



January 2008

country summary

Kyrgyzstan

The government of President Kurmanbek Bakiev, who came to power after the March 2005 “tulip revolution,” largely abandoned a democratic reform agenda in 2007. Constitutional reform has been impeded by a power struggle between parliament and the president, which Bakiev sought to resolve by calling parliamentary elections for December. The year was characterized by a dramatic increase in politically motivated prosecutions of civil society and opposition activists, as well as the murder of an independent journalist.

Constitutional Reform and Referendum

On September 14 the Constitutional Court nullified constitutional amendments adopted in November–December 2006. The decision prompted parliament to adopt a vote of no confidence in the court. The next day President Bakiev put forward a new version of the constitution and electoral code, which were adopted in a referendum on October 21. Bakiev then dissolved parliament, in a clear attempt to consolidate presidential power. New parliamentary elections are scheduled for December 16.

According to official data, over 81 percent of voters took part in the October referendum, and approximately 76 percent voted in favor of the proposed constitutional changes. Independent domestic monitors, however, concluded that voter participation had not reached the 50 percent required by law. There were significant violations during the voting, including massive ballot stuffing by members of the precinct election commissions and voting with fraudulent identification documents. Referendum observers in several cities reported being threatened by representatives of local government and precinct commissions.

Prosecution of Civil Society Activists

Valentina Gritzenko, chairperson of the board of the nongovernmental organization (NGO) Justice, and her two colleagues Abdumalik Sharipov and Mamadjan Abdujaparov, continue to stand trial for libel, in a case initiated in 2006 by a senior investigator of Jalalabat's Department of Interior. The charges against them are based on Justice's report alleging the investigator's involvement in the ill-treatment of a pregnant woman.

On April 19, 2007, opposition demonstrations in the capital Bishkek calling for constitutional reform and for Bakiev's resignation were dispersed by police. The State Committee of National Security detained and interrogated dozens of protesters. Several leaders of the opposition movement United Front were charged with organizing mass disturbances, but the charges were ultimately dropped; however, four members of the movement were convicted on what appear to be politically motivated charges. Adilet Aitikeev of the youth movement Kanzhar, who had initially been arrested in April and then released on condition that he not leave the country, was re-arrested on October 25, allegedly for having violated the terms of his release. He is currently in detention awaiting trial.

In May charges were brought against 11 individuals, including eight environmental activists, opposing the development of gold mines in Talas province. The charges, which include "assault against a government official," were initiated as a result of protests that occurred during a visit of then-Prime Minister Almazbek Atambaev on May 26 to Talas. The activists face up to 10 years' imprisonment if found guilty. Six of the activists fled Kyrgyzstan and are seeking asylum abroad.

On several occasions authorities prevented protestors from reaching the site of a demonstration, confiscated posters, temporarily seized equipment, and sentenced organizers for administrative misdemeanors on what appear to be politically motivated grounds. The leader of the Green party, journalist Erkin Bulekbaev, was arrested on August 10 while filming a police operation at the Issyk-Kul Investbank in Bishkek and sentenced to 10 days' imprisonment for "petty hooliganism." The appellate court reduced his sentence to six days' imprisonment. On October 18 police searched the office of the Green party and confiscated leaflets printed for a

planned demonstration. On November 30 Bishkek City Council adopted new rules for holding demonstrations in the city: only three sites were approved for demonstrations; notification must be submitted 10 days in advance; and fees are imposed on the organizers to ensure order during the demonstration.

Media Freedom

The authorities' interference with independent media intensified during 2007 and reached a peak during the April protests. Between March 1 and April 20 the NGO "Journalists" counted more than 20 threats and assaults against independent media, including physical attacks on journalists and the seizure of entire editions of the opposition newspapers *Agym* and *Kyrgyz Rukhu*. Aziz Egemberdiev, a journalist with the 24.kg news agency, was severely beaten during the April protests in Bishkek and hospitalized with concussion; the assailant's identity remains unknown.

On October 24 Alisher Saipov, an independent journalist who criticized human rights abuses in Kyrgyzstan and neighboring Uzbekistan, was shot dead in the southern city of Osh. President Bakiev announced that he had taken the investigation into Saipov's murder under his personal control, but at this writing no arrests have been made.

Parliament failed to adopt legislation to decriminalize libel, maintaining provisions in Kyrgyz law that provide for up to three years' imprisonment for libel and slander. On a positive note, a law was adopted in April to transform the National Television and Radio Corporation (NTRC) into a public broadcasting entity, and the new advisory board to the NTRC was created.

Persecution of Independent Muslims

The government intensified its persecution of independent Muslims. Law enforcement bodies repeatedly brought criminal charges against individuals for "fostering religious hatred," often simply because they possessed leaflets of Hizb ut-Tahrir, an Islamic organization banned in Kyrgyzstan. On August 1 and August 2 police raided the homes of Muslim families in Jalalabat province. The Air NGO

documented at least four cases in which police used excessive force and beat individuals suspected of involvement in Hizb ut-Tahrir during the raids.

On June 1 Kyrgyzstan secretly returned Otabek Muminov, a suspected Hizb ut-Tahrir member, to Uzbekistan, despite his facing a high risk of torture or other ill-treatment there. On the same day another Uzbek citizen allegedly related to Hizb ut-Tahrir, Mukimzhan Makhmudov, was arrested by security forces in Kyrgyzstan; he was released on August 9 by order of an appellate court.

Judicial Reform

The death penalty was formally abolished in June. A new law introducing life imprisonment only provides for possibility of parole after the person has served at least 30 years. The fate of more than 170 persons on death row remains unresolved.

Other legislative amendments in June included introducing judicial review of detention; improving lawyers' access to their clients in detention; and creating a framework for jury trials. An amendment that requires an acquitted person to remain in detention for an additional 10 days until the verdict enters into force was troubling.

Deaths in Custody

At least two cases of death in custody were reported during 2007, both in the town of Naryn. Bektemir Akunov, a participant in the April protests in Bishkek, was arrested after returning from the capital and was found dead in his cell the next morning. Police claimed the death was a suicide. However, two policemen stand accused of "negligence"; the case has been sent back for additional investigation. No criminal investigation has been launched into the August death of Kurmanbek Kalmatov.

Violence against Women

Violence against women, including domestic violence and kidnapping of women and girls for forced marriage, is on the rise. The authorities have not yet developed a systematic approach to stop this negative trend and deal with the problem more effectively. There were some indications of growing willingness to enforce the laws against forced marriage: countrywide in the first nine months of 2007, 15 cases

involving forced marriage were brought to court, and in all cases the defendant was found guilty. The courts dealt with only three cases addressing domestic violence, however; the defendants in each case received a fine.

Key International Actors

Kyrgyzstan continues to develop and balance relations with the European Union, the United States, Russia, China, and its neighbors in Central Asia.

A key international event in 2007 was the Summit of the Shanghai Cooperation Organization (SCO) in Bishkek on August 16. The participants pledged to intensify the fight against terrorism, separatism, and extremism, including the search for, and detention and return of suspects. In July SCO representatives compiled a list of religious organizations deemed “extremist” and that are banned in the SCO states. The SCO did not make the full list public, nor did it specify the criteria by which organizations were characterized as “extremist.”

Strong debates on the future of the US military presence in Kyrgyzstan were prompted by the December 2006 killing of a Kyrgyz citizen, Alexandr Ivanov, by an American serviceman. The US Millennium Challenge Corporation on August 9, 2007, approved Kyrgyzstan’s participation in its Threshold Program, under which the US will provide some US\$16 million in assistance to help the government to “address judicial, criminal justice and law enforcement reforms.” In September a US-Kyrgyz Comprehensive Policy Dialogue was inaugurated, intended to “bring bilateral relations to a new level.”

The EU’s first-ever Central Asia Strategy adopted in June acknowledges human rights as one of its priorities but falls short of formulating country-specific benchmarks. The focus on vaguely worded “human rights dialogues” raises doubts about the effectiveness of the EU’s approach in addressing human rights concerns. The European Bank for Reconstruction and Development adopted a new country strategy for Kyrgyzstan in June, hailing the country’s political pluralism but acknowledging a range of problems such as poverty, deep-seated corruption, nepotism, child labor, trafficking, and discrimination.

The UN Committee on the Elimination of Racial Discrimination, which reviewed Kyrgyzstan in August, highlighted numerous shortcomings in the government's record, including in relation to its asylum procedures, and urged the government to ensure its asylum procedures are not applied in a discriminatory manner and to respect the principle of *nonrefoulement*.