

Title	World Report 2010 - Kyrgyzstan
Publisher	Human Rights Watch
Country	Kyrgyzstan
Publication Date	20 January 2010
Cite as	Human Rights Watch, <i>World Report 2010 - Kyrgyzstan</i> , 20 January 2010, available at: http://www.unhcr.org/refworld/docid/4b586ceb41.html [accessed 13 December 2010]



World Report 2010 - Kyrgyzstan

Respect for human rights deteriorated in Kyrgyzstan during 2009, especially in the run-up to a presidential election on July 23 that was won by the incumbent, Kurmanbek Bakiev. The government violated fundamental rights, including freedom of association, assembly, and expression, and civil society activists and journalists were a particular target of pressure. Furthermore, the government has failed effectively to address longstanding problems of torture and ill-treatment of detainees, as well as gender-based violence.

The Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights concluded that the elections "failed to meet key OSCE commitments" and noted many problems with the conduct of the vote, including fraud.

Civil Society and Freedom of Association

In early 2009 Kyrgyzstan's civil society was shaken by draft amendments to the 2000 law "On noncommercial organizations" and the 1996 law "On state registration of legal entities." The proposed amendments outlined new, arbitrary bases for rejecting the registration applications of NGOs, imposed onerous reporting requirements and administrative and financial obstacles on local and foreign NGOs, forbade NGOs from engaging in "political" activities, and set out a new regime of government inspections and warnings. When viewed in the context of a worsening climate for human rights, the amendments appeared intended to stifle Kyrgyzstan's vibrant civil society.

After an outcry from local civil society groups and the international community, the presidential administration recommended that parliament postpone consideration of the amendments. To date, no new draft has been introduced. However, civil society groups remain concerned that some iteration of the draft might still be put forward.

Media Freedom

Violence and harassment of journalists increased significantly during the run-up to the July presidential election. It was not always clear whether specific journalists were targeted because of their work or were victims of common crime. Yet the attacks functioned to intimidate other journalists. In a number of these cases the perpetrators have not been identified or held accountable.

At least seven journalists were physically attacked in Kyrgyzstan in 2009. On March 3, Syrgak Abdylbaev of the independent weekly *Reporter Bishkek* was severely beaten near his apartment and stabbed more than 20 times, and within months he fled the country because of ongoing harassment. On March 7, Bahadyr Kenzhebaev, a television

cameraman, was severely beaten on his way home from work in the southern city of Osh. On March 26, Ulugbek Babakulov, the editor-in-chief of the weekly *Moskovskiy Komsomolets-Kyrgyzstan* and his colleague Yelena Ageeva were severely beaten and robbed by two unknown attackers in Bishkek; Babakulov was hospitalized. On June 5, Abduvakhab Moniev, a journalist with the opposition weekly *Achyg Sayasat*, was beaten by an unknown assailant in Bishkek. In early April the prosecutor's office had summoned several *Achyg Sayasat* journalists and warned them "not to insult or offend the president" after a number of articles criticizing government officials. On July 10, Almaz Tashiev, a freelance journalist from Osh, died following injuries received in a beating by a police officer on July 4; the circumstances surrounding the beating are not clear. On November 2, Kubanychbek Joldoshev, an Osh-based journalist with *Osh Shamy*, was attacked by three unknown assailants on his way home, sustaining head injuries.

In July the OSCE representative on freedom of the media called on the Kyrgyz authorities "to do everything in their power to halt the wave of violent attacks against journalists, which is threatening media pluralism ahead of the presidential elections." The European Union called on Kyrgyzstan to "regain its reputation of a country where freedom of expression is enjoyed."

Freedom of Religion

In January 2009 President Bakiev signed a controversial new law "On freedom of conscience and religious organizations." The OSCE's Office for Democratic Institutions and Human Rights and the Council of Europe's Venice Commission had criticized the law in October 2008 for, among other things, its "vagueness," "discriminatory registration requirements," and "interference with religious autonomy." Nevertheless, the law signed by the president retained these problematic provisions. The new law increases from 10 to 200 the number of people required to officially register a religious organization, and restricts freedom of expression by prohibiting proselytizing and the dissemination of religious material in public places or by going house to house. Watchdog organizations such as Forum 18, an independent, international religious freedom group, reported arbitrary implementation of the law, and harassment of smaller religious communities throughout the year.

Criminal Justice, Torture, and Ill-Treatment

Although Kyrgyzstan ratified the Optional Protocol to the Convention against Torture in 2008, torture and ill-treatment remain rampant. The events in Nookat (a town in southern Kyrgyzstan) are a stark illustration of the problem.

In autumn 2008 Nookat residents applied to the mayor's office for permission to organize a celebration on the main square to mark the end of Ramadan. The mayor's office denied the application, but authorized the celebration to be held at a stadium outside town. When residents arrived for the celebration on October 1, the stadium was closed. The crowd then proceeded to the mayor's office to protest.

Accounts vary as to the number of protesters and the conduct of the protest. The authorities claim that the protest was violent and organized by a thousand followers of Hizb ut-Tahrir, an international Islamic organization that is banned in Kyrgyzstan and several other countries in the region. In contrast, Nookat residents claim that several hundred local protesters gathered peacefully at the mayor's office, but some teenagers in the crowd threw stones when the police began arresting protestors to clear the entrance to the building.

On October 13 the State Committee for National Security announced that it had detained 32 people. Although these individuals had initially been charged with organizing or participating in mass unrest, other charges were added during the investigation, including the charge that all defendants were members of Hizb ut-Tahrir. On November 27 the Osh Province Court found the defendants guilty of a number of offenses, including "incitement to cause or participate in mass unrest," "separatism," "attempted overthrow of the constitutional order," and "spreading ethnic or religious strife." The defendants were sentenced to prison terms ranging from nine to 20 years.

At their trial, the defendants testified that they had been tortured and ill-treated, but the judge neither urged the prosecutor's office to investigate the allegations nor dismissed the evidence allegedly obtained under torture.

A commission established by the Kyrgyz ombudsman concluded in February 2009 that most of the defendants had been ill-treated and tortured during their arrest and in pretrial detention. The ombudsman's report, which was based on interviews with the defendants, their lawyers, and court documents, described how law enforcement officials had poured hot and cold water on detainees, beat them on the soles of their feet, and almost suffocated them using plastic bags or gas masks. Detainees also had to stand in their underwear in a cold room with their feet in water for up to three days, were not allowed to use sanitary facilities, and did not receive needed medical treatment.

A January 2009 report by the Russian human rights organization Memorial documented similar violations. After the report's publication, its author was deported from Kyrgyzstan and barred from reentering.

In May 2009 Kyrgyzstan's Supreme Court reviewed the case and upheld the verdicts. It slightly reduced the sentences for two women and three minors, but did not investigate the defendants' torture allegations.

Sexual and Gender-Based Violence

In November 2008 the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) raised serious concern about widespread domestic violence in Kyrgyzstan. It requested that the government submit information within one year on measures taken to eliminate violence against women and bride abduction. At this writing the government has not submitted such information, and has taken no new steps to prevent such violence or punish perpetrators.

The UN special rapporteur on violence against women visited Kyrgyzstan on November 9-16, 2009. She concluded that "formal commitments [to protect women's rights] have to a large extent not been translated into concrete actions and improvements on the ground and in the lives of ordinary women," and that "women and girls' vulnerability to violence, exploitation and destitution has increased."

Lesbians, bisexual women, and transgender men in Kyrgyzstan experience discrimination as a result of their sexual orientation or gender identity, and often face violence, rape, psychological abuse, and confinement. These groups also experience police harassment and abuse, and there are reports of police harassing organizations that defend the rights of LGBT persons.

Key International Actors

In March the European Union expressed concern about restrictive legislative trends in Kyrgyzstan reflecting "a tendency which threatens to distance the country from the implementation of its OSCE commitments." It urged the government to "thoroughly investigate" recent attacks on journalists and opposition politicians. The second round of the EU's annual human rights dialogue was held in mid-October.

The United States prioritized the struggle to retain its airbase at Bishkek's Manas airport over human rights, and did not speak out about the deteriorating situation in the first half of the year. In February President Bakiev announced he would close the airbase, but after the United States agreed to pay higher rent in late June he allowed the base to stay. On June 11 President Obama sent a letter to President Bakiev acknowledging Kyrgyzstan's important role in stabilizing the situation in Afghanistan and in the campaign against terrorism.

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