

In the aftermath of the 2005 fall of former President Akaev and the subsequent change of government, the year 2006 was characterized by optimistic expectations and hope among the Kyrgyz population for improvements in the sectors of human rights and democratization. Yet, these hopes gradually faded in the course of the year when it became clear that the new authorities were ready to employ similar tools of pressure and inappropriate leverage on their opponents as the former administration.

The government's declared efforts to improve the country's human rights record were overridden by political infighting and power struggles. Political pressure on the media continued, no measures were taken to improve the situation of national minorities, and the position of children and women left much to be desired. Corruption continued to spread, also facilitating the growth of "shadow economy."

Emigration from Kyrgyzstan to Russia in search of better economic opportunities increased, while the average age of migrants decreased. Most migrants were qualified workers, including construction workers, engineers, technical staff, pedagogues, and medical personnel, thereby causing a serious flight of human capital from the country. At the same time, in Russia the migrants faced various problems related to their status (in most cases illegal) and lack of knowledge about local legislation, and resulting in many Kyrgyz migrants falling victim to crimes, which were often racially motivated and rarely properly investigated.

A major human rights development in 2006 was the abolition of the death penalty through the adoption of a new constitution, which states that "nobody shall be deprived of his or her life."

Freedom of association¹

During the year the Kyrgyz government announced steps that in practice amount to

inadequate interference with the work of NGOs. In January, Minister of Justice Marat Kaipov stated that his ministry would investigate all NGOs operating in Kyrgyzstan that receive foreign funding, and determine which of them might threaten Kyrgyzstan's national security. No explanation was given about what activity would be considered a "threat." The minister stated that the proposed measures were intended to fight "religious extremism."

About seven thousand NGOs operated in Kyrgyzstan in 2006 and many of them were dependent on foreign financial support due to lack of local sources of funding.

Reports were also received about NGOs being subjected to more frequent audits and investigations for example by tax and social security authorities.

The Kyrgyz Committee for Human Rights (KCHR), an IHF member organization, remained unregistered throughout 2006. The KCHR was stripped of its registration under the Akaev government for politically motivated reasons, when an alternate group was granted registration under the same name. As two NGOs cannot operate under the same, KCHR was denied re-registration. Since the new government came to office in 2005, relevant authorities have not responded to KCHR's efforts to restore its registration.²

Torture and ill-treatment

The Kyrgyz government submitted a report to the UN Committee against Torture in 1999,³ in which the then government assured that it was "very attentive to this issue [torture] and is taking steps to remedy the situation" (par. 105). But no improvements have taken place with regard to the abolition of torture - on the contrary, the situation has deteriorated over the past few years.

The methods of torture and ill-treatment have changed though and their techniques refined: perpetrators increasingly

resorted to methods such as holding a suspect's head in a vessel containing water, placing a gas mask on suspects and closing off the breathing tube valve, and beating suspects with batons. In 2006, torture was especially practiced by Interior Ministry troops trained to deal with riots and prison security and equipped for such purposes. They typically neither identified themselves nor explained the detainees reasons for their arrest.

While it was considered commonplace that police officers beat people they arrested, and oftentimes used violence to make people confess crimes they had not committed in order to raise clearance rates, most cases of torture, ill-treatment and other forms of police misconduct remained unreported. In addition, members of the police force were frequently involved in robberies, extortion, taking bribes and other forms of misconduct. Most victims feared new violence if they reported such cases, and they knew that they had virtually no chances to get abusive officers punished. Typically courts did not examine reported cases: at best, they forwarded the information to the office of the public prosecutor, which remained inactive.

◆ Aziza Abdirasulova, vice-president of the Commission of Human Rights under the president of Kyrgyzstan, reported at a press conference in August in Jalal-abad that the chief of the Jalal-abad City Department of Internal Affairs, Kubanychbek Torobaev, had seriously beaten Rukiya Ibragimova. Ibragimova is married to Zhamaliddin Abdurashitov, a suspected member of the Islamist Movement of Uzbekistan. The beating took place on 20 July in the hall of a local police isolation facility and was witnessed by other detainees. Abdirasulova complained that Torobaev had failed to give any acceptable explanation to the incident. Ibragimova had been arrested for "hiding criminals" and it was assumed that she was beaten to make her reveal the

whereabouts of her husband, who soon surrendered to the authorities.⁴ No further information was available of the later fate of the couple, nor about any investigation into the incident or disciplinary measures against the perpetrator.

Asylum seekers and refugees

The Uigurs

Kyrgyzstan violated international standards with regard to the protection of asylum seekers and refugees. The most affected groups were Uigurs fleeing from China after being subjected to persecution and Uzbeks from Andijan.

Discrimination against, harassment, and targeted persecution of Uigurs, increased in 2006. The IHF-led project against the death penalty showed that Uigurs were dramatically over-represented among defendants receiving a death sentence: three out of four were Uigurs.

Approximately 30 Uigurs were arrested in Kyrgyzstan in 2006 and returned to the People's Republic of China, where they were frequently detained as separatists and terrorists, and subjected to torture or faced the death penalty. Eight Uigurs stood trial in Kyrgyzstan on terrorism charges and were convicted on the basis of weak and contradictory evidence in trials that fell seriously short of international standards for a fair trial. Local human rights organizations, including the KCHR and "Democracy," considered the sentences in general illegal.

Terrorism charges increased against Uigurs after September 11, when the media increasingly started to label Uigurs as terrorists. Kyrgyzstan and China have signed a number of agreements, which regulate the treatment of Uigurs and are based on the assumption that Uigurs are generally inclined to terrorism and religious extremism. Kyrgyz authorities have tolerated Chinese special services' activities in the country targeting Uigurs, and even cooperated with them.

◆ In August 2006, the Supreme Court of Kyrgyzstan upheld the December 2001 death sentence handed down to Otabek Ahadov for the murder of Nigmat Bazakov, the chairman of the Uigur organizations "Ittipak." Ahadov had also been found guilty of carrying out terrorist acts and of membership in an extremist organization called "SHAT." Critics claimed that Ahadov served as a scapegoat for a murder perpetrated by a criminal group, that evidence and witnesses' statements spoke against his guilt and that he had confessed only under torture and threat of extradition.

Uzbek asylum seekers

Kyrgyzstan forcibly returned to Uzbekistan asylum seekers from Andijan, where hundreds of people were killed by authorities during an uprising in May 2005. More than 400 Uzbek refugees fled to Kyrgyzstan in the wake of the massacre.

With Kyrgyzstan developing closer relationships with Uzbekistan, Kyrgyz authori-

ties carried out policing operations allegedly targeting "religious extremists" or suspected "terrorists" in the southern parts of the country. In the summer, Kyrgyz law enforcement detained a number of asylum seekers as part of what the government called counter-terrorism sweeps, which were believed to be carried out in close consultation with Uzbek security forces.⁵

◆ In August, four asylum seekers from Uzbekistan disappeared in Kyrgyzstan: Ilhom Abdunabiev, Bakhtiar Ahmedov, Valim Babajanov and Saidullo Shakirov. Babajanov and Shakirov disappeared after unidentified men in plainclothes put them in private cars and drove them away. According to some sources, the drivers had identified themselves as police officers. In July, Isroil Kholdorov, a political activist from Andijan disappeared. It was presumed that all of them were forcibly returned to Uzbekistan. On 9 August, four refugees and one asylum seeker were extradited to Uzbekistan.



More than 400 Uzbek citizens sought asylum in Kyrgyzstan after the May 2005 massacre in Andijan. In the summer of 2006 Kyrgyz officials detained a number of them during "counter-terrorism" sweeps, apparently in cooperation with Uzbek security forces. © OSCE/Gourlan

Women's rights⁶

Domestic violence and abduction were pervasive forms of violence against women throughout Kyrgyzstan. Though statistics were not available, a large number of women and girls experienced such abuse while the government failed to address the issue sufficiently, citing the mass acceptance of such behavior and the ingrained acceptance of such violence in their culture.

The violence women were subjected to included kicking, strangling, beating, stabbing and sexual assaults by their husbands. In addition, "bride-kidnapping" remained a widespread ritual accepted by many as harmless despite the fact that it in

fact constituted abduction for forced marriage. Women and girl victims of bride-kidnapping described being grabbed, forced into cars, isolated and in some cases raped by their abductors.

While kidnapping and domestic violence were both crimes in Kyrgyzstan, police and other local authorities failed to enforce such laws. At the same time local authorities, with the advice that the women should seek reconciliation with their abusers rather than prosecution, blocked women's access to the justice system. Such an attitude allowed violence to continue unabated. A new law required police forces to respond and prevent domestic violence, however Kyrgyz police were reticent to respond to such calls.

SOURCES FOR FURTHER INFORMATION:

- ◆ Kyrgyz Committee for Human Rights, at www.kchr.org

Other organizations:

- ◆ Center on Human Rights Protection "Kalym Shamy," e-mail: ofksh@istc.kg
- ◆ Kyrgyzstan Bureau on Human Rights and Rule of Law, e-mail: rights@elcat.kg
- ◆ Human Rights Center "Citizens against Corruption," tel./fax: +996 312 665538
- ◆ "Justice ("Spravedlivost") in the Jalal-Abad region, at www.justiceunion.org
- ◆ Youth Human Rights Group (YHRG), e-mail: Yhr95@gmail.com

Publications:

- ◆ Kyrgyz Committee for Human Rights, *Torture on the Kyrgyz Republic: 2005-2006*, December 2006, at www.kchr.org
- ◆ Kyrgyz Committee for Human Rights, *Death Penalty in Kyrgyzstan*, August 2006, at www.kchr.org
- ◆ International Helsinki Federation of Human Rights (IHF), *Ethnic Minorities in Kyrgyzstan: Recent Developments*, mission report, 8 October 2006, at www.ihf-hr.org/hr.org/documents/doc_summary.php?sec_id=3&d_id=4338.
- ◆ Amnesty International, *Kyrgyzstan: Further information on fear of forcible return/fear of torture*, 10 August 2006, at web.amnesty.org/library/index/engneur580032006
- ◆ Human Rights Watch, "Kyrgyzstan: Uzbeks Disappear While Seeking Asylum - World Leaders Must Push Kyrgyz Government to Protect Refugees," 25 August 2006, at <http://hrw.org/english/docs/2006/08/25/kyrgyz14071.htm>

- ◆ Human Rights Watch, *Reconciled to Violence, State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*, 27 September 2006, at <http://hrw.org/reports/2006/kyrgyzstan0906/>
- ◆ Frontline, *Central Asia: Threats, Attacks, Arrests and Harassment of Human Rights Defenders*, 9 July 2006, at www.frontlinedefenders.org/publications/3044
- ◆ UN Committee against Torture, *Conclusions and recommendations of the Committee against Torture: Kyrgyzstan. 18/11/99.A/55/44,paras.70-75. (Concluding Observations/Comments)*, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2939a6c965f91eb48025682e003bbd8f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2939a6c965f91eb48025682e003bbd8f?Opendocument)
- ◆ UN Committee on the Rights of the Child, *The involvement of children in armed conflict*, 22 May 2006, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/11c0b53ed65eb85dc12571e10052a0f5?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11c0b53ed65eb85dc12571e10052a0f5?Opendocument)
- ◆ UN Committee on the Rights of the Child, *Prohibition of the sale of children, child pornography and child prostitution*, 31 May 2006, at [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/fea1e3424e917acdc12571cc005028c5?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fea1e3424e917acdc12571cc005028c5?Opendocument)

Endnotes

- ¹ Unless otherwise noted, based on Human Rights Watch, "Kyrgyzstan: Government Takes Measures Against Civil Society," 23 February 2006, at <http://hrw.org/english/docs/2006/02/03/kyrgyz12607.htm>.
- ² Information from the KCHR, January 2007.
- ³ *Initial reports of States parties due in 1998: Kyrgyzstan. 25/08/99. CAT/C/42/Add.1. (State Party Report)*, CAT/C/42/Add.1 25 August 1999, [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d9a0c8a890f363858025680700565d6b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d9a0c8a890f363858025680700565d6b?Opendocument). See also See also CAT, *Conclusions and recommendations of the Committee against Torture: Kyrgyzstan. 18/11/99. A/55/44,paras.70-75. (Concluding Observations/Comments)*, [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/2939a6c965f91eb48025682e003bbd8f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/2939a6c965f91eb48025682e003bbd8f?Opendocument).
- ⁴ *Fergana Ru*, 17 August 2006.
- ⁵ Human Rights Watch, "Kyrgyzstan: Uzbeks Disappear While Seeking Asylum," 25 August 2006, at <http://hrw.org/english/docs/2006/08/25/kyrgyz14071.htm>.
- ⁶ Based on Human Rights Watch, *Reconciled to Violence, State Failure to Stop Domestic Abuse and Abduction of Women in Kyrgyzstan*.