

IHF FOCUS: elections; freedom of expression and media: peaceful assembly; judicial system and independence of the judiciary; security services; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; freedom of movement; religious intolerance; national minorities; death penalty; human rights defenders.

Kyrgyzstan's human rights record has deteriorated markedly over the last few years and in 2001 it became clear that Kyrgyzstan was rapidly losing its former reputation as the "island of democracy" in the region. Discontent has been growing throughout the country, with the poor economic situation contributing to the general negative atmosphere. More than 1 million citizens of Kyrgyzstan have recently left the country and immigrated to the West. The main reasons for the immigration flow are poverty, political persecution and widespread corruption.

In 2001, the focus on security issues – prevailing over democratic and rule-of-law-oriented developments – greatly facilitated an increase in human rights violations. Already for some time, the Government has used terrorism as a pretext to crackdown on human rights activists and government opponents, and to restrict the freedom of expression and the mass media.

In return for foreign financial aid, the Government has committed itself to developing democratic processes and observing human rights, but has failed to actually adhere to those commitments.

Corruption was one of the main problems in Kyrgyzstan. It affected all sectors of life and impeded democratic development. There were numerous reports of officials receiving their posts through bribery or for their loyalty to President Akaev, his administration and his family.

Kyrgyzstan is party to the 1998 Agreement between the "Shanghai Five", the Presidents of China, Kazakhstan, Kyrgyzstan, Russia, and Tajikistan. Notably, the Agreement states *inter alia* that the State parties may not interfere in each other's internal affairs under the pretext of observing human rights.

Elections

The elections for heads of local authorities (*Aiyil Okmet*) were held in mid-December. The candidates running for heads of *Aiyil Okmet* had to pass a personal interview with the Governor of the district, who decided whether or not the person was allowed to run. The screening of candidates contradicted not only the Election Code, but also violated the rights of the electorate by depriving them of the right to participate in public life through freely chosen representatives.

◆ Following the interviews with the Governor, only three of the five candidates in the village of Lebedinovka in the Chui region were allowed to participate in the elections.

Bribery was commonplace during the 2000 parliamentary elections. To reveal the unfairness of the electoral process, in September citizens of Karakol (Issyk-Kul region) sent 80 blank election ballot papers to the newspaper "*Delo*" with a stamp of the District Commission and signatures of the local Chairman and the Secretary in order to show the public that the parliamentary elections were fraudulent. In an accompanying letter the people wrote about the authorities' attempts to bribe them prior to the elections for the regional deputy vacancy in the Parliament. Despite clear evidence, there were reportedly no official complaints and no one was punished for the misconduct, apparently due to the close links between the Central Election Commission, the Prosecutor's Office, the Administrative Court and the Presidential Administration.

On 15 October, President Akaev signed amendments to the Election Code.

The Code was prepared by the Presidential Administration and the Central Electoral Commission, and approved by Parliament on 11 October. Article 50 of this Code prohibits both Kyrgyz and foreign NGOs funded by foreign donors from election monitoring and organizing seminars and training for independent observers.

Freedom of Expression and Media

Criticism of political leaders, particularly of the President and his family, was forbidden in practice. Opposition figures have faced various criminal charges. The most prominent political prisoners were presidential candidate Feliks Kulov and long-time critic of the Government, Topchubek Turgunaliyev.

◆ Feliks Kulov, former Bishkek Mayor and Minister of National Security and now leader of the Ar-Namys Party, was arrested on 22 March 2000 and charged with abuse of his official position while Minister of National Security. He was acquitted on all counts on 7 August. However, in September 2000 the Military Court annulled the sentence and ordered the case to be re-tried in the Bishkek Military City Court. Kulov was sentenced to seven years in prison. On 8 November 2001, the Constitutional Court refused to consider an appeal submitted by Kulov.

◆ On 1 September 2000, Topchubek Turgunaliyev, leader of the Erkindik Party and Chair of the Guild of Prisoners of Conscience in Kyrgyzstan received a 16-year prison sentence and his property was ordered to be confiscated. In November his sentence was cut to six years. The court claimed that Mr Turgunaliyev was an ideological leader of a criminal band that had plotted to kill President Akaev in 1999. Six other alleged members of the band – R. Sarykov, K. Akimbaev, K. Jalikulov, A. Jalilov, I. Muratov and M. Orozov – were sentenced to 16-17 years in prison (later reduced to 4-5 years). Z. Khabibulaev re-

ceived a three-year suspended sentence and Timur Stamkulov was formally sentenced to four years in prison but was immediately granted an amnesty and released. All the prisoners were pressured to sign a letter to the President asking him to pardon them: only Mr. Turgunaliyev refused to do so. The other ones were pardoned. Later President Akayev pardoned Mr. Turgunaliyev prior to his visit to Austria where he spoke before the Permanent Council of the OSCE.

Although censorship was formally prohibited, the criticism of political leaders, particularly of the President and his family, was forbidden in practice. As of November 2001, twenty newspapers had been closed down. One of those newspapers, *Asaba*, landed in the hands of a high government official soon after its closure, in the name of "privatization." In addition, *Asaba-Bishkek* was closed down and its property was confiscated. The newspaper *Respublika* has also been one of the most frequent targets.

As of the end of 2001, the President's family controlled all profitable businesses, as well as all largest mass media outlets. The head of the Presidential Administration, A. Karypkulov (former Secretary of the Communist Party's Central Committee) was the Director of the State TV- Radio Company, with the effect that some 90% of the programmes transmitted involved Akaev's family.

Under pressure and intimidation from the authorities and Security Forces, printers often refused to print papers which were critical. The authorities used a variety of measures to silence the independent journalists, including a multitude of lawsuits aimed at forcing the papers to close down for financial reasons.

◆ Reportedly under pressure from the Presidential Administration, the directorate of the 27th High School in Bishkek began harassing Meerim Beishenova, the underage daughter of Bermet Bukasheva, Editor-

in-Chief of *Asaba-Bishkek*. On 7 February, Meerim was called to the school's Director, who informed her rudely that she would be charged with money extortion and that she would be sent to a labour colony for under-aged. Her schoolmates, who slandered her, admitted that the teachers and the Director of the school had incited them to pressure Meerim. One of the school's managers confessed to Bermet Bukasheva that all this has been done under pressure from the Presidential Administration because of her article defending the leader of Ar-Namys party led by Feliks Kulov, imprisoned for his political activity.

In 2001, criminal proceedings were initiated against many other journalists, including V. Zapolski, S. Krasilnikova, V. Nochevkin, and S. Orozaliev. As of the end of 2001, the courts were considering dozens of claims for damages lodged by officials of all ranks alleging that press reports had damaged their reputation. The claims amounted in total to approximately 1 million Soms (22,490 Euro).

- ◆ Samagan Orozaliev, an independent journalist, was charged with falsifying documents, illegal possession of weapons, blackmail and resisting to officials. Testimony at the trial focussed on the journalist allegedly "taking a bribe". On 1 November, he was sentenced to the disproportionate term of eight years in prison. However, it seems clear that Mr Orozaliev was arrested solely because of his preparation of a TV documentary on the corruption of local officials.

- ◆ The newspaper *Respublika* has been subjected to huge fines and Editor-in-Chief Zamira Sydykova was imprisoned and tortured in 1997 and 1999. For example, on 17 October, judge Maksimbekova of the Pervomay Court fined the newspaper an amount of 300,000 soms (7,085 Euro). In addition, another five staff members have been sentenced to different terms of incarceration. As of the

end of 2001, the newspaper was experiencing serious financial difficulties that might lead to its closure.²

- ◆ The most popular newspaper *Asaba* was closed on the formal action of the firm "Lion Technics". Some years ago, before the newspaper was critical of the President, the authorities assisted the newspaper in receiving a loan of 200,000 Soms (4,500 Euro). However, at the beginning of 2001 a court decided that the newspaper must pay back 1,073,000 Soms (24,741 Euro), the effect of which would lead to bankruptcy.

Peaceful Assembly

Article 16(2) of the Constitution guarantees every person the right to peaceful assembly, and to organise demonstrations. Nevertheless, the authorities continued to seriously violate this right in 2001, using brutal force against people who had gathered for pickets and meetings.

- ◆ On 1 May, KCHR members Eden Korgoldoev, A. Sudakov, S. Nujnov and A. Kadyrbekov were arrested in Jalal-Abad for participating in a peaceful meeting. They faced administrative proceedings on the basis of Articles 392 and 371 (violation of regulations regarding the organisation and holding of meetings and demonstrations, and the failure to abide by orders given by a Ministry of Interior body or other authorities responsible for protecting the public order). The defendants were fined 22-56 Euro.

- ◆ On 8 May, the Pervomai District Court in Bishkek imposed a 1,000-Som fine (22 Euro) on Emil Aliev, Deputy Chairman of the opposition Ar-Namys Party; Omurbek Tekebaev, Vice-Speaker of the Kyrgyz Parliament; and Melis Eshimkanov, Editor-in-Chief of the independent newspaper *Asaba*. They were punished for failing to abide by the administrative orders and for having organized and participated in an un-sanctioned meeting.

Judicial System and Independence of the Judiciary

The absence of the rule of law was one of the main problems in Kyrgyzstan and led to people's mistrust in the democratic process. Generally, court decisions did not follow the law. Courts were dependent on the Presidential Administration, who appointed the judges, controlled their activities, and granted an attestation for their competence after regular checks. No trial of a political nature ended with a lawful ruling, and the courts ignored constitutional and international provisions.

It was claimed that nearly all judges were appointed on the basis of bribes and devotion to the present regime. For example, the Chairman of the Supreme Court was appointed because she blocked the participation of some big oppositional parties such as Ar-Namys, EL and others in the parliamentary elections. Furthermore, because of the low salaries the judges received, they were materially dependant on the authorities and corruption was widespread.

◆ On 22 January, the Martial Court of Bishkek sentenced Feliks Kulov, one of the main political opponents of President Akaev's regime, to seven years' imprisonment in hard conditions and confiscated his property. Kulov was also deprived of his Soviet-era military rank as a General. In August 2000, the same Court had dismissed the same charges against Mr Kulov. The Kyrgyz human rights community considered the new sentence politically motivated and aimed at removing Mr Kulov from the political scene of Kyrgyzstan.

◆ On 12 June, the Supreme Court ruled that the proceedings against Mr Dyrlydaev of the KCHR be terminated. The decision was based on a complaint by Mr Dyrlydaev and the prosecutor of the Pervomay Court, both requesting a termination of the proceedings. A few months earlier, the same prosecutor had initiated the proceedings

against Mr Dyrlydaev. However, when Mr Dyrlydaev's lawyer later received the Court's decision in writing, it stated that the Court had ruled Mr Dyrlydaev's appeal inadmissible.

Security Services

At the end of December 2000 President Akaev issued a decree renaming the Ministry of National Security the "National Security Service". Since then the National Security Service (formerly KGB) has been reminiscent of the Stalin-era KGB. It is accountable for its activities directly and only to the President. Human rights defenders believe that the change was made only to provide increased possibilities for the KGB to persecute independent mass media, NGOs and the opposition.

Torture, Ill-Treatment and Police Misconduct

In 1999 and 2000 respectively, the UN Committee against Torture and the UN Human Rights Committee, submitted a series of recommendations to the Kyrgyz Government with the aim of abolishing the use of torture. The Government has failed to fulfil any of those recommendations and the problems related to torture and ill-treatment remained serious in 2001. A further short-coming was the fact that Kyrgyzstan failed to prohibit torture in the national legislation.

Misconduct by police officers, including illegal arrests and detention, beatings, extortion, and falsified criminal charges, all increased in 2001. According to official information, in 2000, criminal proceedings were instituted against several police officers for exceeding their authority, and the Public Prosecutor's Office released 24 released the victims from police facilities.

◆ Misha Matvienko was arrested in 1999. He was brutally tortured by officers of the local Department of the Ministry of Internal Affairs, who forced him to confess to crimes he had not committed. Following

the intervention of international organisations and the mass media, Mr Matvienko was released from pre-trial custody and taken to hospital where he underwent 15 operations, four of them because of injuries to his skull. On 30 June 2000, he was found dead in his own apartment; his death officially listed as suicide. The Bishkek Public Prosecutor's Office then brought criminal charges against two police officers for exceeding their authority. Both officers were acquitted despite the fact that at least one of them had been accused of torture on several occasions in the past.

There were numerous reports of minors who were also ill-treated or tortured by police officers.

◆ On 3 January, Dalbaev Ozgon (16) from the Sokuluk District was arrested and detained in the police department on suspicion of having stolen livestock and beaten up to confess to the theft. A later medical examination revealed a brain concussion and numerous bruises on his body. Following the incident, he suffered from insomnia, shivering, and continuous headaches. Because of the resulting neurosis, he was subjected to psychiatric treatment.

◆ On 20 March, Ibraev Arslan (16), a schoolboy from Bishkek, was beaten by a policeman who took his watch and money. Since then Ibraev has been nervous and complained of headaches and a general feeling of weakness. He had suffered a light brain concussion with a haematoma on his head and abrasions on the right arm. Again, no charges were brought against the policeman.

◆ Tabaldiev Nurbek (15) from the village of Kyzyl-Tuu in the Sokuluk District was taken to a police station while he was selling strawberries at the Osh market. At the station police officers beat him and took his money and clothes. When his parents discovered that he had been held in police custody, they went to the station and paid

a fine to have the boy released. Instead of telling the parents why the boy had been arrested, the officers simply insulted them. Since he was released the following day, the boy has been nervous, suffers from insomnia, and is afraid of going into town. He is undergoing psychiatric treatment.

Conditions in Prisons and Detention Facilities

In general, the situation in prisons deteriorated in 2001. The problems were related to overcrowding and the lack of financing, which led to inhuman conditions. There was a lack of facilities for under-aged girls: they were held together with adult prisoners, a practice which violates international standards.

Due to the worsening prison conditions, the prisoners grew more aggressive, and it became harder for the guards to keep them under control. Prisoners suffered from malnutrition and various infectious diseases (e.g. tuberculosis), were not adequately dressed, and were given no opportunities for exercise.

The state only allotted 11,42 Soms a day (0,22 US cents) for each prisoner. The cells had no heating, resulting in the death of many prisoners from the cold in winter: in Reformatory Colony 16 alone, eighty-four prisoners died in the winter of 2000-2001. In some cases, prisoners kept in one cell killed each other for a piece of bread. In the last five years, prisoners have not received any new bedclothes, uniforms, shoes or other necessities. Only one third of the envisaged budget was allocated for the prison facilities of all colonies. Under such conditions, peaceful remarks or requests to keep order could result in unexpected negative reactions.

◆ In early November, insults by a drunken prison warden led to mass disturbances in the investigation facility (SIZO) in the city of Osh. The prisoners attacked the warden, beat him, and tried to escape from the

building, by which time special police forces arrived and started beating the prisoners and driving them back into their cells.

Freedom of Movement

For centuries, Uzbekistan and Kyrgyzstan have enjoyed good mutual relations. However, after the intrusion of the Islamic Movement of Uzbekistan (IMU) into Kyrgyzstan to use its territory in order to proceed to Uzbekistan, their relations have deteriorated. Checkpoints have been established at the border and mines planted on roads and other areas, many of which are located on Kyrgyz territory. Not knowing where Uzbek authorities have planted the mines has led to casualties and deaths of civilians. In addition, people who have close relatives on both sides of the border have been submitted to humiliating personal searches, including male officers searching women.

◆ A mine explosion in the village of Sai in the Batken Province on the Kyrgyz-Uzbek border injured 8-year-old Aijigit Aitbaev on 14 April 2001, leading to his hospitalisation. Aijigit had been tending sheep in the area.

◆ Another mine explosion on the border killed Ulugbek Tolebaev (35), a resident of the village of Chong-Kara in the Batken Province on 24 April 2001.

It has recently become increasingly difficult for Kyrgyz citizens, particularly human rights defenders, journalists and representatives of opposition parties, to obtain a visa to travel to Western Europe.

◆ The German Embassy, which has the only Schengen diplomatic representative in Kyrgyzstan, refused a visa to the KCHR coordinator of Osh Region, Noomandgan Arkabaev, who wanted to travel to Vienna in order to attend the October OSCE Conference on the Protection of Human Rights Defenders and an IHF Training Seminar. Mr Arkabaev was recently impris-

oned on fabricated criminal charges. Despite an official IHF invitation and OSCE/ODIHR intervention, the embassy refused to grant him a visa.

◆ Estebesova Altynai, the wife Almaz Dyrlydaev – who represents the KCHR in exile – and his daughter, faced many difficulties in receiving visas for family reunification.

◆ Zamira Sydykova, Editor-in-Chief of the *Respublika* newspaper was told by the German Embassy that she needed the permission of the President's assistant, Askar Aitmatov, in order to receive an exit visa.

Religious Intolerance

The Kyrgyz authorities have tried to benefit from border violations by Uzbek forces in order to divert the attention of the international community from criticism of Kyrgyzstan's deteriorating human rights record, including the increasing persecution of religious people under the pretext of combating terrorism.

Despite the fact that Hizb-ut-Tahrir³ in Central Asia are not involved in terrorist acts, the persecution of their members increased in Kyrgyzstan in 2001. According to the governmental report prepared by the agency "Kabar," more than 300 activists of Hizb-ut-Tahrir have recently been targeted, arrested and charged.

Those convicted of being members of Hizb-ut-Tahrir have received longer sentences following the 11 September terrorist attacks in the United States.

In November, the authorities in the southern Jalal-abad region banned the reading of the call to prayer via loudspeakers. According to the Government's commission for religious affairs, the ban was unlawful but the local Muslim leader, Dilmurat Haji Orozov, complained that authorities continued to enforce it. The local religious affairs official said that the ban was imposed to protect the rights of non-

Muslims, pointing out that people of all faiths had been woken up early in the morning by the amplified calls to prayer. However, an expert on religious issues at a Jalal-abad human rights organization believed that the ban is symptomatic of a new policy adopted by the authorities: "Repression of Muslims who refuse to follow the instructions of the secular authorities has increased."⁴

According to the Institute for War & Peace, the Kyrgyz Government was planning to put Kyrgyz students studying abroad under surveillance after reports that some of them have joined radical Islamic groups. The Kyrgyz National Security Service said it held files on 300 Kyrgyz nationals studying in Pakistan, only 25 of whom were there legally. According to Security Service Official Talant Razzakov, some were known to have joined the Taliban and about 30 were members of IMU. For many though the greater concern was what would happen when the radical students returned home. Attention was also paid to the content of Islamic education provided at home. Five Islamic universities and 27 *madrasahs* were opened since the country gained independence ten years ago. The Government was now challenging their financial sources and auditing and revising their curricula.⁵

National Minorities

Of all the national minorities living in Kyrgyzstan, the Uigurs have been subjected to the most obvious persecution. On the pretext of fighting terrorism, the Kyrgyz Government has cooperated closely with the special agencies of China, where the Uigurs' rights have also had their rights violated.

Also in 2001, the Uigurs were charged with contributing to separatism and maintaining connections with Uigurs in China. Many of them were arrested and sentenced to long prison terms for disseminating literature that advocates an independent Uighurstan. The leader of Uigur Society "ITTYPAK", Nigmat Bazakov, was killed. The

Ministry of Justice refused to register the Uigur Organization for the Liberation of Uigurstan because it said the registration would worsen the Kyrgyz-Chinese relations. Numerous activists from this organisation have been deported to China despite the fact they may face the death penalty and execution there.

The Uigurs perceived the discrimination and harassment as a purposeful governmental policy against them because of the accusation that they allegedly pose a potential danger to the stability of the political and social situation in the country. After his visit to China, Minister of Interior Tashtemir Aitbaev announced that Kyrgyzstan is ready to cooperate with China in the fight against Uigur separatists. He also confirmed the extradition of many Uigurs to China. As a result of the government policies, many Uigurs have immigrated to European countries.

Death Penalty

A moratorium on the death penalty was declared on 4 December 1998, but it expired at the end of December 2001. As of this writing it was not clear whether the moratorium would be extended, nor was it on the agenda of the Parliament.

Human Rights Defenders

During the past few years, authorities have increasingly harassed members of the KCHR and their relatives. Their telephones have been tapped, they have been subjected to various forms of pressure, and judicial executors, police, and officers of special services and others have regularly "visited" KCHR's offices. In May, a court decided that the NGO's computers and other technical equipment should be confiscated, and another ruling regarding the rest of the property was handed down a few days later. Dozens of court cases have been filed against the Committee and its activists, some have been imprisoned and the KCHR Chairman and another staff member

remained in exile in Vienna. As of the end of 2001, a case demanding the withdrawal of the KCHR's registration in 1996 was pending.

By the end of 2001, there had been over 30 court sentences against the KCHR and its Chairman and in favour of A. Eliseyev, a former KCHR employee who was dismissed from his position for misconduct and has since been manipulated by the authorities to crackdown on the KCHR, alleging that his "honor and reputation" had been "undermined."

◆ In one such case, on 17 October, the KCHR was ordered to pay the plaintiff damages in the amount of 19,000 soms (U.S.\$400). The dispute was related to a letter written by the KCHR and published in the independent newspaper *Respublica*, which responded to accusations brought by Mr Eliseyev against the KCHR in an earlier article published in the governmental newspaper *Slovo Kyrgyzstan*. In the same lawsuit, the newspaper *Respublica* was ordered to pay 300,000 soms (U.S.\$7,000) in damages. This constitutes a huge sum in Kyrgyzstan and may result in the closure of the newspaper.

◆ On 27 January, unidentified perpetrators attacked KCHR employee B. Tynaliev, put a knife to his throat, took his KCHR documents and threatened to kill him and have him "disappear" if he did not stop working for the KCHR.

◆ On 12 June, Abdymamat Kadyrbekov, a KCHR activist in Dgalal-Abad, was arrested by the police and brought to the city police department. On the way to the department he was beaten by police officers. He was falsely charged with violently resisting representatives of the authorities (Article 341 of the Criminal Code). A police officer prepared a false medical certificate for himself claiming serious injuries allegedly sustained during arrest. On 17 September, the Jalal-Abad Court sentenced Kadyrbekov to

three years imprisonment, on probation, and threatened that if he were to continue to complain, he would be imprisoned.

◆ On 27 June, the National Security Services arrested Mr Arkabaev, a KCHR activist in the Osh Region, on the basis of fabricated criminal charges. On the same day, they searched the KCHR office in Osh and sealed it. It is believed that the charges were brought because Mr Arkabaev had tried to publish material about corruption among many heads of regions and the Ministry of National Security. Following the intervention of international organisations and the UN Special Rapporteur on Human Rights Defenders, Hina Jilani, the charges were dropped due to a lack of evidence.

◆ On 13 March, President of the Coalition of Non-Governmental Organizations of Kyrgyzstan, Tolekan Ismailova, was beaten by an unidentified man in the doorway of her building and lost consciousness. The coalition is an umbrella organisation of more than 100 NGOs and has released critical reports of the parliamentary and presidential elections. It is one of the few independent organisations openly critical of the authorities.

◆ On 24 October 2001, Ravshan Gapirov, Director of the human rights center "Justice and Truth" in Karasu, Osh Region, was sentenced to 13 imprisonment for "hooliganism," "insulting representatives of state authorities" and for drug possession. However, the IHF believes that Mr Gapirov was prosecuted and sentenced for his human rights activities, especially after the IHF mission to Osh in June met with Mr Gapirov. On that occasion, he described his difficulties with the local police, who did not appreciate his activities (including organizing discussions and demonstrations) and who tried to silence him. He had frequently been in conflict with local authorities because of his criticism of regional politics and for his investigation into a corruption

scandal. Local monitors are convinced that the charges against Mr Gapirov were fabricated and the drugs were planted in his bag. They also regard his sentence as a serious threat to civil society in Kyrgyzstan.

During President Akaev's visit to Vienna on 19 September 2001 at the invitation of

the OSCE Permanent Council, activists of the KCHR and the Ar-Namys party organized a demonstration in front of the building where the Council met. Members of the Kyrgyz Presidential Guards openly threatened the demonstrators, saying that if they were to return to Kyrgyzstan they would be eliminated.

Endnotes

- ¹ Unless otherwise noted, based on the *Annual Report 2001 of the Kyrgyz Committee for Human Rights*.
- ² See also Human Rights Defenders.
- ³ The Party of Liberation or Hizb-ut-Tahrir promotes Islam as a religious and social force. It has frequently criticized governments of corruption and repressing Muslims, but has not, according to western diplomats, promoted violence. It has been banned in all Central Asian countries.
- ⁴ *Keston News Service – Summary*, 3-7 December 2001.
- ⁵ Sultan Jumagulov, "Religious Students to Be Probed," Institute for War & Peace, RCA No. 89, 30 November 2001, distributed by Human Rights Without Frontiers, 3 December 2001.