
KYRGYZSTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2010

Political context

In 2009, the human rights situation in Kyrgyzstan deteriorated, and tarnished a little more the image of “the country most respectful of human rights in the region”, as the country’s authorities like to boast. The presidential elections of July 23, 2009, which ended up with the re-election of Mr. Kurmanbek Bakiev with 76.12% of the votes, took place within amid the growing authoritarianism of the current president. Both during the presidential campaign and the election day, basic rules guaranteeing free and democratic elections were not met. Prior to the elections, media coverage of the campaign focused on the current President Bakiev¹. Arrests and intimidation of political opponents also marked the election campaign. Observation missions from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) pointed to massive fraud on polling day, including ballot stuffing, destruction of ballots, vote buying, as well as attempts to obstruct the work of observers². Protests to demand fair elections and challenge election results were violently dispersed and accompanied by arrests³. As for the reform of the administration announced in October 2009, this was interpreted by independent civil society as an attempt at usurpation of power by the President. This reform places some organisations under the direct control of the President, in particular the National Security Service, and the Agency for Development, Investment and Innovation, of which the President’s son was nominated as head⁴. Finally, the Bill on the Reform of Bodies within the Ministry of Interior discussed during the year 2009 worried defenders because of the vagueness of provisions and the insufficient safeguards for intervention by the police, therefore threatening to encourage the impunity of the latter, to increase cases of arbitrary detentions, and to threaten fundamental freedoms⁵.

1/ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, July 27, 2009.

2/ See Final Report of the Election Observation Mission of the ODIHR, October 22, 2009.

3/ For example, the demonstration held in Baliktchi on July 23, 2009 was violently dispersed: the police fired in the air, dispersed the demonstrators with truncheons and arrested ten persons. See Kyrgyz Committee for Human Rights (KCHR). That same day, 41 opposition members were arrested in Bishkek as they marched to protest the results of presidential elections. See *Radio Free Europe/Radio Liberty* Press Release, July 29, 2009. On July 29, 67 demonstrators were arrested and most were convicted to prison terms ranging from three to fifteen days in jail or fined for participating in demonstrations the same day. See Final Report of the Election Observation Mission of the ODIHR, October 22, 2009.

4/ See KCHR.

5/ See “Kylym Shami” association.

Moreover, the situation in the south was unstable due to the existence of regional tensions caused by border disputes between Kyrgyzstan and Uzbekistan on the one hand, and Kyrgyzstan and Tajikistan on the other (presence of Tajik and Uzbek enclaves in the Valley area of Ferguana); of tensions between the Kyrgyz majority and many minorities including Uzbek, Tajik and Kurdish; and of the activity of several Islamist groups, including the Islamist party Hizb-ut-Tahrir (Liberation Party), banned in Central Asia. Thus, under the cover of the fight against terrorism and religious extremism, Kyrgyz law enforcement agencies perpetuated, in the name of security and with impunity, violence against citizens, and among them, defenders⁶. Across the country, attacks against journalists⁷, discussions in the Kyrgyz Parliament concerning the restoration of the death penalty⁸, the reform adopted January 13, 2009 on registration and activities of religious groups that restrict freedom of conscience⁹, reforms on freedom of assembly, and attempted reforms on non-governmental organisations¹⁰ worried human rights defenders and are indicative of the deterioration of the political and social climate in the country.

Harassed, threatened, arrested and convicted for expressing their discontent or denouncing human rights violations perpetrated by the Government, human rights defenders have become, along with political opponents and independent journalists, the first victims of authoritarianism by President Bakiev.

Freedom of assembly severely threatened

The legislation governing the organisation of rallies was tightened again in 2009, while the restrictive laws adopted in 2008 allowing local authorities to restrict the space devoted to peaceful assembly were implemented. Defenders also worried about the effects of the law signed by President

6 / See KCHR.

7 / According to RSF, eight attacks were carried out against journalists in 2009.

8 / The debate on capital punishment was revived in September 2009 when the Head of the State Committee on National Security, Mr. Murat Sutalinov, proposed to reinstate the death penalty at a meeting of the Security Council of the Republic of Kyrgyzstan. On November 10, the Parliament met with much reluctance a proposal made in Kyrgyzstan to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights, which prohibits the death penalty. Reservations were mainly made by members of the majority party, in which some officials have proposed holding a referendum on restoring the death penalty.

9 / The reform makes the procedure of registration of religious organisations more complicated (including by increasing the number of people required to legally register the organisation from ten to 200 people) and prohibits proselytising.

10 / Under pressure from national and international organisations, consideration of the proposed amendment to the Law on Non-Commercial Organisations, submitted to Parliament on February 18, 2009 and which threatened to severely restrict the activities of NGOs, was postponed to a later date.

Bakiev on February 13, 2009 “On the Universal Conscription of Citizens of the Kyrgyz Republic, Military Service and Alternative Service” since it allows the military to participate in repression of peaceful rallies¹¹.

In 2009, most of the peaceful rallies and demonstrations organised by defenders were hindered and the participants arrested, prosecuted and convicted for organising an illegal gathering under the Law of July 6, 2008 regulating peaceful gatherings. Thus, on July 24, 2009, Ms. **Tolekan Ismailova**, Director of the organisation Citizens Against Corruption (CAC), Ms. **Diana Makenbaeva**, Ms. **Evguenia Krapivina** and Ms. **Aida Baydzhumanova**, respectively lawyers and employee of CAC, Mr. **Timur Shaikhutdinov**, Coordinator of the Council for the Defence of the Rights of Youth to the Ombudsman of Kyrgyzstan, Ms. **Erkingul Imankozhoeva**, a member of the organisation “Karek”, as well as Mr. **Urmat Kizi Mirgul** and Mr. **Umutay Arikova** were arrested by security forces while participating in a rally to mark the “Global Day of Action on Iran”. They were subsequently sentenced to fines, or received a verbal warning in accordance with the Law of July 6, 2008, with the exception of Messrs. Umutay Arikova and Urmat Kizi Mirgul, who were acquitted¹². On March 4, 2009, Mr. **Maxim Kuleshov**, Coordinator of the Tokmok Human Rights Resource Centre, was arrested while preparing to give a “street lesson in democracy,” to encourage people to peacefully struggle for human rights and the respect for the Constitution. Mr. **Mikhail Golovanov**, an active participant in the “lesson”, was also arrested. Mr. Kuleshov was placed in the psychiatric hospital of Bishkek for “improper behaviour” before being released the next day. Mr. Golovanov was sentenced to 15 days’ administrative detention. Released on March 6, he appealed the decision. Mr. Kuleshov, meanwhile, challenged the legality of his arrest. Their complaints were both rejected in first instance and before the Supreme Court of Kyrgyzstan. Under threat of being prosecuted criminally for failure to comply with a court order¹³, an offense punishable by imprisonment, Mr. Kuleshov left the country a few weeks later. On July 30 and 31, 2009, Ms. **Tolekan Ismailova**, Ms. **Asiya Sasikbaeva**, Director of the “Interbilim” Centre, Ms. **Aziza Abdirasulova**, Director of the Centre for Human Rights “Kylym Shami”, and Ms. **Gulanara Dzurabaeva** were arrested and sentenced to pay fines upon having gathered to protest the arbitrary arrests of opponents in Bishkek

11 / See Institute for Public Policy (IPP), *The right of Kyrgyz citizens to peaceful assembly: recent decisions by the authorities and the response of the society*, April 3, 2009.

12 / Ms. **Aida Baydzhumanova**, Mr. **Timur Shaikhutdinov**, Ms. **Erkingul Imankozhoeva** and Ms. **Tolekan Ismailova** were sentenced to a fine of 1,500 soms (25 euros), and Ms. **Evguenia Krapivina** received a verbal warning.

13 / Mr. **Maxim Kuleshov** was repeatedly arrested in 2008 for organising peaceful rallies and demonstrations and sentenced to fines he refused to pay on the grounds that said sentences were illegal.

and Baliktchi¹⁴. In addition, the municipality of Bishkek appropriated the space devoted to peaceful assembly to the outskirts of the city on the eve of the elections¹⁵. Similarly, Mr. **Sapar Argimbaev** and Mr. **Uran Riskulov**, respectively Director and member of the organisation for the rights of small farmers and social rights “Bolush” and leader of the opposition party “Kyrgyzstan Green”, were arrested and charged with organisation of “mass disorder” (Article 223 of the Criminal Code) in connection with the mass arrests that took place during peaceful gatherings organised by the villagers of Petrock in the Tchoui region on April 24 and 26, 2009 to denounce the lack of reaction by the authorities to the rape of a four year old child on April 8, 2009¹⁶. As of late 2009, the District Court of Moscow in the Tchoui region had not yet ruled on this case¹⁷.

Intensification of harassment and threats against defenders during presidential elections

Anxious to silence any demonstration by the opposition calling into question the legitimacy of Mr. Bakiev’s presidency of the Republic, the authorities stepped up repression efforts during presidential elections. The determination of the Government to stifle critical voices during the presidential elections was demonstrated in particular by the number of threats and serious violence perpetrated against defenders. On June 29, 2009, the Kyrgyz Committee for Human Rights (KCHR) posted on its website an interview with the opposition candidate for the presidency of the Republic, Mr. **Almazbek Atambaev**, in which he testified to have been subjected to threats and alluded to kidnappings of opposition members and their families. The next day, three people showed up at the office of KCHR, and asked for its Chairman, Mr. **Ramazan Dyrlydaev**. As no one responded, they threatened to find him and “break his arms and legs”, and added that if Mr. Dyrlydaev wanted to stay alive, he would have to withdraw this interview from KCHR website. Following these events, the organisation decided to temporarily close all offices and did not re-open until November 2009. A few months later, on October 7, 2009, another member of KCHR, Ms. **Guliza Omurzakova**, was assaulted while she was in transit to Almaty in Kazakhstan, after returning from Warsaw where she spoke at a conference organised by ODIHR on the situation of migrants from Kyrgyzstan to Kazakhstan and the Russian Federation.

14 / The arrests carried out in Bishkek and Baliktchi concerned members and supporters of the opposition party CDPK, who challenged the results of presidential elections on July 23, 2009.

15 / See KCHR.

16 / 83 people were arrested. Some were acquitted and others were sentenced to administrative penalties.

17 / See Klym Shami.

The driver of the taxi she used to get to Almaty airport, as well as another man who boarded the vehicle later, interrogated her about the purpose of her trip to Warsaw and then threatened to rape her. The men agreed to release her in the outskirts of the city only after she gave them 50 euros. They demanded that she no longer participate in international conferences on human rights, and that she stops to write reports on the situation of migrants in Kazakhstan. Back in Bishkek, Ms. Omurzakova filed a complaint with the Ministry of Home Affairs, as well as with the OSCE representation in Bishkek. In early November 2009, she was informed that the latter had forwarded her complaint to the Ministries of Internal Affairs and Foreign Affairs. Ms. Omurzakova subsequently had a meeting at the Ministry of Internal Affairs in late November 2009. However, no further steps had been initiated by the Ministry as of late 2009. Similarly, on July 23, 2009, Mr. **Sopiev Kanat**, Coordinator of the KCHR office in the region of Issik-Kul, was arrested and severely beaten by police officers while demonstrating outside the local administration of Baliktchi to challenge the manipulation of votes in presidential elections. Eighteen other protesters were arrested at the same time. Mr. Sopiev Kanat was placed in the detention centre of the city of Baliktchi. Suffering from a brain concussion and kidney pain following the beatings he received during his arrest, as well as aseptic meningitis that he suffers on a recurring basis, he has been under house arrest since September 1, 2009 by order of the judge of Baliktchi. On September 30, 2009, the latter ordered his detention. Fearful of being subjected to torture and pressure by the National Security Service, Mr. Sopiev Kanat left the country in early October to seek asylum abroad¹⁸. A search was launched against Mr. Kanat. The eighteen other protesters were sentenced on December 25, 2009 by the Court of Baliktchi for “obstructing the right to vote or the work of the electoral commissions”, “organising mass disorder”, and “public calls for a violent change of constitutional order” (Articles 139, 233 and 297 of the Criminal Code). Four of them were sentenced to four years in prison, and fourteen received prison sentences ranging from two to four years’ imprisonment. They declined to appeal the decision, fearing that the penalty would be increased.

Repression against Kyrgyz and international defenders for investigating into the events of Nookat

In the South-West, where the geopolitical situation is very complex, defenders who denounced abuses committed by security forces against citizens in the name of the fight against terrorism were particularly targeted. In 2009, defenders who have investigated the events of Nookat and

18/ See KCHR.

the conviction of 32 people which ensued¹⁹ were systematically harassed. Persecution targeted both Kyrgyz and foreign defenders. On February 26, 2009, Mr. **Vitali Ponomarev**, Director of the Central Asian programme of the Centre for Human Rights “Memorial” in Russia, was blocked at Manas airport by customs officials, deported to Russia and banned from the territory for five years. The organisation Memorial had just published a report headed by Mr. Ponomarev on the serious human rights violations suffered by the accused of Nookat, including the use of torture and fabrication of false evidence²⁰. A colleague of Mr. Ponomarev, M. **Bakhrom Hamroev**, who had travelled to Kyrgyzstan to investigate violations of the rights of the Muslim community in the south of the country by the police in the framework of the fight against terrorism, and specifically on the events of Nookat, was arrested in Osh on November 18, 2009. His Kyrgyz collaborator, Mr. **Izzatilla Rakhmatillaev**, Director of the organisation Law and Order²¹, was also arrested the same day by the Office of National Security Service, where he had gone to obtain information on Mr. Hamroev’s fate, and his apartment was searched. The latter was released the next morning. Mr. Hamroev was meanwhile held overnight by the National Security Service in Osh, and was threatened during his detention²². Accused of illegally collecting information on the social and political situation in Kyrgyzstan and “disseminating information” on the Islamist organisation Hizb-ut-Tahrir, he was deported to Russia on November 19, 2009²³. Finally, Ms. **Nigina Bakhrieva**, former Director of the Centre for Human Rights and the Rule of Law in Tajikistan and currently a consultant for the United Nations High Commissioner for Human Rights on a project for the office of the Ombudsman in Tajikistan, was prevented from entering Kyrgyzstan on December 2, 2009 after having been invited by the Ombudsman of Kyrgyzstan. In September 2009, she had already visited the country to advise the lawyers defending the accused from Nookat on available remedies before the United Nations Human Rights Committee. Ms. Bakhrieva was told she was banned from living in Kyrgyzstan until 2019 because of her “problems” with the “institutions” of Kyrgyzstan,

19 / On May 19, 2009, the Supreme Court sentenced, on appeal, 32 people (including two women and three minors at the time) accused of taking part in the events of October 2008 in the city of Nookat, to sentences ranging from five to 17 years in prison. Scores of the villagers clashed with police after the cancellation of the traditional celebrations of *Eid al Fitr*. Kyrgyz officials said those were members of Hizb-ut-Tahrir and their intention was to overthrow the constitutional order, charges denied by the defendants and their relatives. The defendants’ confessions would have been extracted under torture, and the defendants would have been deprived of their right to a fair trial.

20 / See Memorial.

21 / This association leads investigations on human rights violations in southern Kyrgyzstan.

22 / Mr. Hamroev was, for example, threatened to be delivered to the authorities in Uzbekistan, where he originally came from.

23 / See Memorial.

no further details being given to her²⁴. Members of the Monitoring Commission to the Ombudsman on the events of Nookat were also pressured to dissuade them from conducting investigations²⁵. Ms. Aziza Abdirasulova, President of the Commission, was particularly targeted. On October 2, 2009, a bullet was found in her handbag by customs officials at Sheremetyevo airport in Moscow upon her return from Warsaw, where she had participated in an OSCE meeting and was on a layover in the Russian capital. During customs control in Warsaw, no object of this sort had been found. The Russian police let her go on to Bishkek unhindered. On July 16, 2009, a member of the special services presented himself to the offices of the organisation she heads, warning her that she could be prosecuted if she kept making statements on counter-terrorism operations in the south of the country. On April 1, 2009, members of the Homicide Squad made simultaneously stops in different villages to question members of Ms. Abdirasulova's family on her activities²⁶. On September 24, 2009, Ms. **Dinara Ochurakhunova**, President of the Coalition for Democracy and Civil Society and member of the Commission on Nookat events and the Human Rights Defenders' Council to the Ombudsman, was arrested at Bishkek airport after becoming the subject of an alert from the National Security Service. Released after one hour, it would appear that this action was carried out by the special services in order to intimidate her. Ms. Ochurakhunova sent a complaint to the head of the border services, the presidential administration and the President of the Agency for Tourism. As of late 2009, she had received no reply to her letter²⁷.

Retaliation against Ms. Baktigul Imankozhoeva, defender of the rights of victims of Barkssoon

In 2009, the judicial harassment increased against Ms. **Baktigul Imankozhoeva**, doctor, Director of the Diagnostic Centre of the City of Barkssoon and member of the organisation "Karek", an association of the rights of victims of the environmental disaster in Barkssoon²⁸. The harassment seems to be intended to intimidate and cause the demobilisation

24 / See Open Viewpoint Public Foundation.

25 / During the summer of 1998, a truck full of cyanide spilled into the Barkssoon region. Twenty tons of toxic chemical waste spilled into the river, which flows into Lake Issik-Kul. This ecological disaster resulted in over 1,000 victims in the region. The truck driver is the only person who was prosecuted, the victims did not receive adequate medical care, and promised compensation to victims were never paid.

26 / See Press Release of the Human Rights Defenders Council to the Ombudsman, April 6, 2009.

27 / See Open Viewpoint Public Foundation.

28 / During the summer of 1998, a truck full of cyanide spilled into the Barkssoon region. Twenty tons of toxic chemical waste spilled into the river, which flows into Lake Issik-Kul. This ecological disaster resulted in over 1,000 victims in the region. The truck driver is the only person who was prosecuted, the victims did not receive adequate medical care, and promised compensation to victims were never paid.

of members of civil society acting to promote the rights of victims of the tragedy. On December 15, 2009, the Supreme Court upheld the conviction of Ms. Imankozhoeva, who was sentenced to a two-year suspended sentence despite the fact that the investigation was conducted in violation of rules of criminal procedure (illegal search, pressure on the plaintiffs) and that many witnesses testified to her innocence. The hearing took place in the absence of Ms. Imankozhoeva, who was hospitalised at the time, and of her lawyer, despite the request to postpone the hearing made by the defender's sister. In 2007, Ms. Imankozhoeva was indicted for misuse of building materials and non-payment of wages and then sentenced in June 2008 for "abuse of power" under Article 304 of the Criminal Code by the District Court of Jeti-Oguz, then again on appeal in September 2009 by the Regional Court of Issyk-Kulsk. Ms. Imankozhoeva had already been convicted in 2002 under Article 304 of the Criminal Code after being accused of having sold a newborn. She was then dismissed from her job, but the Supreme Court had overturned the conviction, holding that Ms. Imankozhoeva's guilt could not be proven²⁹.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Maxim Kuleshov and Mr. Mikhail Golovanov	Arrest / Harassment	Urgent Appeal KGZ 001/0309/OBS 045	March 10, 2009
Mr. Ramazan Dyryldaev / Kyrgyz Committee for Human Rights (KCHR)	Harassment / Threats	Urgent Appeal KGZ 002/0709/OBS 099	July 7, 2009
Ms. Tolekan Ismailova, Ms. Diana Makenbaeva, Ms. Evguenia Krapivina, Ms. Aida Baydzhumanova, Mr. Timur Shaikhutdinov, Ms. Erkingul Imankozhoeva, Mr. Urmat Kyz Mirgul, Ms. Umutay Arykova, Ms. Asiya Sasykbaeva, Ms. Aziza Abdirasulova and Ms. Gulnara Dzhurabaeva	Arbitrary arrest / Sentencing / Obstacles to freedom of peaceful assembly	Open Letter to the authorities	August 4, 2009
Messrs. Bakhrom Hamroev, Izzatilla Rakhmatillaev and Vitaly Ponomarev	Arrest / Deportation	Urgent Appeal KGZ 003/1109/OBS 171	November 23, 2009
Ms. Nigina Bakhrieva	Prohibition from entering the territory	Urgent Appeal KGZ 004/1109/OBS 179	December 3, 2009