

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2004

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Kyrgyzstan moved further from its reformist past and ever closer to joining the ranks of the more authoritarian states of Central Asia. Since the country's last national elections in 2000, the government has been closing space for political competition and civil society. President Askar Akaev's chief political rival, Feliks Kulov, remains imprisoned on arbitrary grounds, and the government is presiding over the steady erosion of the independent media, violations of free assembly, and unfair elections.

#### *Independent Media*

Almost all of Kyrgyzstan's national television stations, the source of news for most people in the country, are run by the government, the president's relatives, or supporters of the president. The lone exception has been the television station Pyramida, which in the past occasionally gave airtime to government critics. But even this relative independence was compromised after new investors obtained a significant interest in Pyramida in 2004. Rumors that President Akaev's son was behind the deal increased fears that the station would be unwilling to broadcast critical content.

The November 2003 opening of a U.S.-funded independent printing press has helped to bolster the independent print media, but the government uses heavy-handed lawsuits to intimidate and silence these outlets. A particularly outrageous example of such tactics was a complaint filed by the government newspaper Vicherny Bishkek, along with several other private and pro-government newspapers, against the independent newspaper MSN, formerly known as Moya Stolitsa-Novosti. The complaint, filed with the government's antimonopoly agency, said that MSN was charging too little for its newspaper, thereby undercutting the competition. The antimonopoly agency ruled that MSN had committed monopolistic actions, ordered the paper to raise its prices, and recommended that the complainants sue the paper for damages.

Recent years have seen a pattern of physical attacks by unknown assailants on the children of independent journalists and human rights activists. The most recent of these was an April 24 attack on Chingiz Sydykov, the twenty-one-year-old son of Zamira Sydykova, editor-in-chief of the independent newspaper Respublica. Sydykov sustained serious injuries.

#### *Nongovernmental Organizations (NGOs)*

Fear spread throughout the Kyrgyz human rights community after rights defender and political activist Tursunbek Akunov went missing. As of November 22, 2004 his whereabouts remained unknown. Akunov, the leader of the Human Rights Movement of Kyrgyzstan and a former presidential candidate in 2000, was last seen on November 16, 2004, when he allegedly told his wife he was going out to meet with officers from the National Security Services (NSS, formerly the KGB). Following his disappearance, the NSS denied that any meeting took place or that it had Akunov in custody. In the days before he went missing Akunov was actively campaigning for President Akaev's resignation from office.

Government officials use aggressive tactics to disrupt the work of NGOs. In April 2004 local officials in Issyk-Kul province reportedly obstructed the convening of several meetings on human rights organized by NGOs. The Bishkek Helsinki Group was essentially dissolved after its two leading members were forced to flee the country in 2003 because of government persecution.

In September 2003, the Ministry of Justice stripped the leadership of a prominent human rights group, the Kyrgyz Committee for Human Rights (KCHR), of its registration, instead recognizing an alternate executive body using the KCHR's name. On July 3, 2004, unknown men broke into the home of Ainura Aitbaeva, the daughter of KCHR chairman Ramazan Dyrlydaev, and beat her, rendering her unconscious. KCHR also reported that a car tried to run over Aitbaeva when she was walking with her husband on the evening of November 4. The car hit Aitbaeva lightly, but the couple escaped uninjured.

In October 2003, the government re-registered the Coalition for Democracy and Civil Society, an election monitoring and civic education group, following a significant international outcry. The government had denied the group re-registration three times in September 2003.

### ***Freedom of Assembly***

The state failed to resolve contradictions in the law regarding whether advance written notification and permission are necessary for holding public assemblies. The vagueness of the law allows for its arbitrary enforcement. For instance, the authorities allowed a protest against the Renton group, a company that allegedly defrauded investors, to proceed. Police also did not intervene when protestors allegedly publicly burned signs and threw condoms at officials during a demonstration against a sex-education text.

However, police commonly disband demonstrations in support of the political opposition. For example, on April 15, 2004, dozens of peaceful protestors gathered in Bishkek to call for the release of Feliks Kulov. Participants say they provided the authorities prior notification, but police intervened before the march could begin, detaining eighteen people, including leading civil society activists. Ironically, they were held at the Pervomaiskiy District Police Department, the site of a pilot project of the Organization for Security and Cooperation in Europe (OSCE) to aid and reform the police. One of the departments police officers punched rights defender Aziza Abdirasulova, who was observing the demonstration as part of a project monitoring the right to free assembly in Kyrgyzstan. Several protestors were charged with holding an unsanctioned march and fined before being released.

### ***Political Participation***

The government refused to release political prisoner Feliks Kulov, head of the opposition Ar-Namys party, who was President Akaev's chief rival in the 2000 presidential election. The Ministry of Justice stated that Kulov will not be released before November 2005. Presidential elections are scheduled for October 2005.

Revelations that opposition members of parliament were under surveillance shocked the country. On January 14, 2004, listening devices were found in the government offices of several leading opposition parliamentarians. Such surveillance of citizens is illegal in Kyrgyzstan, except in cases of ongoing criminal investigation and with the sanction of the prosecutors office. A parliamentary report accused the NSS of illegally placing the listening devices; the NSS denied responsibility. The report revealed that prominent civil society leaders were also the targets of illegal surveillance operations during past years.

### ***Elections***

While dozens and even hundreds of political rivals fought for positions in local council elections in the cities, many local council seats in villages went uncontested in the October 10, 2004 election. Rural apathy may be explained partly by the fact that villages are virtual information-free zones and receive little or no news. Many village residents simply may not have been aware that local councils responsibilities were recently increased to include authority over local budgetary matters and so did not view them as significant. Potential candidates may have been dissuaded from running because of the new 1,000 som (about U.S. \$24) fee imposed this year.

The Coalition for Democracy and Civil Society reported problems with the composition of the elections commissions and inaccuracies in voter lists some of which reportedly included the names of people who had left the country or died. Independent monitors were prevented from entering at least one polling station, and there were also complaints that police stationed themselves inside polling places.

Pro-presidential parties swept the elections. The opposition won only a handful of local council seats.

Parliamentary elections will be held in February 2005, and developments to date, including the conduct of local council elections, bode badly for a free and fair vote. The new pro-government party Alga, Kyrgyzstan! (Forward, Kyrgyzstan!), reportedly run by President Akaev's daughter, has been accused by numerous and credible sources of forcing people paid from the state budget teachers, doctors, government officials, students to become members of the party, under threat of losing their jobs.

### ***Torture***

Police torture is widespread in Kyrgyzstan. The most commonly reported forms of torture and ill-treatment are beatings, asphyxiation, threats of sexual violence, and deprivation of food and sleep.

In November 2003, the Criminal Code of Kyrgyzstan was amended to specifically outlaw torture, creating penalties of three to five years of imprisonment. However, Ministry of Justice and Ministry of Internal Affairs (MVD) officials failed to acknowledge the extent and gravity of Kyrgyzstan's torture problem or to formulate a plan to resolve it. The MVD controls temporary detention facilities in police stations while other places of pre-trial detention and prisons have been transferred to Ministry of Justice jurisdiction.

### ***Key International Actors***

U.S. officials were rightly proud of the positive contribution made by the new independent printing press they established in Kyrgyzstan. U.S. diplomats continued efforts to ensure that Akaev would relinquish the presidency in 2005.

The U.S. continued to station 1,150 troops at Manas airbase for operations in Afghanistan.

Kyrgyzstan appeared to try to leverage Russia as a counterweight to U.S. influence, even allowing the Russians to establish a military base in Kant, outside Bishkek. Economic and political relations with China also grew closer during the year.

In September 2004 Kyrgyzstan hosted a meeting of the Shanghai Cooperation Organization (SCO) at which members Russia, China, Kyrgyzstan, Kazakhstan, Uzbekistan, and Tajikistan vowed to make economic cooperation and counter-terrorism priorities.

The E.U. failed to take serious issue with Kyrgyzstans deteriorating human rights record during its annual meeting regarding the parties Partnership and Cooperation Agreement (PCA). A statement issued on July 13, 2004, said only that the E.U. welcomed measures by Kyrgyzstan toward further democratization and that the parties reaffirmed their commitment to tackling terrorism in accordance with fundamental principles of human rights.

There were serious, persistent concerns that the OSCEs project to provide material support to Kyrgyz police lacked sufficient human rights or reform focus and might serve only to reinforce an abusive government agency. The assistance is part of a pilot project meant to be replicated in other former Soviet countries.

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