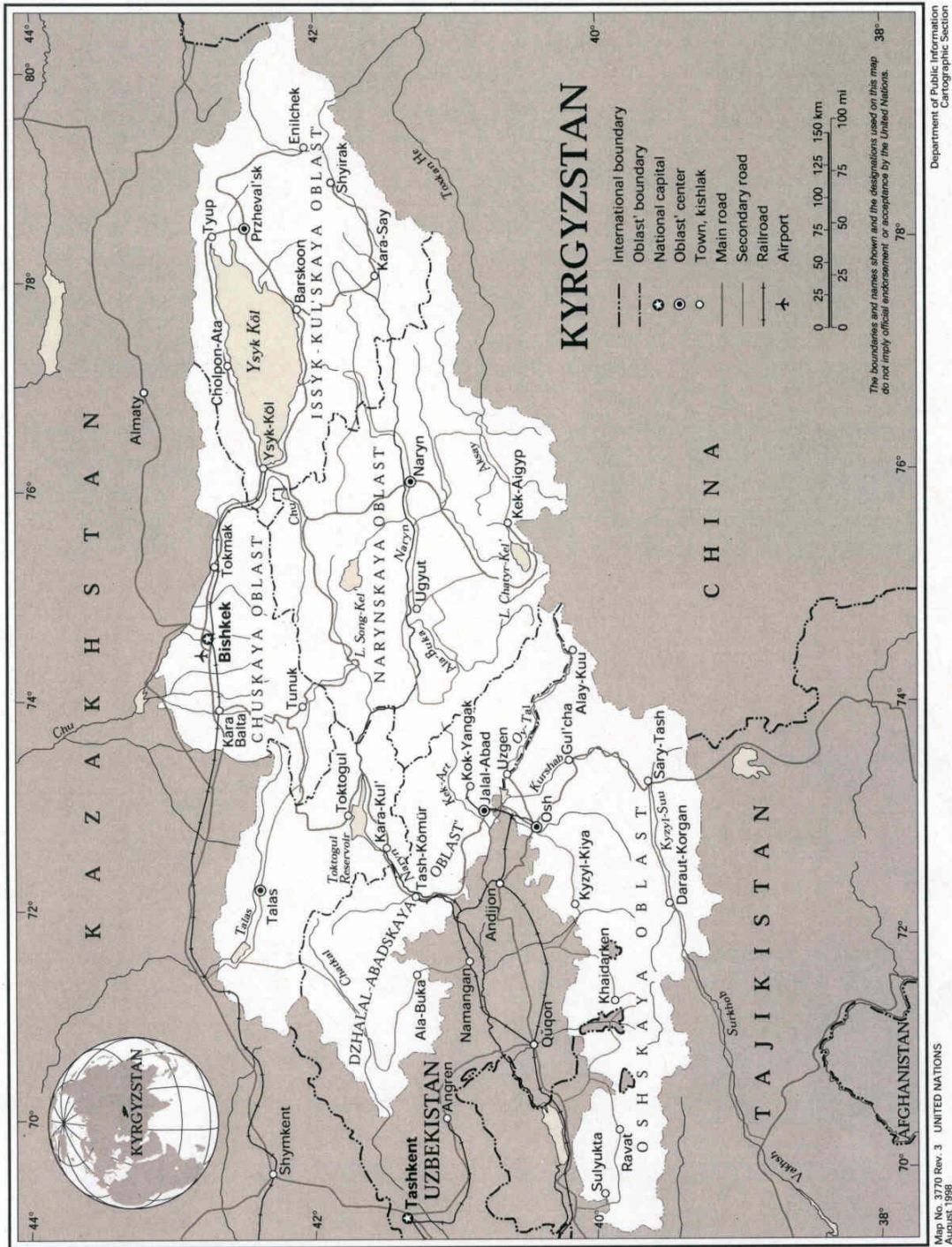
Annex 1: Map of Central Asia



Annex 2: Map of Kazakhstan



Annex 3: Map of Kyrgyzstan



Annex 4: The Bishkek and Dushanbe declarations

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Annex

[Original: Chinese and Russian]

Bishkek Declaration of the Heads of State of the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan

The People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan, hereinafter referred to as the Parties,

Bearing in mind their common aspiration to expand and strengthen multilateral cooperation on the basis of the agreements embodied in the Joint Declaration by the participants in the Almaty Meeting of 3 July 1998, held a summit meeting on 25 August 1999 in the city of Bishkek,

Having considered, in an atmosphere of constructiveness and mutual understanding, a broad range of issues of common interest,

Declare the following:

1. The Parties, noting with satisfaction the progress achieved in cooperation during the period following the Shanghai meeting in 1996, take a positive view of the practical steps taken by the five States, in line with current trends, with a view to strengthening regional security and cooperation. The Parties express their confidence about the prospects of further expanding cooperation in the sphere of security and strengthening multilateral interaction in other spheres.
2. The Parties, on the basis of their conviction that the establishment by the five States of mechanisms for concrete cooperation in spheres of mutual interest is conducive to developing the full potential for multilateral cooperation for the sake of the stability, security, development and prosperity of the region, express their intention to hold meetings of heads of State and Government, without regard for periodicity, and also regular contacts and consultations at various levels, including meetings of ministers for foreign affairs, ministers for defence, and heads of state departments concerned with questions of economic and cultural cooperation.

In this connection, the Parties agreed to exchange proposals, through diplomatic channels, on the dates for holding inter-departmental meetings.

3. The Parties confirm that the agreements on the issues of border settlement, confidence-building in the military field and mutual reduction of armed forces in the border area which have been concluded and ratified by the five States and are documents which are unique in their format and character contribute to strengthening good neighbourliness and friendship, and are making a constructive contribution to ensuring security and stability in the region.

The Parties shall continue to implement these agreements rigorously and provide all necessary assistance to the work of the joint monitoring group.

4. The Parties note the importance of effectively combating international terrorism, illegal trafficking in narcotic drugs and psychotropic substances, arms smuggling, illegal migration and other forms of transborder criminal activity, and manifestations of national separatism and religious extremism, and to this end shall take measures to develop practical cooperation through the competent departments of the five States, including the holding of consultative meetings and the coordination, during 1999-2000, of appropriate joint measures.

The Parties express their resolve to prevent the use of the territories of their States for the organization of activities which are detrimental to the sovereignty, security and public order of any of the five States.

Confirming their commitment to the principle of respect for human rights in accordance with the Charter of the United Nations and other universal documents in this sphere, the Parties note that in implementing this principle, it is necessary to take into account the specific characteristics of sovereign States. Human rights must not be used as a pretext for interference in the internal affairs of States.

5. The Parties, attaching paramount importance to the preservation of peace and stability in the region, support the efforts of the Central Asian countries to establish a nuclear-weapon-free zone and the initiative put forward by the Republic of Kazakhstan for the convening of a conference on cooperation and confidence-building measures in Asia, and also welcome the proposals and concrete actions of other interested States aimed at expanding the multilateral regional dialogue on the strengthening of security and cooperation.

6. The Parties support the ideas of the doctrine of President Askar Akayev of the Kyrgyz Republic concerning the revival of "silk route diplomacy" at the contemporary level of international cooperation in the interests of stable economic development and the strengthening of peace and stability in the region.

7. The Parties express deep concern about the continuing military confrontation in Afghanistan, which poses a serious threat to regional and international peace and security.

The Parties confirm the central role of the United Nations in international efforts to achieve a peaceful settlement of the Afghan conflict, support the peacekeeping activities of the "6 + 2" group, and welcome the initiative of Kyrgyzstan for the holding of a peace conference on Afghanistan in Bishkek.

8. The Parties, noting with satisfaction that, as a result of the implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, signed in June 1997, the peace process in Tajikistan has become irreversible, stressed the value of the positive experience of the inter-Tajik settlement for the compromise solution of complex problems in a spirit of goodwill, with active peacekeeping support on the part of the international community.

/...

9. The Parties, noting the great significance of trade and economic cooperation on the basis of the principles of equality and mutual advantage, shall continue to encourage its development between the five States on a bilateral basis and at the same time shall intensify the search for ways of developing multilateral cooperation in this sphere, above all in the areas defined in the Almaty Joint Declaration of 1998.

To this end, the Governments of the People's Republic of China, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan shall form joint advisory groups, which shall prepare proposals and recommendations for high-level meetings.

The Parties welcome the participation in cooperation of interested States of the region both at the inter-State level, and at the level of enterprises with various forms of ownership, and also in the sphere of joint activities to attract investment.

10. The Parties draw attention to the significant changes which have taken place in the contemporary international situation and believe it necessary to state that, in the relations between them and in international affairs, they will continue to abide by the following fundamental principles:

- Maintaining mutual respect for sovereignty and territorial integrity, equal rights, non-interference in each other's internal affairs, and settlement of disagreements and disputes through negotiations and consultations;
- Developing multilateral cooperation on the basis of the principles of equality and mutual advantage;
- Helping to strengthen the role of the United Nations as the basic mechanism in the maintenance of international peace and security and in the peaceful settlement of contemporary international and regional problems, and opposing the use of military force or threat of its use in international relations without the authorization of the Security Council;
- Strictly observing the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and the Comprehensive Nuclear-Test-Ban Treaty, and supporting, within the framework of the United Nations and other multilateral forums, the efforts to promote the immediate and unconditional accession of all States to these Treaties.

11. The Parties believe that multi-polarity is the general trend of development in the contemporary world and contributes to the long-term stability of the international situation. The five States are resolved to make tireless efforts for the sake of the protection of peace throughout the world and joint economic development, in order to promote the building of a just and rational new international political and economic order.

12. The Parties confirm that the interaction and cooperation among the five States are open in nature and are not directed against other countries.

(Signed) JIANG Zemin
Chairman, People's Republic of China

(Signed) Nursultan NAZARBAEV
President, Republic of Kazakhstan


(Signed) Askar AKAYEV
President, Kyrgyz Republic

(Signed) Boris YELTSIN
President, Russian Federation

(Signed) Emomali RAKHMONOV
President, Republic of Tajikistan

10 July 2000

ENGLISH only

PERMANENT MISSION  OF THE REPUBLIC OF
TAJKISTAN TO THE OSCE

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Press Release

10.07.2000.

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N.6

MEMBER COUNTRIES OF THE SHANGHAI G-5 INTEND TO EXTEND COOPERATION, AND STRENGTHENING SECURITY IN REGION.

The leaders of Tajikistan, Russia, China, Kazakhstan and Kirgызstan intend to continue efforts to transform the Shanghai G-5 into regional structure for multilateral cooperation in various spheres. It is noted in a joint declaration adopted by the results of the summit in Dushanbe on July 5.

The Declaration, in particular, runs that the G-5 plays an important role in ensuring security and stability in the region. The sides confirmed their interest in turning Central Asia to a zone of peace, neighbourliness and stability. The members of the Shanghai G-5 expressed intention to build confidence in the military sphere, and spoke for regular sessions of the Ministers of Defence and consultations between their defence structures.

The parties confirmed their decisiveness to conduct a joint struggle against international terrorism, religious extremism and ethnic separatism. They consider that these factors pose a threat to the regional security. The parties expressed satisfaction with a level of development of cooperation between law enforcement agencies and special services of the five countries. They seconded an initiative of Kirgызstan on formation of the regional centre for combating terrorism with headquarters in Bishkek.

The respecting agencies of member countries of the G-5 were charged to start negotiations for the purpose of preparing specific proposals on that subject. The parties stated that they intended to support goals and principles of the UN Charter as well as confirmed "a fair right of each state to chose its own way of political and economic development". They came out against

cooperation. "I think it is example for the whole world how it is possible to solve the issues of peace and cooperation at the negotiating table. The G-5 supports an initiative of the leaders of Central Asia's countries on the nuclear-free zone and the zone of peace and stability in the region".

According to the President of Kirgystan Askar Akayev , the G-5 has become an effective and fruitful regional structure, ensuring peace and stability on the Eurasian continent. "The most important result of the today meeting is decision to establish within the framework of the G-5 a regional anti-terrorist centre with headquarters in Bishkek. It is our contribution to the strengthening of peace and stability. I believe we will make every effort to make the activity of this regional structure more effective and active", the Kirgyst President noted.

The Russian President Vladimir Putin has subscribed to assessments of his counterparts about excellent organisation and fruitfulness of the summit. "A new term - "Shanghai Forum" sounded in appearance of Emamali Rahmonov and it meets realities of life", he noted. Indeed, for these years, a great work on reinforcing the frontiers has been made. "The subject-matter of the today's session exceeds the bounds of the frontier union", Vladimir Putin said.

The President of Uzbekistan Islam Karimov expressed his gratitude for invitation to take part at the summit in Dushanbe and said: "The G-5 has a great potential, but all issues may be solved successfully only with participation of Uzbekistan. I would like also to note that understanding and mutual coordination of interests of Russia and China is a guarantee of strengthening and extending the further cooperation of member countries of the G-5.

Unofficial translation

Dushanbe Declaration

of the Heads of State of the Republic of Kazakhstan,
the People's Republic of China, the Kyrgyz Republic, the Russian Federation
and the Republic of Tajikistan

The Republic of Kazakhstan, the People's Republic of China, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan, hereinafter referred to as Parties,

being convinced that the further development of co-operation and close interaction within "the Shanghai Five", founded on friendship and good neighbourhood meets fundamental interests of peoples of the five countries and current trends in shaping a multipolar world and creating a new just and rational international political and economic order;

based on the common willingness of the countries of "the Five" to maintain relations of friendship existed from generation to generation to settle all issues in the spirit of mutual understanding, equality and mutual advantage through consultations;

reconfirming the commitment to the spirit and the letter of documents signed by all of them at the meetings of the "Five", as well as to all bilateral treaties and agreements concluded between them;

having discussed, in the atmosphere of mutual understanding and constructiveness, the state of, and prospects for multilateral interaction in the fields of common interest;

declare the following:

1. The Parties express their profound appreciation as regards the development of relations between the States-participants of "the Shanghai Five" and consider that quite ponderable results have been achieved in enhancing mutual confidence and co-operation and that "the Five" plays increasingly important and effective role in maintaining security and stability in the region and contributes to the common development of the States-participants of "the Five".

The Parties will take efforts to transform "the Shanghai Five" into a regional structure of multilateral co-operation in different fields.

2. The Parties reaffirm their interest to ensure the Central Asia a zone of peace and good neighbourhood, stability and international equal co-operation and voice against any conflicts, threats or interventions from outside which would lead to aggravation of the situation in the region. With this in mind and taking into account the geopolitical situation in the region and around it the Parties are fully determined to deepen their interaction in political, diplomatic, trade, economic, military, military-technical and other spheres with the view to strengthening regional security and stability.

3. The Parties note that arrangements achieved by the five countries in the field of border settlement and military confidence reflect a new concept of security based on mutual confidence, equality and co-operation, promote the enhanced mutual understanding and good neighbourhood, and constructively contribute to maintaining stability in a broader regional framework.

They express their strong commitment to the strict implementation of all provisions of the agreements among the five States on the confidence-building in the military field and on reciprocal reduction of armed forces in the border region, which were concluded in Shanghai and Moscow correspondingly in 1996 and 1997 and, for the first time, create a zone of confidence and transparency, predictability and verifiability of military activities along more than seven hundred kilometers border line.

The Parties note with satisfaction the successful commencement of the Joint Control Group of the countries of "the Five", which ensures the organization and co-ordination of inspection activities, and consider it necessary as well to use capacities of the Group to address issues related to confidence building in the military field. They advocate the taking of more effective steps in this direction, inter alia, by organizing joint exercises and training aimed at preventing dangerous military activities, exchanging experience of interaction in peacekeeping operations, jointly conducting conferences, seminars, symposia and sport events.

4. The Parties believe that it is advisable to hold meetings of defense ministers and consultations between defense structures of the States-participants of "the Shanghai Five" to further deepen mutual confidence and friendly co-operation between the five countries in the military field and to consolidate joint efforts in maintaining peace and stability in the region.

5. The Parties reconfirm their determination to jointly combat international terrorism, religions extremism and national separatism which represent the main threat to regional security, stability and development, as well as such criminal activities as illegal trafficking of arms and drugs and illegal migration. To this end the States of "the Five" will work out in the nearest future an appropriate multilateral programme and conclude necessary multilateral treaties and agreements on co-operation, and conduct regular meetings between chiefs of law-enforcement, border and customs bodies and special services of the five countries, as well as to organize within "the Five" - taking into account the situation - exercises with a view to combat terrorism and violence.

The Parties express their determination to prevent the use of the territory of their respective States for organizing activities jeopardizing sovereignty, security and public order of each of the five States.

The Parties display their appreciation as to the level of development of co-operation between the law-enforcement bodies and special services of the five countries within the existing "Bishkek Group", support the initiative of the Kyrgyz Republic to establish a regional anti-terrorist structure in Bishkek and task relevant authorities of their countries to start talks with a view to prepare concrete proposals and to continue consultations on this matter.

6. The Parties, strongly safeguarding the purposes and principles of the UN Charter and reaffirming the just right of each State to choose its own way of political, economic and social development to suit its realities, stand against interference into internal affairs of other States, inter alia, under the pretext of

"humanitarian intervention" and "protection of human rights", and support efforts of each other to protect independence, sovereignty, territorial integrity and social stability of the States of "the Five".

The Parties, reaffirming their commitment to the principle of respect for human rights, proceed from the fact that its implementation should take into account specific features of historical background of each State, and stress that the application of this principle should not run counter to other generally recognized principles of international law.

The Parties voice their support for the willingness and efforts of the People's Republic of China to preserve the integrity of the country in accordance with the principle of "a single China".

The Parties display their support for the position of the Russian Federation on the settlement of the situation in the Chechen Republic.

7. The Parties, taking account of political and other challenges faced by the contemporary world, including attempts to change the existing practice of settlement of international and regional problems, stress that they will consistently promote the role of the United Nations as the sole universal mechanism for maintaining international peace and stability. They stand against any unauthorized by the UN Security Council use of military force or threat of its use in international relations and attempts by any State or a group of States to monopolize decision-taking on global and regional issues for the sake of their own interests.

8. The Parties emphasize unconditional necessity to preserve and strictly implement the 1972 ABM Treaty banning creation of ABM defense of the territory of countries. This Treaty constitutes a cornerstone of strategic stability and a foundation for further reduction of strategic offensive weapons.

The Parties consider that deployment of closed block ABM systems for theater-wide operations (TWO) in the Asia and Pacific Region can break stability and security in the region and lead to the escalation of arms race, and express their

support for the position of China which is against plans of any State to integrate in any form Taiwan into the TWO ABM system.

9. The Parties declare that having withheld in time the Non-proliferation Treaty, the 30-th anniversary of which will be celebrated this year, proved once more to be an effective tool of restraining the threat of proliferation of nuclear arms and reduced the risk of a nuclear conflict, and advocate a really universal character of the Treaty.

10. The Parties support the initiative of the Republic of Uzbekistan to create a nuclear free zone (NFZ) in the Central Asia and consider that a Treaty on NFZ should conform with the established principles and parameters of similar documents.

11. The Parties express their deep concern in relation to the continuing politico-military hostilities in Afghanistan, posing a serious threat to regional and international security.

The Parties support the efforts of the UN and its leading role in achieving a political settlement of the Afghan conflict and call upon all confronting forces to display restraint and to resume in the nearest future peace talks with due account of interests of all groups and strata of the Afghan society.

12. The Parties welcome the completion of the process of peaceful settlement and achievement of the national accord in Tajikistan, support the policy pursued by the leadership of the country to resolve problems of post-conflict rehabilitation and further economic recovery, development of democratic institutions and economic and social changes, and call upon international community to render necessary assistance in developing the Republic of Tajikistan.

13. The Parties consider the Conference on interaction and confidence-building measure in Asia as a positive process on the Asian continent, which ensures – together with the existing structures and mechanisms in Asia - additional

opportunities for political dialogue on regional security, increase in the level of mutual confidence and development of multilateral co-operation.

14. The Parties will – on the basis of principles of equality and mutually advantageous co-operation – comprehensively promote the establishment and development of trade and economic partnership within “the Five”, including improvement of investment climate and business-like atmosphere in their countries, granting favourable conditions for carrying out by citizens and enterprises of the countries of “the Five” of normal economic activities and settling disputes arising in the process of their co-operation.

The Parties believe that the implementation of Kazakhstan’s initiative to hold a meeting of the Heads of Government of the five countries fully meets these aims, and support the establishment, as appropriate, by competent authorities of the five States of joint expert groups to carry out thoroughly relevant preparations.

The Parties support the interest of the People’s Republic of China in active participation of Russia and the Central Asia countries in the development of the western regions of China.

The Parties consider that effective use of energy capabilities of the countries of “the Shanghai Five” and enhancement of regional co-operation in the field of energy on the basis of mutual advantage constitute an important factor of stability and development in the region and allow all States of “the Shanghai Five” to reach a new level of multilateral interaction.

15. The Parties will encourage co-operation among the countries of “the Five” in the field of culture, including jointly organised various festivals, expositions and artistic tours, and consider that it is advisable to hold in a due course meetings of ministers of culture of the States-participants of “the Five”

16. The Parties, paying serious attention to the protection of environment, including use of water resources in the region, will co-operate in this field on bilateral and multilateral basis.

17. The Parties, attaching great importance to the development of co-operation among foreign departments of the States of "the Five", consider that it is expedient to introduce a practice of holding annual meetings of foreign ministers to examine matters of promoting interaction among the five countries in all spheres, to discuss international and regional problems and work out joint approaches towards them.

18. With a view to enhance co-ordination and operational elaboration of issues of co-operation within "the Five" the Parties will render all necessary assistance to national co-ordinators, appointed in each country of "the Five", and support the creation of the Council of National Co-ordinators and the adoption of relevant five-lateral regulations aimed at improving the effectiveness of the Council's work.

19. The Parties reiterate that the interaction among the five countries is not targeted against other States and possesses a transparent and open character. They welcome participation of other interested countries in particular programmes and projects of co-operation both at inter-State and other levels.

20. President of the Republic of Kazakhstan N.A.Nazarbaev, President of the People's Republic of China Jiang Zemin, President of the Republic of President of the Kyrgyz Republic A.A.Akaev, President of the Russian Federation V.V.Putin, President of the Republic of Tajikistan E.S.Rahmonov welcome the participation in the Summit of "the Shanghai Five" in the town of Dushanbe of the President of the Republic of Uzbekistan I.A.Karimov.

PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN

N.A.NAZARBAEV

PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA

JIANG ZEMIN

PRESIDENT OF THE KYRGYZ REPUBLIC

A.A.AKAEV

PRESIDENT OF THE RUSSIAN FEDERATION

V.V.PUTIN

**PRESIDENT OF THE REPUBLIC OF TAJIKISTAN
E.S.RAHMONOV**

Dushanbe, July 5, 2000
