

Kyrgyzstan¹

IHF FOCUS: elections; freedom of expression and the media; peaceful assembly; judicial system and independence of the judiciary; detainees' rights; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; death penalty; rights of the child; human rights defenders.

The human rights situation in Kyrgyzstan continued to deteriorate steadily in 2002. The tense social, economic and political situation which prevailed throughout the year, contributed significantly to the proliferation of human rights abuses and also led to wide-scale protest. In 2002 the majority of the country's population were living in poverty and the situation aggravated almost on a monthly basis.

The Kyrgyz people also accused the government of failing to react properly to solve the long-existing problems with the border areas. Widespread corruption impacted on the human rights situation and government policy also. Instead of seeking solutions to the problems, the government moved to curb basic rights and freedoms, such as the freedom of expression. The government initiated disinformation campaigns, attempted to keep the public in an information vacuum, and adopted other suppressive mechanisms reminiscent of the Soviet era. In an attempt to convince the international community that civil society was functioning in Kyrgyzstan, the government set up NGOs, which it in fact controlled.

All these factors fuelled public outcry and on March 17-18 a government attempt to quell a public protest resulted in the deaths of peaceful demonstrators. This tragic event contributed to the lack of public confidence in the government. The climate of insecurity also led to mass migration.

Despite the fact that civil society monitors believed there was no imminent threat of terrorism against Kyrgyzstan, following the September 11, 2001 attacks on the United States, the Kyrgyz government announced the need to fight terrorism in Kyrgyzstan. In the name of preventing terrorism the Kyrgyz government began to cooperate more closely with repressive countries such as China and Uzbekistan.

In September, the Constitutional Council began drafting amendments to the Constitution, which would redistribute presidential power and also affect the organization of the judiciary. The fact that President Askar Akaev had himself established the council and chaired it, was considered by many to indicate a tactical move to curtail the often criticized width of his powers. However, President Akaev announced on January 2, 2003, that he would no longer cooperate with the council and that he had founded an experts' group of his own to review the amendments and finalize the work. The experts' group did not include members of parliament, the opposition, or the public. The opposition rejected the new draft and claimed that all the main points agreed on by the Constitutional Council had been dropped from the new amendments. Instead, the amendments increased presidential powers and reduced those of parliament. Although the Kyrgyz president announced his intention of holding a public referendum on the amendments in February 2003, in January 2003 no legislation had yet been enacted which would legalise the holding of such a referendum.²

Elections

On October 20, parliamentary by-elections were held in four southern districts: Ala-Buka, Kara-Kuldja, Leilek and Osh-3000. Local authorities took various measures to ensure the defeat of opposition candidates.

- During first round elections in Kara-Kuldja, Usen Sydykov, the chairman of the Agricultural-Labor Party, and the former prime minister, won with 46% of the vote and was, accordingly, due

¹ Unless otherwise noted, based on the *Annual Report 2002* of the Kyrgyz Committee for Human Rights (KCHR, IHF affiliate).

² RFE/RL Central Asia Report, Vol. 3, No. 3, January 16, 2003.

to run in the second round against Z. Parmanakunov who received 19% of the vote in the first round. However, the Osh City Court, apparently under pressure from the authorities, prohibited Sydykov from running in the second round, on the basis that it had found irregularities in his documents. The Supreme Court upheld this decision on appeal, and this was followed by mass demonstrations of opposition supporters. Local monitors claimed, that in fact Sydykov's documents were in order, and that, in general, only the documents of opposition candidates were checked in so scrupulous a manner.

Because large-scale irregularities had previously played a part in Kyrgyz elections, local monitors feared that the developments in Kara-Kuldja marked the return of problems which would in turn mar the forthcoming parliamentary and presidential elections.

Freedom of Expression and the Media

Freedom of Expression

Members of Kyrgyz opposition parties continued to be prosecuted in 2002 on fabricated charges or for minor offences. Those loyal to President Akaev and his administration were not charged with such offences.

Almost all criticism of the president and his family was forbidden.

- On May 8, Feliks Kulov; leader of the Ar-Namys Party, and former Bishkek mayor, vice president and minister of national security, was sentenced to ten years in prison. His property was confiscated and he and his co-defendant, Aleksandr Gassanov were fined €15,000. The men were barred from occupying state or municipal posts for up to three years after their release. Kulov was charged with abuse of his position while minister, however it was clearly apparent that the long judicial proceeding were only initiated because of his political activity. On October 11, Bishkek Municipal Court upheld the verdict. At this time, Kulov was already in prison serving a separate sentence for alleged abuse of his ministerial power. His problems began in 1999 when he clashed with President Akaev, left the government and subsequently set up the Ar-Namys party. In 2000 Kulov put himself forward as a presidential candidate but was subsequently arrested.³
- An opposition member of parliament, Ishenbay Kadyrbekov, was charged with libel and defamation after he voiced justified criticism of the Naryn provincial authorities.

In 2002 Members of the Islamic movement Hizb-ut-Tahrir were arrested more often and were sentenced to longer prison terms than was common prior to September 11, 2001. While most non-violent Hizb-ut-Tahrir members or supporters were fined, some did receive five-year prison sentences.⁴ In November 2001, the authorities in the southern Jalal-Abad region had banned the transmission of the call to prayer over loudspeakers, and Islamic Kyrgyz students studying abroad were under scrutiny as was Islamic education at home.

Freedom of the Media

The future of the independent media in Kyrgyzstan was seriously endangered in 2002. Newspapers such as *Moya stolisa* and *Kyrgyz Ordo*, and their journalists, faced several litigation suits for libel of the president and members of his family or for revealing corruption among the authorities. The courts followed the "advice" of the authorities and handed down heavy penalties aimed at forcing the newspapers in question to close down, or at silencing outspoken journalists.

³ RFE/RL Central Asia Report, Vol. 2, No. 40, October 17, 2002.

⁴ Zamira Eshanova, "Uzbekistan, Kyrgyzstan, differ in approaches to Hezb ut-Tahrir," in RFE/RL Newline, July 2002.

Journalists were also harassed or ill-treated in other ways. Local monitors reported that law enforcement officers were involved in this harassment.

- On February 8, independent journalist Ulugbek Babakulov was beaten in front of his office in Jalal-Abad. One of the three perpetrators was reportedly identified as an employee of the Jalal-Abad *oblast* (administrational unit) Prosecutor's Office. The attackers took a folder containing documents from Babakulov, destroyed articles he had written, broke his dictating machine and threatened him. The man from the Prosecutor's Office reportedly said: "If you are such a human rights defender, now we will see who will defend you, or how you will defend yourself."
- On June 25, the Supreme Court upheld the November 2001 ruling of the Jalal-Abad *oblast* court against the television journalist S. Orozov and his driver M. Topchiev. These men had been sentenced to nine and eight years in prison, respectively, and their property was confiscated, for allegedly taking bribes. Local human rights monitors believed that the Prosecutor's Office had forged the case materials under political pressure. Orozov was in the process of preparing a film on the involvement in corruption of E. Torobaev, a parliamentarian.
- On July 26, during a round-table discussion, President Akaev accused the Kyrgyz radio station Radio Liberty of being a "information terrorist, which is financed by the USA against the Kyrgyz Republic." Radio Liberty was the only independent radio station in Kyrgyzstan which could be received in almost all of the country. Moreover, authorities jammed its airwaves in the southern part of the country in order to hinder people from receiving objective information.
- On December 3, the Toktogul District Department of the Interior seized 2,500 copies of the independent newspaper *Kyzyl ordo*, without any apparent justification.
- By the end of the year, the newspaper *Moya stolitsa* was facing over a dozen lawsuits for critical articles in which it had reported on the alleged corruption of the government and other senior authorities. The newspaper had been charged with, among other things, having impugned the reputation and dignity of individuals and corporate bodies. By early January 2003, the courts had awarded huge amounts of money in favor of the plaintiffs or had ordered the paper to pay high fines. More trials were due to begin in 2003.⁵ On December 3, the National Secretary of the President's Administration, O. Ibraimov, declared in governmental newspapers *Kyrgyz Tuusu* and *Slovo Kyrgyzstana* that *Moya stolitsa* should be closed because it had criticized the president and his family and insulted his honor and dignity.

Peaceful Assembly

Article 16 of the Kyrgyz Constitution guarantees the right to gather peacefully and hold meetings and demonstrations. However in 2002, under political pressure, authorities adopted and implemented regulations, which hindered people from exercising this right or punished them for exercising it.

In January 2002, people began to protest or organize strikes on a daily basis to pressure for the release of Azimbek Beknazarov,⁶ a popular opposition parliamentarian arrested on January 5 and charged with abuse of power. It was widely believed; however, because of Beknazarov's criticism of President Akaev's politics, that the charges were politically motivated. Demonstrations were held in front of the general Prosecutor's Office in Bishkek and in villages of the Aksy district in the Jalal-Abad region of southern Kyrgyzstan. Almost 700 people declared hunger strikes. Law enforcement officers broke up protests and arrested some of the participants, including women and elderly people, by using physical force. This kind of violent incident took place twice in Bishkek, several times in the Aksy district, and also in the Toktogul district.

⁵ RFE/RL Media Matters, Vol. 3, No. 2, January 17, 2003.

⁶ See Judicial System and the Independence of the Judiciary.

- On March 17, the Kyrgyz police shot at civilians on the highway, from Kara-Su to Kerben, who were heading for demonstrations. Two people, Kadyrbay Saparaliev and Sovetbek Tagaev, died immediately as a result of the police gunfire. Two others, Satymbay Urkunbaev and Erkinaly Chetinbaev, died later, in the hospital of Kerben. In total, five people died in the March 17-18 shootings and one as a result of torture in the District Department of the Interior.
- On March 18, Umetaliev Eldiyar was shot and killed during a demonstration in the village of Kerben. Police officers chased him into a car occupied by people who then killed him. The perpetrators were identified but not prosecuted.

In total, some 200 people were injured during the March incidents in the Aksy region and the same number arrested and ill-treated. Many were sentenced to serve an administrative punishment. Most of the detainees were held in police stations where they were tortured in order to extract “confessions” for crimes they had not committed, and where they were forced to sign documents without knowing what they signed.

- Israilov Ulanbek was arrested on March 18 and brought to the Aksy District Department of the Ministry of the Interior. There police officers beat and tortured him. He was forced to put his hands on the floor, after which police officers placed a chair on them and another officer sat on the chair. They also took money from him and a golden ring. Ulanbek was forced to sign documents he was not allowed to read and was released in the evening of March 19.
- Duishobaev Kuttuben was arrested on March 19 and beaten with sticks and other objects by police officers, who also threatened him with a gun, in order to make him name the organizers of demonstrations. He too, was made to sign documents, the contents of which he had not read. On March 22 he was on route to the hospital for medical treatment, but was arrested by the police while on his way there and returned to a police station, where he was again beaten and ill-treated.
- Japarov Habibula was arrested on the evening of March 18 on his way home. Police officers made him strip naked, beat him, forced him to lie on a concrete floor, and poured cold water on him. He was made to sign several documents, again without knowing what he signed.

On December 28, the Osh Military Court convicted and sentenced four of the seven men charged with responsibility for the March Aksy killings. Former Jalal-Abad Regional Prosecutor, Zootbek Kudaibergenov, and former Police Chief, Kubanychbek Tokobaev, were sentenced to three years imprisonment each for overstepping their authority, while the former Aksy District Prosecutor General, Abdykalyk Kaldarov, and the former Jalal-Abad Deputy Police Chief, Abdimal Kalbaev, were both found guilty of interfering with a public protest and received two-year sentences. Members of the Kyrgyz opposition and human rights monitors criticized the lenient sentences, and also bemoaned the acquittal, due to lack of evidence, of the other three high authorities initially charged with the crimes. Many also believed that the order to disperse the protests and even to shoot at demonstrators came directly from the presidential administration. On an even more worrying note, some of the officials closely involved in the incidents were promoted. Amanbek Karypkulov, head of the presidential administration, was appointed ambassador to Turkey, while Teminbek Akmatalliev, former Minister of the Interior, was appointed deputy head of the presidential administration.

Ismail Isakov, a member of parliament and chair of the Parliamentary Commission on Security, accused the government of the premeditated killing of peaceful demonstrators, and demanded its resignation. He claimed that special services had started to videotape events in Aksy early on the morning in question and had stopped people apparently planning to join the demonstrations, and made photographs of them, in order to later accuse them of breaching public order. The fatal clash and killings were also taped by law enforcement agencies, who claimed to have operated legally when dispersing the protests with violence.

It should also be noted that, prior to the event, the authorities had told the local hospitals to prepare to treat wounded people. Doctors who were taken to the scene of the clash treated only injured

police officers, not demonstrators. After the incident, authorities launched a huge and well-planned campaign against individuals, accusing them of having knowingly organized disorder.

Later in the year, similar incidents took place.

- On September 4, people from different cities and villages of the Jalal-Abad region, gathered in the city of Tash-Kumyr and started marching toward Bishkek. They demanded President Akaev's resignation, the punishment of the Aksy tragedy perpetrators and the release of Feliks Kulov. However, two days later, having marched 80 km and with still 450 km to go, they were stopped in the city of Kara-Kul. Police officers took food and water from the peaceful demonstrators and tried to provoke them. On September 13, different authorities signed a memorandum agreeing to stop the march, and government representatives promised to fabricate criminal cases against 12 of the march participants, who had been previously arrested. Following this, the march was called to a halt.
- On November 14, about one thousand people began another peaceful march from the village of Belovodsk toward the capital, 60 km away. The participants again sought the president's resignation, and demanded the participation of Usen Sydykov in the second round of parliamentary by-elections. The protesters also called for the fulfillment of an agreement regarding the Aksy killings,⁷ which was signed on September 13 by the opposition and the government. Some ten police control points were placed on the highway to stop people from gathering in Belovods. In spite of this, the protesters managed to proceed to the village of Voenno-Antonovka (some kilometers from Bishkek) where police officers blocked their way. On the following day, police raided café "Jalal-Abad" in the Bishkek suburbs where the participants of the march were having breakfast, and arrested 34 people, who were pushed into a police bus and transported away. Police officers used force against people and many were injured. Those arrested included Akinov Kurmanbek, Dokbaev Makysh, Udaichiev Rasul, Bakirov Shakir and Avazov Kylych. They were held in detention for several days after which they were deported to the south of Kyrgyzstan.⁸
- On November 16, the opposition parties planned to hold their third national congress, but because they were not allowed to use a public building for it, and private property owners were pressured not to allow the opposition to use their premises, opposition leaders decided to hold their conference on the street. During this meeting, more than 200 delegates were arrested. Among them were T. Akunov, a human rights defender, Usen Sykov, a parliamentary candidate, who was fined €45, and K. Jakyzbekov, coordinator of the Asaba party in the Issyk-Kul region. Others arrested included old people up to the age of 80. Later on the same day, a further 30 people, who had arrived in Bishkek from Naryn, were arrested. On November 18, the rest of the opposition delegates gathered near the central shopping center "Aichurek" where 63 of them were arrested. The Sverdlovskiy District Court sentenced them to five days' imprisonment and fined them 1,120 soms (€30).

In a move to curb wide-scale demonstrations, meetings and pickets, and following an attack on the acting head of the presidential administration and Security Council Secretary Ashyrkulov, Prime Minister Tanaev signed a government decree on September 6, introducing a ban on demonstrations. This decree was in clear contravention of the Constitution. Facing fierce opposition, the draft bill was recalled. However, at an October 3 meeting in Bishkek, and during another meeting on October 5 in Osh, local city

⁷ The agreement provided that by January 15, 2003, the government would punish those responsible for the killings of demonstrators in Aksy. In addition, the government committed itself to dismissing all high-ranking officials of the presidential administration, including the then Minister of Interior, Temirbek Akmataliyev (later the acting head of the presidential administration), the then Head of the President's Administration, Karykulov (later the Kyrgyz Ambassador to Turkey), and the then Deputy Minister of the Interior, Sadiev (later the head of the Border Service), who were responsible for the killings. The government also agreed to release all the demonstrators arrested on fabricated charges. Regrettably, the government did not fulfill its agreed obligations.

⁸ See also IHF, "Kyrgyz Demonstrators Must Be Released," November 17, 2002, at www.ihf-hr.org/appeals/021118.htm

councils were pressurized by the presidential administration and mayors to accept a moratorium on public demonstrations and meetings.

Judicial System and Independence of the Judiciary

The absence of the rule of law was one of the main problems in Kyrgyzstan in 2002 and contributed greatly to public mistrust in the democratic process. Generally, court decisions did not abide by the Kyrgyz law. The urgent need for thorough judicial reform seemed to be disregarded due to fears that the authorities would lose control over the courts. In practice, the courts were dependent on the presidential administration, which appointed the judges and controlled their activities. This administration was responsible for regularly reviewing the competence of the judiciary, and this mechanism allowed them to control the political loyalty of the judges. It was reported that nearly all members of the Kyrgyz judiciary were appointed on the basis of bribes and devotion to the regime. Also, because the judges received relatively low salaries, they were materially dependent on the authorities, and corruption within the justice system was widespread.

No trial in 2002, of a political nature, was known to have ended with a lawful ruling, and the courts generally ignored constitutional and international provisions.

- The arrest on January 5 of the opposition Member of Parliament Azimbek Beknazarov in the Jalal-Abad region, was, apparently, politically motivated. Beknazarov had criticized the Kyrgyz government for ceding contested territory to China and for making an agreement on national borders with Kazakhstan in December 2001, which led to the exchange of important territories. One month earlier, 17 members of parliament had written to President Akaev asking him to stop the persecution of Beknazarov. According to some parliamentarians, the National Security Service (NSS) together with the General Prosecutor's Office had formed a special commission to study Beknazarov's earlier activities, in order to find reasons to arrest him. On January 8, the prosecutor of the of Jalal-Abad region, Zootbek Kudaybergenov, signed an arrest warrant for Beknazarov on charges of exceeding his powers (article 177.2 of the Criminal Code) and of organizing the arrest of an innocent person (article 185.2). He was released only after the tragic events of March in Aksy. On May 24, the Kara-Kul City Court sentenced Beknazarov to a suspended prison sentence of one year and released him. However, the governmental commission on the investigation of the Aksy tragedy concluded that Beknazarov was innocent and his arrest had been illegal.

The Case of Feliks Kulov is another prominent example of the manner in which the Kyrgyz courts abused the right to due process in 2002.⁹

- On May 8, Feliks Kulov was sentenced to prison by the Pervomaiski District Court after an unfair trial for fabricated charges of economic. However the trial was actually motivated by political reasons. When the verdict was announced, the police surrounded the court building, no vehicles were allowed to pass, and access to the courtroom was denied. Most observers who had come to attend the trial were forced out of the building. After the sentence was announced, troops from the Ministry of the Interior blocked the exit for some time.¹⁰

Detainees' Rights

A parliamentary commission, headed by Bolotbek Sherniazov, in April submitted to the People's Assembly the results of a parliamentary investigation into the treatment of citizens' constitutional rights, by the Kyrgyz agencies for preliminary investigation. The commission reported that "laws and constitutional rights of citizens are violated in all spheres of public administrations, and it is becoming chronic."

⁹ See also Freedom of Expression.

¹⁰ Kyrgyz Bureau for Human Rights and Rule of Law, May 8, 2002.

One of the conclusions reached by the commission was that one out of every 15 cases which reached the Kyrgyz courts was based on insufficient evidence. The commission also noted that the branch of the Prosecutor's Office, which was in charge of ensuring the legality of court proceedings, often seemed to operate as a "reliable transfer mechanism" for directing, on poor evidence, "legal suits from the investigation organs to the courts." According to the parliamentary commission, this claim could be proven with statistics: during the past eighteen months, courts in Kyrgyzstan had acquitted 478 persons due to the fact that the crime never happened, and had terminated 1,773 criminal cases without issuing judgment due to lack of evidence. "There is not doubt," concluded the commission, "that grave violations of constitutional rights of citizens occurred in all of these cases." The total number of the cases, which the commission investigated was more than 34,000.

The report provided examples of cases where detainees were seriously tortured and ill-treated by police officers and where misconduct on the part of prosecutors and the inadequate operation of the courts resulted in innocent people being sentenced to death. The commission also commented that "investigation organs clearly do not care about the fate of people, as arrests are often followed by beating, intimidation, and demonstration of power over people to extract confessions."

Another conclusion reached by the parliamentary commission was that numerous people had been detained without due cause. In 2000, 4,060 of the total 15,000 people held in the isolation units designed for temporary detention (IVS) were released on bail. Their release raised questions regarding the necessity of many of the detentions.

The commission also highlighted the fact that the official data on such abuse of due process rights was just the tip of the iceberg. Especially "in the provinces and districts," where, "official data are distorted under the pressure of the heads of the law enforcement agencies to [speed up] their careers." For example, in 2001 physicians registered 585 cases of rape of women, however only 338 criminal rape cases were filed by the law enforcement agencies. In addition, while the Prosecutor General's Office registered 386 murders in 2001, the medical examiners reported that the number of corpses showing signs of homicide was almost ten times that high.

- On November 15, authorities brought five buses to the temporary detention center in Bishkek, where they forcefully pushed arrested people into these buses, and then deported them to the south of Kyrgyzstan. On the way to the southern provinces, at the Teu-Ashuu pass, a group of people were left in the Suusamyр Valley, which is situated more than 4,000 meters above sea level with temperatures of minus 20 to 30°C during the day and almost minus 40 at nights. The president's assistant, B. Januzakov, admitted on national TV that the people really had been subjected to internal deportation to punish them.

Torture, Ill-Treatment and Police Misconduct¹¹

Kyrgyzstan ratified the UN Convention against Torture in 1996, however it ignored statements of the UN Commission against Torture in 1999 and the UN Commission on Human Rights in 2000, recommending that it take serious measures towards abolishing torture. In 2002 misconduct on the part of law enforcement officials, including beatings, other forms of ill-treatment and direct torture to extract "confessions" and to pressure for bribes, continued unabated in police stations and detention facilities. Despite the high number of torture cases, law enforcement officials were rarely prosecuted for their actions.

Moreover, Kyrgyz legislation did not make ill-treatment or torture a crime. The Kyrgyz Committee for Human Rights proposed in 2002 that the Criminal Code be amended to add provisions abolishing the death penalty and criminalizing the use of torture. However, no such steps were known to have been taken by the end of 2002.

¹¹ See also Peaceful Assembly and the Judicial System and Independence of the Judiciary.

During the demonstrations of March 18-19 numerous people were arrested and most of them mistreated or tortured.

- Nurmamat Jumaliev was arrested by policemen on March 19 while he was on his way to hospital for medical treatment. He was taken to the local District Department of the Interior (ROVD) where he was beaten. As a result, he lost consciousness, only after which was he taken to hospital.
- Tariel Chomoev was arrested by police officers on March 18 and taken to a ROVD, where he was beaten with a truncheon until his hand was broken and his head was injured. Then his hands were tied and the officers continued to beat him. He was forced to sign a statement he had not read.
- Sagynbai Myrzakmatov was also arrested by police officers on March 18, on his way home from work. On the way to a ROVD he was beaten with truncheons and his hands were twisted. When he leaned down, a policeman kicked him in the face and broke his lips. When they arrived at the facility, Myrzakmatov was forced to sign a statement claiming that he had been drunk and had participated in demonstrations. He was also forced to sign other documents, the content of which he had not read.
- Bubuhajan Esenova was beaten with a truncheon on her head by policemen in the village of Bospiek on March 18. As a result of her injuries, she was admitted to hospital, where she spent several days. After her stay in the hospital she had not recovered but had constant headaches and had to return to hospital for further medical treatment.
- Begaly Bazarbaev was arrested on March 19 and brought to a ROVD where he was beaten with a truncheon and kicked. According to Bayarbaev, the other 37 people held in the same cell were also beaten. They were ordered to strip, cold water was poured on them and they had to stand for long periods of time on the cold, wet, concrete floor.
- Talaybek Kudaybergenov (24) was arrested on March 18 when he was on his way home with his three-year-old son. He was taken to a ROVD where policemen took from him 240 soms (€5) and his passport. His son was left alone on the street. In the ROVD, he was beaten with truncheons and kicked. His clothes were taken off and he was forced to lie on the cold floor while policemen poured cold water on him. On another occasion, he fell down after an officer hit his head, and another officer then stepped on his head and pushed him. The policemen forced him and his cellmates to apologize to the officers who had beaten and tortured them.
- Birukulov, an Uzbek citizen, died in the office of the Aravan District Department of the Ministry of the Interior, in the Kyrgyz province of Osh in April. According to judicial and medical experts, Birukulov died of suffocation; authorities alleged that he hanged himself. However, according to his relatives, he was killed by policemen who had tortured him for three days. His body was brought to his house with obvious signs of torture and beating: his head, spine, chest, and legs were injured.

In none of the above-mentioned cases were police officers prosecuted or punished for ill-treatment, torture or causing the deaths of those in their custody.

Conditions in Prisons and Detention Facilities

Convicted prisoners did not undergo medical checks when first imprisoned, and convicts with contagious diseases were kept in the same cells as healthy prisoners. Both these practices contributed to the fast spread of contagious diseases such as tuberculosis and AIDS. Prison and pre-trial detention facility (SIZO) administrators did not take any precautions whatsoever against these diseases. As a result, there was a dramatic increase in the number of prisoner deaths from TB and AIDS. Moreover, penitentiary administrators tried to conceal these deaths.

In 2002, no psychological or psychiatric assistance was offered to prisoners. Prison food was seriously substandard, as a result of which relatives and friends usually brought prisoners food. Sick convicts and suspects were not offered special meals.

Conditions in the SIZOs did not meet even the minimum standard of sanitary conditions. Convicts could not take a shower, and only by paying 50-100 soms (€1-2) could they wash for five to 10 minutes. Furthermore, items of personal hygiene such as tooth brushes, tooth paste, soap and razors, were not allowed. In the worst situations, like in the Jalal-Abad province IVS, there were no toilets and the 12 prisoners accommodated in the one cell had to use a bucket. A standard cell was for eight prisoners, but in reality more than 12 prisoners were usually housed in one cell. Prison administrators often mistreated prisoners and suspects.

The Death Penalty

The death penalty remained in force in Kyrgyzstan throughout 2002, although since the 1988 declaration of a moratorium on execution, no one had been put to death. The moratorium, however, expired on December 31, 2002.

Although President Akaev had made statements against the death penalty, and although its abolition was included in the government's human rights program announced on January 2002, no formal steps in that direction had been taken by the end of the year. Despite the moratorium, the Kyrgyz courts continued to hand down death sentences and the Kyrgyz government, in violation of international law, refused to publish the official statistics concerning the number of those sentenced to death. Amnesty International believed that at least 160 persons were on death row in Kyrgyzstan as of the end of 2002.¹²

Rights of the Child

Although Kyrgyzstan ratified the Convention on the Rights of the Child in 1996, in 2002 the Kyrgyz government did not take any serious steps to improve the poor situation faced by Kyrgyz children. Child labor continued to prosper in Kyrgyz city markets and many children reportedly abused alcohol, were addicted to drugs and engaged in prostitution. The domestic situation in many homes forced many children to run away. Instead of taking measures to protect the rights of children, in 2002 the government treated some children and young people as potential criminals, keeping special registers of children who were orphans, drug users or runaways.

The Bishkek City Council raised the issue of under-age runaways at one of its sessions. According to the city authorities, in the first six months of 2002, 2,000 children were identified as homeless, 56 crimes were committed by children and 60 crimes were committed with children as accomplices. Also, it was noted that every third crime committed by a child was committed under the influence of alcohol or drugs.

The police department carried out "Operation Homeless" in February, and found children living in the heating or sewage pipelines, among other places. Of the 224 children found, 153 did not attend school, 25 were involved in thefts, seven were prostitutes and 24 were beggars. All the children found during the operation were placed in a detention center where no rehabilitation measures were taken which would allow the children to reintegrate into society. A number of the children were returned to their families after which they ran away again due to unbearable domestic situations, often caused by parental alcohol and drug abuse and contributed to by extreme poverty.

¹² Open letter by Amnesty International, the IHF and nine other human rights organizations to President Akaev, December 18, 2002.

Human Rights Defenders

Human rights organizations operated relatively freely in Kyrgyzstan in 2002, however activists were arrested, and some faced judicial proceedings on fabricated charges, or were under surveillance by the NSS and the Ministry of the Interior. Members of the IHF affiliate, the Kyrgyz Committee for Human Rights (KCHR), were some of the authorities' main targets.

- Ramazan Dyryldaev, chair of the KCHR, spent over two years in exile because of several fabricated judicial proceedings against him. In early 2002 he was able to return to Bishkek after the charges were finally dropped. However, soon after his return, accusations arose once more alleging that Dyryldaev had faked the registration documents of the KCHR. The registration issue was the basis of the initial charges against Dyryldaev.
- On May 17, Noomanjan Arkabaev, coordinator of the KCHR, was arrested and accused of participating in the unauthorized demonstration of 2,500 people which blocked the Osh-Bishkek highway in the Nooken district. Arkabaev was monitoring police conduct during the demonstrations. The Osh City Court sentenced him to fifteen days of imprisonment on the basis of article 364 of the Administrative Code. He was released after serving the sentence but had to stop human rights monitoring because of threats.
- On May 20, a mob of more than 150 people stormed the KCHR office in Koshkor, the Naryn province. The group included relatives of the *akim* (head of the district) and the head of the village council, vendors and other people incited by the *akim*, the police chief and other senior authorities. The mob threatened KCHR staff member, Kachkyn Bulatov, and demanded him to close the office and leave Kochkor immediately, otherwise he would be stoned to death. Bulatov tried to negotiate with the mob saying that he had no authority to close down the office, but the intruders started to devastate the office, tearing documents and banners, breaking furniture and destroying a file of newspapers. Another staff member who arrived on the scene, Kemel Baiterekov, was attacked and beaten. The entire incident was videotaped by the Naryn Provincial Department of the Ministry of the Interior. Both Bulatov and Baiterekov were then taken to the Prosecutor's Office where Prosecutor A. Omuraliev continued to threaten them and did not react to their statements concerning the destruction of the office. Bulatov was taken to the local ROVD where he was pressured to write a "confession." When he refused to do so, he was severely beaten. Bulatov was not allowed to contact a lawyer but was instead taken to court to hear his verdict. The judge refused to listen to his complaint about the mob attack, the devastation of the KCHR office and his ill-treatment in the ROVD. Bulatov was sentenced to 15 days in prison and was sent to the local IVS, where he was beaten, harassed and verbally abused on a daily basis. The officers threatened his family and said that they were preparing criminal cases against him and his family. He was kept in a cell without a toilet and was given nothing to eat or drink for a long time. When he was released, he had to leave his village for Bishkek. The KCHR office in the Naryn province was closed down.
- On October 31, an administrator of the Pervomay District Court confiscated property (valued at €5,000) in the Pervomay KCHR office which was actually the property of KCHR's funder, Counterpart Consortium. The confiscation was carried out at the request of A. Eliseev, a former KCHR employee, who, having been dismissed for misconduct, had been persuaded by the Kyrgyz authorities to bring allegations of defamation against the KCHR. Counterpart Consortium attempted to intervene by proving that the furniture in fact belonged to it, but its claim was dismissed. On the basis of a similar decision, property of the independent newspaper *Respublica* was also confiscated and handed over to Eliseev.