



JANUARY 2007

COUNTRY SUMMARY

Kyrgyzstan

Having come to power after the March 2005 “tulip revolution” on the promise of reform and a commitment to democracy, openness, and respect for fundamental human rights, the government of President Kurmanbek Bakiev largely failed to promote these principles. In the year-and-a-half since the ouster of former President Askar Akaev and his administration, citizens have grown disillusioned with the revolution and lost confidence in the new government and its promises. Under growing pressure from the opposition, parliament, and thousands of protesters, President Bakiev signed a new constitution on November 9, 2006, giving greater power to parliament.

Uneasy Path to Reforms

The Bakiev government in 2006 revealed itself to be fragile and unable to implement key components of its reform agenda. The government also failed to curb organized crime and bring members of crime syndicates to justice. Civil society groups strongly criticized the government for corruption and abuse of power.

A deeply disillusioned political opposition formed the movement “For Reforms” in the spring of 2006 that unites civil society and political activists, including members of parliament. The movement held several peaceful mass protests demanding that the government either adhere to the principles of the March 2005 revolution or resign. Activists demanded immediate constitutional reform, freedom of expression, independence of the mass media, and an effective government campaign against corruption and organized crime. On November 7, 2006, police used teargas and flash-bang grenades to disperse crowds after clashes broke out between Bakiev supporters and opposition protesters who had been in the central square of Bishkek since November 2.

On November 9 Bakiev and the opposition reached a compromise agreement on a new constitution that reduces presidential powers. Under the new constitution, the number of members of parliament will increase from 75 to 90, half of whom are to be elected from party lists and the other half from single-mandate districts. Parliament will form the government. The opposition believes that the new constitution paves the way for reforms.

Although in 2005 local rights groups reported greater freedom of the media following the change in government, in 2006 these achievements were rolled back. In September President Bakiev rejected the “Law on the State TV and Radio Corporation,” adopted by parliament on June 8, that would have transformed the State TV and Radio Corporation into a public broadcasting entity.

Although Bakiev announced his support for the abolition of the death penalty in 2005, as of November 2006 no such legislation had been introduced. At least five people were sentenced to death in murder cases in 2006, although a moratorium on executions introduced under Akaev remained in force.

Civil society activists continued to report frequent incidents of police abuse, including torture.

Refugee Crisis

Hundreds of Uzbeks have sought refuge in Kyrgyzstan from religious and political persecution; the vast majority fled in the aftermath of the May 13, 2005 massacre in Andijan. Uzbek asylum seekers in Kyrgyzstan face harassment and a serious risk of forced return to Uzbekistan.

On August 9, 2006, the Kyrgyz government violated international law by forcibly returning to Uzbekistan five Uzbeks, four of whom the United Nations High Commissioner for Refugees (UNHCR) had recognized as mandate refugees and one asylum seeker. The five had fled to Kyrgyzstan following the Andijan massacre. The Uzbek government has accused them of violence during the Andijan events.

Kyrgyzstan ignored repeated calls from local and international rights organizations, the UN, the European Union, and the United States to refrain from returning the refugees. The returns violate the 1951 Refugee Convention, which forbids the return of refugees and asylum seekers to countries where they face persecution. Because the five men were likely to face torture in Uzbekistan, their return also violates the absolute prohibition on the return of persons to places where they risk torture, as articulated in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

During the summer of 2006 Kyrgyz authorities carried out policing operations in the south, allegedly in cooperation with Uzbek security services, targeting so-called religious extremists or alleged terrorists. Many Uzbek asylum seekers were caught up in the sweeps, and UNHCR in a public statement on August 25 expressed its concern over “repeated incidents involving Kyrgyz police and migration personnel harassing asylum seekers during document checks, including alleged verbal abuse and threats of forcible return to Uzbekistan.”

At least five registered asylum seekers “disappeared” in July and August from the city of Osh in southern Kyrgyzstan. Two were later reported to be in Uzbekistan, in the custody of the Andijan branch of the National Security Service.

Domestic Violence and Bride-Kidnapping

Despite progressive laws on violence against women, police and other authorities allow domestic violence and abduction for forced marriage to continue with impunity. Authorities encourage women to reconcile with their abusers instead of securing their safety and guaranteeing them access to justice. Bride-kidnapping, which is a violent and traumatic experience, is often portrayed by Kyrgyz officials as a harmless tradition.

Human Rights Defenders

Kyrgyz authorities were increasingly hostile toward civil society groups during 2006. On January 24 the minister of justice publicly instructed the ministry’s registration department to launch an investigation into all nongovernmental organizations (NGOs) operating in Kyrgyzstan that receive foreign funding. Minister Marat Kaipov

specifically called on the registration department to determine which NGOs funded from abroad might threaten Kyrgyzstan's national security. In March the ombudsman sent a letter to Prime Minister Feliks Kulov suggesting a ban on foreign NGOs working in Kyrgyzstan and on domestic NGOs receiving foreign funding. Civil society groups were deeply concerned about these initiatives and called on the Bakiev government not to implement them. To the government's credit, both initiatives were rejected.

Government officials launched civil and criminal charges against several rights defenders—including Valentina Gritsenko, Makhamadjan Abdujaparov, Abdumalik Sharipov, and Azimjan Askarov of the group Justice, and Maksim Kuleshov of the group Peace, Light, Culture, apparently in retaliation for their work protesting the use of torture by Kyrgyz law enforcement agencies.

The Bakiev government also failed to protect civil society activists from assault by persons believed to be affiliated with organized crime. On April 12 Edil Baisalov, the head of the Coalition for Democracy and Civil Society and an outspoken critic of the increased power and influence of organized crime syndicates in the country, was physically assaulted, sustaining a skull fracture and concussion. Four days before the attack, Baisalov had led an estimated 2,000 people in a peaceful march that called for law and order in the country and protested the growth of organized crime and attempts by criminal groups to gain access to political power. Prime Minister Kulov decried the attack as politically motivated. At this writing no one had been charged with the attack.

The Kyrgyz Committee for Human Rights (KCHR) remained unregistered. 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. It is illegal in Kyrgyzstan for two groups with the same name to be registered, so the genuine KCHR was denied re-registration.

Key International Actors

Kyrgyz-Russian cooperation continued to grow closer in 2006. In April President Bakiev paid his first official visit to Russia (also his first official visit abroad). Bakiev and Russian President Vladimir Putin agreed to enhance economic and military

cooperation, including by increasing Russian investment in Kyrgyzstan and expanding the Russian airbase in Kant. Some suggested Russia's influence was behind the tighter restrictions on NGO activity that were proposed during the year.

The governments of Kyrgyzstan and Uzbekistan pursued a rapprochement after heightened tensions following the massive flows of Uzbek refugees into Kyrgyzstan in 2005, closer relations being signaled by the illegal return of Uzbek refugees and close cooperation between Kyrgyz and Uzbek security forces in southern Kyrgyzstan. Bakiev and Uzbek President Islam Karimov met several times during 2006 within the framework of various multilateral bodies. In October Bakiev paid an official visit to Tashkent, during which he and Karimov once again stressed the importance of cooperation in fighting terrorism and extremism.

At a summit of the Shanghai Cooperation Organization (SCO) held in Shanghai, China, in June, the leaders of Kyrgyzstan, Uzbekistan, Kazakhstan, Russia, China, and Tajikistan also agreed to intensify the fight against terrorism, separatism, and extremism within the framework of the SCO.

Relations between Kyrgyzstan and the US government were close but uneasy in 2006. Following lengthy and reportedly intense negotiations, on July 12 Kyrgyzstan and the US agreed terms for further US use of Manas airbase. As reported, the US intends to allocate more than US\$150 million in total assistance, including compensation for use of the base, during 2007. US Assistant Secretary of State Richard Boucher traveled to Kyrgyzstan twice during 2006. Although Boucher raised a variety of issues with the Bakiev government ranging from the Manas airbase to the problem of corruption in Kyrgyzstan, he did not make full use of the opportunity to put human rights concerns high on the agenda. In July Kyrgyzstan expelled two employees of the US embassy for allegedly having "inappropriate contact" with leaders of local NGOs.

On July 18, 2006, the EU held its eighth meeting with Kyrgyzstan within the framework of its Partnership and Cooperation Agreement (PCA). With the exception of a call for the release of Uzbek refugees held in Kyrgyz custody (and later forcibly returned to Uzbekistan), the meeting conclusions were generally weak on human rights and failed to articulate specific benchmarks for progress required of the Kyrgyz government.