

# Human Rights Watch

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

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World Report 2009 Introduction By Kenneth Roth

Pluralism and fundamental freedoms that facilitate public scrutiny of government are increasingly at risk in Kyrgyzstan. Legislative changes passed or pending in 2008 curbed freedom of assembly and threatened to restrict religious freedoms. The government is failing to meet its obligations to prevent and investigate torture and domestic violence. Harassment of journalists and NGO activists intensified, and arbitrary suspensions and terminations of asylum-seeker certificates exposed flaws in Kyrgyzstan's refugee protection system.

As a result of the December 2007 parliamentary elections, which the Organization for Security and Co-operation in Europe (OSCE) called "a missed opportunity," President Kurmanbek Bakiyev's Ak-Zhol party now dominates parliament. Controversy surrounding impending local elections heightened in September 2008 when the head of the Central Election Commission fled the country after accusing the president's son of threatening her. Local NGOs reported pressure on election observers and voters during the October 5 poll.

NGOs can operate freely but face increasing government intimidation. Police conducted harassing inspections and searches of the offices of local and international human rights NGOs, including Citizens against Corruption, Kylum Shamy, Labrys, Mir-Svet-Kultura, and the Norwegian Helsinki Committee. For example, on the evening of April 8 three policemen forced their way into Labrys's shelter for women and transgender people. The police searched Labrys's files without a warrant and threatened to arrest anyone who did not produce identification, though no charges were filed.

Saidkamal Akhmedov, a defense lawyer and human rights activist, was tried in Osh on bogus embezzlement charges. Akhmedov had had refugee status in Kazakhstan but in 2007 was forcibly returned to Kyrgyzstan by the Uzbek government when he was visiting relatives in Uzbekistan. On February 1, 2008, he received a one-year suspended sentence after spending five months in detention in both Uzbekistan and Kyrgyzstan. The sentence was upheld on appeal.

Ivar Dale, the Norwegian Helsinki Committee's regional representative, was denied entry into Kyrgyzstan for unknown reasons on October 12, 2008. One month prior, a court ruled in Dale's favor on the state's charges that he had worked illegally in Kyrgyzstan and had provided "untruthful information" on his visa application.

In December 2007, 13 youth activists and human rights defenders were detained for two days in a cold, rat-infested cell for holding small, peaceful demonstrations in Bishkek.

In July 2008 the Constitutional Court ruled that any licensing regime for public assemblies is unconstitutional. The decision effectively voided the highly restrictive 2007 Bishkek City Council ordinance regulating assemblies in the capital. Nevertheless, on August 6 President Bakiyev signed amendments to the 2002 law on freedom of assembly that essentially establish a licensing regime and limit possibilities for timely and spontaneous protests: The amended law requires assembly organizers to notify local authorities 12 days in advance of any planned event, regardless of the size, does not enumerate grounds for "reasonable disagreement" by the authorities, and allows provincial governors excessive powers to interfere with the planning of public assemblies.

According to the Media Representative Institute, an NGO, at this writing at least seven criminal cases and more than 30 defamation suits were filed against Kyrgyz journalists and media outlets in 2008.

Most worrisome is the prosecution of the editors of two opposition newspapers, *De Facto* and *Alibi*, on charges that they libeled the president's nephew. They were first sentenced in June 2008 to a prohibitively high fine of 1 million Kyrgyz soms (US\$28,500) each, and then criminally prosecuted for not paying the fine. As a result, *Alibi* editor Babyrbek Jeenbekov was detained for two days in early September, while *De Facto* editor Cholpon Orozbekova fled the country. On June 14 police raided the *De Facto* offices, confiscated its financial records and computers, and sealed the newsroom as part of a separate criminal investigation into allegations that a letter the newspaper had published about official corruption amounted to a "knowingly false denunciation." At this writing, the investigation is ongoing.

The investigation into the October 2007 murder of independent journalist Alisher Saipov was suspended in February 2008, but then reopened. No information is publicly available about whether it has identified any suspects.

Amendments to the press law adopted in June empower the president to appoint the executive director of state-run television and radio, reversing previous initiatives to turn them into public broadcasters.

In Kyrgyzstan the government does not adequately prevent and punish domestic violence and bride kidnapping. Thousands of women are isolated in their homes, beaten, humiliated, raped, and sometimes killed, generally with impunity. According to nationwide statistics provided by the governmental judiciary committee, in the first nine months of 2008, in three court cases involving forced marriage the defendant was found guilty, and four other cases were dismissed.

In June parliament held its first hearing on the 2003 domestic violence law. Participants highlighted the absence of national gender institutions, insufficient resources, poor statistics, and inadequate training of law enforcement bodies as factors that hinder the law's effectiveness.

## Torture

On April 14, 2008, Kyrgyzstan ratified the Optional Protocol to the Convention against Torture. Despite this welcome move, torture and ill-treatment of detainees remain pervasive. In the first nine months of 2008, a network of human rights defenders, Golos Svobody, submitted approximately 40 complaints of torture and ill-treatment to prosecutors' offices throughout the country. In response, prosecutors initiated about a dozen inquiries, but for the others either determined "allegations not confirmed" or did not reply. No case was heard by Kyrgyz courts in 2008 under the criminal code article banning torture.

One of the rare criminal investigations in 2008 related to allegations of torture-involving police treatment of four minors and one adult-began in March. All five had been arrested between February 29 and March 3 in Bishkek and reported severe beatings by the police to compel confessions of theft. At this writing, only one police officer, implicated in abuse of one of the minors, remains under investigation, for abuse of office.

The government of Kyrgyzstan hosts hundreds of refugees and asylum seekers from Afghanistan, Iran, and Uzbekistan, most of whom are awaiting resettlement to third countries. However, it has also been complicit in the forced return of asylum seekers to Uzbekistan, despite the risk of torture there.

In August the State Committee for Migration and Employment arbitrarily stopped extending asylum-seeker certificates issued to Uzbek nationals who were seeking asylum. In mid-September the committee renewed extensions for some asylum seekers, but in many cases not for the full three months required by law; and in some asylum seekers' certificates the committee noted, "No right for further extension." Newly arrived asylum seekers face difficulties in registering. For example, in 2008, 20 asylum seekers from Afghanistan and Iran challenged in court the denial of registration on the grounds of illegal entry, as it contradicts international and domestic law. At this writing the court decision is pending.

In its first decision on Kyrgyzstan (*Maksudov et al. v. Kyrgyzstan*) the UN Human Rights Committee ruled in July that Kyrgyzstan breached the rights to personal liberty, freedom from torture, and right to life of four Andijan refugees (see Uzbekistan chapter) and should provide effective remedy and put in place effective monitoring of their situation. The four had been extradited to Uzbekistan in August 2006 despite interim measures of protection requested by the committee. The committee also noted that Kyrgyz extradition legislation does not comply with the state's non-refoulement obligations. The government so far has taken no action to implement the decision.

The Cooperation Council between the European Union and Kyrgyzstan held its tenth meeting in July 2008. The Council welcomed progress achieved toward the implementation of the EU's Central Asia Strategy but regretted recent developments, "especially in the area of media freedom and freedom of assembly". The first round of what is to become an annual human rights dialogue was held at the end of October, concluding "that EU strives to reinforce overall, broad-based cooperation with Kyrgyzstan," and failing to indicate any specific human rights benchmarks.

In March the United States and Kyrgyzstan signed a two-year US\$16 million Millennium Challenge Corporation agreement. The program aims to implement measures such as reforming the judicial system and combating corruption. Kyrgyz human rights groups had urged the US to suspend the signing of the agreement until "the government proves its commitment to the [program's] objectives."

International governmental and nongovernmental actors expressed concerns about a new draft religion law adopted by parliament on November 6, 2008. The US Department of State noted in its Annual Report on International Religious Freedom that the draft law "severely obstructs citizens' right to freedom of religion" with such changes as "an increase from 10 to 200 members required for official registration of a religious organization, the elimination of alternative military service for all but priests and religious laymen, a ban on proselytizing, and the prohibition of the conversion of Kyrgyz citizens to a different faith." At this writing, the draft is with the president for approval.

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