

Council of Europe

The Political Affairs Committee of the Parliamentary Assembly of the Council of Europe continued to consider Kazakhstan's 1999 application for observer status.

United States

In a July 18 congressional hearing in Washington, a State Department representative stated that although there had been economic progress in Kazakhstan, steps towards democracy had been reversed.

The administration requested U.S. \$51.5 million in assistance for Kazakhstan for 2002, with some of the requested funds to be used for the purchase of military equipment under the Foreign Military Financing Program.

International Financial Institutions

When the president of the European Bank for Reconstruction and Development (EBRD) visited Kazakhstan in June, he stated that the country deserved more cooperation with the EBRD. He reportedly praised the economic reform process, and did not raise concerns over issues of corruption or human rights which were at odds with the EBRD's founding charter. The EBRD expected to invest about \$212 million in projects in 2001.

In February, the World Bank's Board of Executive Directors supported a new Country Assistance Strategy for Kazakhstan for 2001-2003. Depending on progress in reforms, the bank was to lend between \$270 and \$820 million over three years. If realized, this could make Kazakhstan the largest recipient of bank funding in Central Asia.

In its December 2000 assessment of the economy, the International Monetary Fund recommended that the government "ensure further transparency of the oil sector's operations and its linkages with public finance" in order to encourage fiscal management and "public accountability" over the government's use of oil revenues. It also recommended that the proposed oil stabilization fund that is meant to maximize the benefits of oil revenues and protect the economy from an unstable revenue stream "be based on the principles of transparency and public accountability." Previously, the Kazakh government had been criticized and investigated for allegedly corrupt dealings within its oil sector.

KYRGYZSTAN

HUMAN RIGHTS DEVELOPMENTS

The deterioration in respect for human rights that had dominated the lead-up to the October 2000 reelection of President Askar Akaev continued unabated in

2001. The government harassed the political opposition, independent media, and human rights defenders. Government measures responding to the year 2000 incursions by the Islamic Movement of Uzbekistan (IMU) into Kyrgyzstan violated the rights of certain ethnic minorities and religious groups.

In January, Gen. Felix Kulov, President Akaev's rival in the elections and leader of the opposition Ar-Namys (Dignity) party, was sentenced to seven years of imprisonment on charges of abuse of office, even though he had been acquitted of these charges in August 2000. Kulov had intended to contest the October 2000 elections. The international community criticized his retrial as politically motivated. On July 17, new charges of embezzlement were brought against Kulov.

President Akaev on August 20 pardoned Topchubek Turgunaliyev, a political activist and founder of Kyrgyzstan's Guild of Prisoners of Conscience. He was released after almost a year in prison on trumped-up charges of plotting an assassination attempt on President Akaev.

After a wave of criticism by community and opposition leaders, President Akaev on August 16 ordered a review of a draft law that would have banned religious and other political parties and put new restrictions on nongovernmental organizations (NGOs).

Progress in press freedoms in early 2001 proved to be ephemeral. For example, at least two new independent newspapers were registered in the first six months of the year. But on April 5, the Ministry of Justice, apparently seeking to tighten state control over the media, required all outlets to reregister by July 1. It later annulled the registration of the newly created media outlets that reregistered after April 5, declaring that new media could not be registered until September 1; it later moved the date to October 1. The editors of several deregistered newspapers attempted, unsuccessfully, to sue the ministry.

Samagan Orozaliev, a journalist, was arrested on May 28 in Jalal-Abad province when he was investigating allegations of local corruption. Orozaliev was held in pretrial detention on charges of taking a bribe. On July 31, he was reportedly hospitalized, under police guard, due to heart problems. On November 1, a court sentenced Orozaliev to nine years in prison and confiscation of property, and his driver, Mukhtar Topchiev, to eight years for, among other things, illegal weapons possession. They claimed police had fabricated charges against them, and had planted evidence in their car. As of this writing, lawyers were preparing to appeal the verdict. In March, the Supreme Court reinstated a conviction against journalist Moldosali Ibraimov that had been quashed in 2000. The court gave him a two-year suspended sentence on libel charges, which related to allegations of corruption in the judiciary.

The opposition newspaper *Asaba* (The Standard) was declared bankrupt on April 20, after losing a court battle over the repayment of a loan and receiving an unprecedented U.S. \$100,000 fine for libel of a member of Parliament. The government-controlled Uchkun publishing house repeatedly refused to publish the newspaper *Res Publica*, as a result of, according to the paper's editor, an edition containing an article about the financial dealings of President Akaev's wife.

In a positive move, the procuracy dropped charges of divulging state secrets against the editor and a journalist of the independent newspaper *Delo No* (Case Number), relating to an article on the trial of Felix Kulov in May. In April, however,

the editor was fined for insulting an employee of the National Security Service in an interview he gave.

In another positive move, the Supreme Arbitration Court upheld an appeal by Osh TV, an Uzbek language station, ordering the court of first instance to reconsider its decision to force the station to change frequencies. The change would have led to the closure of the station viewed by the ethnic Uzbek population in the region.

Police used force to disperse protesters, and arrested protest organizers. An opposition leader and journalist were fined, along with three members of the Ar-Namys party, for organizing an unsanctioned rally in Bishkek on April 13. Klara Ajibeka, chairwoman of the Communist Party, was arrested, convicted, and fined for delivering a speech at an unsanctioned June 12 picket in support of Kulov. Police prevented approximately 1,000 demonstrators from gathering in Bishkek's main square for a May 1 rally and protest. Also on May 1, in Jalal-Abad, three human rights activists were convicted and fined for taking part in an unsanctioned rally. On August 10 police in Osh reportedly arrested fifteen women after dispersing a demonstration of about two hundred women merchants who were protesting the local authorities' decision to stop street trade in the city center.

Kyrgyzstan's participation in the regional push against Islamic "extremism" heightened the atmosphere of repression for both independent adherents of Islam and the Uigur minority in Kyrgyzstan. On April 18, the government required special religious schools to obtain a license from the State Commission for Religious Affairs. According to government statistics, between thirty-seven and fifty people in southern Kyrgyzstan were imprisoned for disseminating "extremist" religious materials in the first five months of 2001; more comprehensive figures were not available. The Kyrgyz Committee for Human Rights (KCHR) monitored a trial on July 13 of five alleged Hizb ut-Tahrir (Party of Liberation) members who were charged with disseminating "extremist" leaflets. The men received sentences of from two to five years of imprisonment.

A military court sentenced to death two men on June 19 for their participation in armed clashes between IMU fighters and government troops in August 2000. It is not known what legal standards of proof or due process the military court applied. As of this writing, the defendants' appeal was being considered.

In late July several armed clashes occurred in the southern border region of Kyrgyzstan, although it is unconfirmed that these involved the IMU. The extent of the clashes is unknown, since the government denied several reports that its troops were engaged in ongoing fighting.

Landmines laid by Uzbekistan in Kyrgyz territory in response to the IMU incursions into both countries have killed at least one person and injured several others this year. The two countries have been negotiating over the removal of the mines.

Four ethnic Uigurs and one other man stood trial on March 12 on charges related to two bombing incidents in the city of Osh in 1998. Four of the men were sentenced to death and one to twenty-five years of imprisonment. The defendants' lawyer reportedly stated that the trial began without warning and that even though she was hospitalized at the time, the court refused an adjournment. Thus, her clients had no legal representation. A previous sentence against the five had been overturned for lack of evidence.

Despite a presidential moratorium on death penalty, effective until December 2001, courts continued to hand down death sentences. It remains unclear whether such sentences will be carried out after that date.

Prison conditions remained abysmal due to lack of food, clothing, heating, and medicine. A group of prisoners' relatives sent an appeal to the Kyrgyz authorities and the international community describing prison conditions of starvation and disease.

Police continued to ignore reports of domestic violence as the Kyrgyz government failed to implement the 1999 recommendation of the U.N. Committee on the Elimination of Discrimination against Women to provide for law enforcement officials' training on violence against women.

DEFENDING HUMAN RIGHTS

The KCHR faced continuing persecution in 2001. Bolot Tynaliev, a member of the KCHR, was reportedly threatened with a knife by five men on January 27. The men stole his KCHR files and warned him to stop his human rights work. On June 27, Numanjan Arkabaev, the KCHR coordinator for Osh province, was arrested and charged with defamation and attempting to overthrow the government. He was released from custody on July 18, after having spent two weeks on a hunger strike. The National Security Service later dropped the charges.

On September 17, Abdymamat Kadyrbekov, a member of the KCHR in Jalal-Abad, received a three-year suspended prison sentence on charges of "hooliganism." On October 7, according to the KCHR, masked men burst into Kadyrbekov's house and caused him severe injuries, warning him not file a complaint about his sentence.

Albert Korgoldoev, also a member of the KCHR in Jalal-Abad, faced criminal charges related to his monitoring of the presidential elections results in October 2000; he fled the country in February. According to the KCHR, Kyrgyz authorities confiscated property from their organization's head office in Bishkek in late May.

The director of the Kara-Sui Human Rights Center, Ravshan Gapirov, was arrested on November 13 and charged with "hooliganism" and swindling. He remained in custody until his trial on February 28, when he received a two-year prison sentence. On May 7, his sentence was reduced to a fine and he was released. On September 14, after a verbal dispute with the Kara-Sui procuracy, he was detained. On October 24 Gapirov was sentenced to thirteen years of imprisonment for "hooliganism" and insulting state officials.

An unidentified man attacked Tolekan Ismailova, the head of the NGO Coalition for Democracy and Civil Society, outside her home on March 13. She was hit on the head and momentarily lost consciousness. The previous day she had strongly criticized the Kyrgyz government at a round table discussion.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

The special representative of the U.N. secretary general on human rights defenders, Hina Jilani, visited Kyrgyzstan in August. During her trip she stated her concerns that basic civil rights were not being systematically observed. Kyrgyz authorities refused to allow her to meet with Turgunaliyev, who was in a prison hospital at the time. Kyrgyzstan was included in the 2001 report of the special rapporteur on torture, which cited allegations of excessive police violence against peaceful demonstrators, torture of detainees, and horrific conditions in places of detention.

Organization for Security and Cooperation in Europe (OSCE)

The OSCE report on the October 2000 presidential elections found that they, “despite some positive features,” failed to comply with Kyrgyzstan’s OSCE commitments. In March, the OSCE representative on freedom of the media, Freimut Duvé, met with President Akaev to express regret at the worsening media situation in the country. In April, the OSCE secretary general visited Kyrgyzstan and met with President Akaev in a closed meeting. The stated aim of the visit was to assess and discuss security and stability in the region. In June, after meeting with President Akaev and others, the OSCE chair announced that he had advised the Kyrgyz leadership that in order to improve the country’s tarnished image, the legislature should adopt new laws on human rights, the media, religious freedom, and the status of refugees.

European Union

At the E.U.-Kyrgyzstan Cooperation Council meeting in July, the European Union reiterated its concern about aspects of democratization, such as media freedom. The European Union also raised concerns about recent developments surrounding the KCHR, while it welcomed the suspension of the death penalty and encouraged its complete abolition.

United States

At a July 18 U.S. congressional hearing, a State Department spokesperson testified that there had been progress on economic reform but that the government had been backsliding on democratic reforms and that there were signs of an escalation in the campaign against peaceful Islamic activities. The Department of State trafficking in persons report, published in July 2001, criticized the Kyrgyz government for failing to respond adequately to trafficking in persons. The report noted that traffickers sent Kyrgyz men, women, and children into situations of forced labor and forced prostitution in Russia, Turkey, Germany, and the United Arab Emirates. U.S. financial assistance to Kyrgyzstan remained fairly constant, at about U.S. \$ 33 million.