

July 12, 2007

**Appeal**  
**by the Human Rights Center “Citizens against Corruption” and partners network**  
**“People Changing The World” (Kyrgyzstan)**  
**to the participants of the Supplementary Human Dimension Meeting: Promotion and**  
**Protection of Human Rights**

1. Kyrgyzstan is on the way of humanization of Criminal Code of Kyrgyz Republic and other important laws, but further efforts have to be made. The Human Rights Center “Citizens against Corruption” and the independent partners solidarity network (Kyrgyzstan) present to your attention the problems in legislation that are the barriers of access for vulnerable groups, victims of injustice to fair court examination

**LEGAL ANALYTICAL REVIEW**

**Of the Law of Kyrgyz Republic on:**

**Bringing in modifications and addendums to the Criminal Code of Kyrgyz Republic, Criminal-Procedural Code of Kyrgyz Republic, the Code of Administrative Responsibility, Criminal – executive Code of Kyrgyz Republic, laws of Kyrgyz Republic on: “Supreme Court of Kyrgyz Republic and local courts”, “Public Prosecutor of Kyrgyz Republic”, “The order and conditions of maintaining persons deferred on suspicion or accusation of conducting crimes”, “General principles of amnesty and pardon”, “Implementing the Criminal Code of Kyrgyz Republic” of June 25, 2007, # 91.**

Latest narratives of legislature are the most significant and sufficient for the last few years of reformations. A series of innovations can be regarded as historical, such as cancellation of death penalty, introduction of the panel board, emergence of the mediation institution. But the new edition could not avoid contradictions and problems.

**Comments on CRIMINAL-PROCEDURAL CODE**

**Article 4 of the Criminal-procedural code**

“Recommendations (declarations) of international organizations on the issues of executing penalties and treating condemned people are realized in the criminal-procedural legislature in the presence of necessary social-economic opportunities”

In the given case, none of the factors should affect an implementation of one or another international obligation, placed upon the parties of an agreement. Besides, any subject of the agreement must become acquainted with sufficient conditions, which are indicated in the agreement, analyze them, and only after that to pass and sign the agreement, i.e. it is stipulated that the agreement will be maintained and implemented. The reason is that present social-economic opportunities, and other future reasons (political, cultural, etc.) may cause inaccurate implementation or violation of the agreement.

It is unacceptable to put an implementation of international obligations into dependence from social-economic opportunities. There is a primacy of signed international Agreements over national legislature, which is secured in the Constitution of Kyrgyz Republic.

Criminal-executive code should not regulate the procedure of implementing obligations, ratified by the state in front of international community. Besides, the state is obliged to bring internal legislature in conformity with ratified international obligations.

Presence or lack of “Necessary social-economic opportunities” is a subjective factor. Who will define whether there are some sorts of “necessary opportunities”? A clearly set mechanism to define these opportunities does not exist.

Proposed version of the article:

“Recommendations (declarations) of international organizations on the issues of implementing penalties and treating condemned people are realized in the criminal-executive legislature in case of ratifying related international agreements by Kyrgyz Republic”.

### **Article 100(2) section 3 of the Criminal-executive code**

“All convicted people are maintained in severe conditions after arriving at correctional settlement of a special regime. Transfers from prisons of severe conditions are conducted after serving no less than 10 years in the colony of severe conditions.”

Persons, condemned to life imprisonment are isolated from society for life term, and the penalty in this case is not the severity of their imprisonment, but the fact of their life imprisonment itself. It does not take 10 years to identify a positive behavior of a convict. There is a series of objective reasons that lead to a certain necessity – such as to give a person another chance, that is why it is not necessary to indicate clearly definite term, after which a convict can be transferred from prisons with severe conditions to common ones. In the presence of such long-term conditions of maintenance convicts are doomed to the process of irreversible personal decay and moral degradation. Even thinking about the fact that a convict might be transferred to a common

settlement only after 10 years (also considering anti-sanitary conditions in our prisons) causes a chronic depression and does not stimulate a convict himself to change for the better. There is a widespread opinions that a person who arrives at one of those settlements fully deserves a negative attitude and can be maintained in the most terrible conditions, and does not deserve humane attitude. But humanness of the society is primarily its attitude to its most problematic layers.

And judicial mistakes take place very often in sending out the justice. It is not a secret that there are many innocent people among convicts, and unfortunately no one is secured from this. Anyone can take their places by the will of fate. It is necessary to remember that before speaking out negative thoughts about all convicts with no exclusion.

Thus, for the reasons of humanness, most of the developed countries maintain their life long prisoners in more comfortable conditions than other convicts.

*Proposed version of the article:*

*“Transfers from severe conditions to common conditions are conducted in the presence of an exemplary behavior, if he is on the way to improvement, in the absence of incurred penalties for violating discipline, conscientious attitude to working and studying”.*

#### **Article 145(1) section 3 of the Criminal-executive code.**

“If the court refuses in early probation discharge, a repeated application can be submitted not earlier than 3 years from the moment of previous refusal by the court”.

Three years – is quite a long term for re-applying for the early conditional discharge of a person, condemned for life term imprisonment. With no doubt, it must be reduced by three times as minimum. And what if the decision of the refusal was made illegally, without any grounds or as the result of political or subjective opinion. The terms and conditions to apply for the early discharge should be clearly identified. A lifetime prisoner can be discharged on an early conditional basis if the court decides that he does not need any further imprisonment and that it has already been 30 years from the moment of his imprisonment. Thus, it seems that after thirty years of imprisonment he needs to wait for another 2-3 years to apply for the early discharge or while his appeal is being considered. It is impossible, because yet by that time a convict loses any hope for being free. Nevertheless, it is recommended to be more indulgent on these issues and putting such kind of terms is not fair.

*Proposed version of the article:*

“In case if the court refuses in early conditional discharge of the convict, a repeated application can take place not earlier than one year from the moment of the refusal made by the court”.

## **Comments on the CRIMINAL-PROCEDURAL CODE.**

Despite the fact that the new edition contains a series of progressive moments, such as: passing courts an authority to select the level of punishment and imprisonment, increasing the size of amount for damage (doubtlessly, given norm has been a long felt need), there is still a series of contradictions.

Besides, a concept of MEDIATOR has been introduced, i.e. a person with a special training able to conduct negotiations between victim and defendant (accused) on reimbursing the damage and overall reconciliation. Introduced modification by itself should ease the process of negotiations between the victim and defendant. But before introducing such kind of mechanism of regulation it is necessary to at least conduct courses, seminars or trainings for preparing specialists in the given sphere, with financial support of the state.

At present moment there is a shortage of specialists in this sphere, but in accordance with the section 2, part 1 of the Article 29 an investigator, prosecutor, and the court explain the accused person and a victim the possibility to start a procedure towards reconciliation through a mediator. In this case, who will act as a reconciler?

Doubtlessly, a positive innovation is a pass of an authority, from Prosecutor to the Court, to select the level of punishment and imprisonment. Given norm will allow to avoid subjective approach, which existed in 90% of cases in decision-making process by prosecuting agencies in selecting the level of punishment. Naturally, there is a remaining possibility of corruption at courts, but the trial process becomes more transparent and the procedure stipulates equal rights and competitiveness of the parties, defending prosecution.

An important moment in renewing the criminal-procedural legislature will be establishment of panel board in Kyrgyz Republic. An institution, highly expected by human rights activists and advocates, will allow to avoid unlawful sentences and reduce the number of unfairly convicted. But this is not the perfect case as well.

For instance: **Article 331(12) of the Criminal-procedural code**

Item 5. “A judge on his own initiative, and also with the petition of the parties excludes from the criminal case the proofs, which have been decided as unacceptable during the trial process”.

Item 6. “If during the trial process a question of inadmissibility of proofs comes to discussion, the question is considered in the absence of the panel board. Hearing opinions of the parties the judge comes to decision of excluding the proofs, acknowledged as unacceptable”.

An issue of admissibility of proofs is a key moment. Especially in our system of legislature, i.e. 80% of sentences are given based on inadmissible proofs, obtained with a violation of criminal-procedural code (obtained by force, violation of procedural registration, and other violations). A blind direct copying of norms from the code of Russian Federation is not productive and contradicts a common meaning of the institution of the panel board. Proofs are key moments in defining guiltiness (this is the main idea of the panel board), and their relativity - is exclusionary important step, which needs special attention.

### **Comments on the CRIMINAL CODE.**

The main positive moment of innovations is primarily the abolishment of death penalty. Death penalty is the most disputable type of punishment. A huge number of arguments are given both to support and cancel death penalty. Some countries retained death penalty as a type of criminal punishment (United States), other have cancelled (Germany, France) or endorsed a moratorium on its purpose and execution. The nature of influence of death penalty upon society is not yet clear. Causing among some people a feeling of justice death penalty simultaneously increases the level of mutual intolerance and contains a possibility of counter-reaction, especially in conditions of growing crime. As it is known, the influence of death penalty upon convict lies in injuring the deepest psychic suffering, and afterwards his existence at all. That's why a modified code has become more humane.

### **Article 50 of the Criminal code**

“Life imprisonment, as a pardon, can be substituted with the imprisonment for 30 years”.

Supporters of economizing budgeted funds could count how much it costs to maintain a single prisoner for one year. Meanwhile, extremely large terms do not affect achieving the main idea of punishments for conducting crimes. Even such a country as Germany, with a much more developed economy, and where we obtained our legal system, does not let itself to set the maximum term of imprisonment more than 15 years (Item 38 of Criminal Code of Germany). In connection with this, there is a question about the expediency to substitute life term imprisonment with 30 years - which is more than a maximum.

It is also needs to be taken into consideration, that the main idea of punishment is not its severity, but its inevitability and reaching one of its goals – resuming social justice. In the presence of inhumane conditions in our settlements, the maximum term for a human could be reduced to 20 years, because 20 years is a sufficient term for a man, in average, this is 1/3 of a human life based on the statistics of the average age in our country. And it is not surprising that many of the life term convicted prefer being executed to living in such kind of colonies. In terms of changing the

conditions of maintaining a life term convict, maybe some of them would have a stimulus to change their “former” way of life and this would promote achieving another important purpose of punishment as a correction of the convict.

**Article 127 of the Criminal code: “Libeling”**

**Article 128 of the Criminal code: “Insulting”**

Despite the fact that it has been repeatedly indicated that it is necessary to exclude punishments from the Criminal code for such acts as libeling and insulting (Articles 127,128 of the Criminal code), and despite the fact that deputies voted for this modifications, finally the Criminal code still considers criminal persecution for these actions. Though, it would be more expedient to transform these actions to the category of human rights violations and stipulate either administrative or civic responsibility. The given form of violation can be related to a misdeed rather than a crime, which is already a basis for excluding these actions from the type of criminally punishable.

One of the main reasons of excluding given articles is that authorities often use them to constrain freedom of speech of free citizens as well as the right for free opinions in order to bring pressure upon mass media.

In discussion between the supporters and opponents of the criminal persecution for these actions it is important to weigh out pros and cons. And from the point of view of the freedom of speech, the main institution of democracy, doubtlessly, the overweight is for exclusion of Articles 127 and 128 of the Criminal code of Kyrgyz Republic.

As it may seem, minuses are made up. Each citizen, in the presence of serious grounds, has a right to think that his rights and interests were violated, infringing personal dignity, and address, as a part of civic legal procedures, to court agencies. If the facts are confirmed, the insulter will carry on a civic-legal responsibility, which is secured in the Civic code. The civic-legal court takes into consideration all proofs and considers the given appeal, and releases a fair court decision.

Then why it is necessary to bring a criminal action against the violations of personal accusations? This results in all negative consequences, which are much worse than the committed action itself. Presence of previous convictions and registration in the Ministry of Internal Affairs causes problems in receiving visas, employment, etc.

**The expertise conducted by:**

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## **2. Victims of injustice during several years striving for access to fair court examination and efficient means of protection in Kyrgyzstan as well as at international level:**

- ***Crimes against humanity: victims of Aksy tragedy.*** On March 17 – 18, 2002 6 participants of peaceful rally were shot dead by the police near Bospiek village in Aksy rayon and over hundred young people and women were tortured and treated inhumanly by the law enforcement bodies. These were inhabitants of Aksy rayon, who disagreed with politics of the government and were against arrest of Parliament Member Beknazarov. Their only demand was to change the preventive punishment of their deputy and they were participants of peaceful picket to protect their constitutional rights – right to elect and to be elected. People also insisted on giving them access to fair hearings concerning the elected by them deputy, who was also a Chairman of the Parliament Committee on Constitutional Structure and Legislation. He also was an opponent to the President Akayev revealing corruption and illegal anti-constitutional actions taken by the latter. To this day victims of Aksy tragedy cannot get access to fair and open hearings by an independent and impartial court. Declared war against terrorism after September 11, 2001 has also influenced to the situation with human rights and freedoms in Kyrgyzstan, as the issue of dislocating military airbase on civil airport Manas near the capital city Bishkek was being discussed by the great powers and by the USA in particular, with the ex-president Askar Akayev during that period. Double game, played by the leaders of the country, under cover of fight with terrorism didn't let civil initiatives on changing authoritarian regime through peaceful political transformation be realized and the question why were citizens shot and tortured during peaceful rally in peace time is not answered. This question stays in a daily agenda of Kyrgyzstan: how to ensure victims of Aksy tragedy with access to fair court examination and restore justice in regards of the victims and their family members; to learn lessons from mistakes of previous regime and give a new start to constitutional reform in Kyrgyzstan?
- ***Victims of Barskaun tragedy.*** In 1993 the transnational Kumtor Operating Company (Canada) came to Kyrgyzstan due to the secret Agreement with the previous rulers of the country led by the ex-president Askar Akayev. Since then the Company has systematically been violating rights and freedoms of inhabitants of 5 villages in Jeti Oguz. The Agreement was signed without participation of local people; the Parliament of the country and independent specialists on economic, ecological and social security issues; and incomes from gold mining to the national budget wasn't taken into consideration. Activity of this Company contributed to rise of corruption and series of accidents through fault of the Company have taken place. The most serious accident occurred on May 20, 1998, at the result of which people from 5 villages of Jeti Oguz rayon in Issyk Kul oblast. During many years since this damage was caused the villagers have been looking for access to fair court examination and efficient means of protection both at the national and international levels. Operating of this Company, now Kumtor-Centerra is a real threat to ecological security of not only Kyrgyzstan but also whole Fergana valley in Central Asia.
- ***174 individuals were condemned to death penalty before its abolition in the Constitution of Kyrgyz Republic (April, December, 2006) and adoption by the Parliament of the packet of laws on humanization, which was signed by the President Bakiev on the 26<sup>th</sup> of June, 2007.***

One of the main successful initiatives of the President Bakiev K. S. is abolition of death penalty in Kyrgyzstan through changes in the Constitution of KR. On June 26, 2007 he signed the packet of laws on humanization that fully excludes death penalty in Kyrgyzstan. Unfortunately, the international help shown in a format of humanization was inadequate. The Human Rights Center "Citizens against Corruption" together with the partner NGO has surveyed analysis in

order to provide further assistance to the Parliament of KR, Ministry of Justice of KR with issues of humanization of criminal legislation and penal system.

### ***Resolution of the roundtable***

#### ***“Status of persons convicted to capital punishment and further steps to humanizing criminal legislation and penitentiary system after amendments to the Constitution guaranteeing citizens’ right to life”***

*Bishkek, June 26, 2007.* We, the participants of the roundtable “Status of the persons convicted to capital punishment, further steps to humanizing criminal legislation and penitentiary system after amendments to the Constitution guaranteeing citizens’ right to life” organized by the Human Rights Center “Citizens Against corruption”, in cooperation with partner organizations from Osh, Jalal-Abad, Batken, Balykchi, Cholpon Ata and Bishkek, international organizations and representatives of appropriate administration offices, as well as members of the Public Council on issues of humanization of criminal legislation and penitentiary system under the Ministry of Justice of the KR,

Considering universal international fundamental values of protecting human rights and freedoms, obligations of Kyrgyzstan to the OSCE and the UN regarding the promotion of human rights, and international standards on persons convicted to capital punishment and cheering the constitutionally guaranteed right of citizens to life,

*Supporting* the efforts of the KR towards further humanization and liberalization of criminal punishment and juridical elimination of death penalty with alternative replacement of it with fixed term of imprisonment from 20 to 25 years, with the right to review each 5 years and amnesty rights to persons convicted for the first time (further reform proposals send to the President, the Government and the Parliament of the Kyrgyz Republic)

Urge the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic and the Parliament of the Kyrgyz Republic

- To recommend to bring national legislation in accordance to the Constitution.
- Immediately eliminate all capital punishment sentences (more than 174 persons), review and define their status and provide them access to fair and open court hearings with the participation of the public and lawyers.
- Take measures towards guaranteeing rights of persons convicted to capital punishment to the maintenance of family ties, contacts with the outside world, as well as access to newspapers, TV, Radio; education and labor.
- Provide for normal food, living conditions, medical service to persons convicted to capital punishment
- Reform the Commission on pardon under the President of the Kyrgyz Republic to make it more open and transparent, providing victims and members of their families with access to information, allow relatives to information about the place of burial and allow access to the database of citizens who were executed before the announcement of moratorium in December 1998.

- Pay several visits to preliminary detention centers, where citizens convicted to capital punishment are held, together with members of the Public council under the Ministry of Justice of the KR and staff of the Office of the Ombudsman to work out cooperative measures on protecting their constitutional rights and liberties and promote penitentiary reform in Kyrgyzstan in accordance with international standards.
- Ask the Government of the KR to participate in drafting of the Resolution on world moratorium on capital punishment at the 62<sup>nd</sup> session of the General Assembly of the UN, which will take place this autumn
- Expedite the ratification of the Second Optional Protocol to International Covenant on Civil and Political rights
- Ratify the Optional Protocol to the UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Expedite the recognition by the Kyrgyz Republic of the competence of the UN Committee against Torture to review complaints in accordance with the Article 22 of the UN Convention Against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Members of the roundtable  
The list of members attached

### **3. Situation with human rights defenders; women human rights defenders are in danger:**

July 5<sup>th</sup>, 2007  
Bishkek, Kyrgyzstan

#### **“Protecting Freedom, Dignity and Personal Immunity in Kyrgyzstan!” Nationwide and international civic campaign**

Recent events in Kyrgyzstan related to the violation of human rights and freedom, infringing on the main fundamental human right – a right for freedom, dignity and personal immunity causes big concerns and alarms of human rights organizations.

Starting from 2006 a situation around human rights protectors has worsened, especially female human rights advocates have been under the target of law-enforcing agencies and National Security Agency.

*Valentina Gritsenko*, Chair of “Justice” non-governmental organization from Jalal Abad region is exposed to pressure and persecution by law-enforcing agencies of Jalal Abad region for more than a year, because she ventured to uncover tortures toward a pregnant woman executed by militia representatives. The trial over “Justice” human rights advocates and over Nargiza Turdieva, based

on the personal accusation of internal affairs investigator Ali Mageev on articles 127 (libeling) and 128 (insulting) of Kyrgyz Criminal Code, was postponed till July 4, 2007.

Arzykan Momuntaeva, director of “For democracy and civic society” regional coalition office, a prominent journalist, poetess, member of Kyrgyz Republic Union of writers, the woman standing on the roots of declaring independence and democracy development in Kyrgyzstan, human rights activist, who ventured to uncover the truth about unlawful actions of the Government and transnational gold mining companies in Talas region (“Djerui” and “Andash”) has been in the jail in Talas from May 26, 2007.

At present time Arzykan has given a written undertaking not to leave the country, and she is accused on the following articles of the Criminal Code: Article 233 (massive disturbances, from 8 to 15 years), Article 340 (encroachment upon a representative of law-enforcing agency, from 12 to 20 years), Article 341 (using violation towards authority representative, from 5 to 10 years of imprisonment).

All above accusations appeared during Premier Almaz Atanbaev’s visit to Talas region in April 2007.

*Lira Tantabaeva.* Together with Arzykan, a prominent activist of feminine movement, the leader of “Ayalzat” non-governmental organization, and human rights activist Lira Tantabaeva was arrested and put into jail.

Previously Lira had survived a complex heart surgery. She is a mother of underage children, the youngest of whom is 3 years old. Lira has been under arrest for one day and at present time she is accused on the same articles of the Criminal Code as Arzykan Momuntaeva. Currently the health of Lira and Arzykan Momuntaeva has sharply worsened.

The following human rights activists of Talas region have been arrested and jailed from May 26 to June 1: Ulugbek Osmonov, ecologist – human rights advocate, Shumkar Jumakeev, farmer, Mairambek Berenaliyev, farmer, Kaimazar Imanaliyev, farmer, Asimkan Junushaliyev, deputy of local government, Ryskeldi Botikov, chair of village government, Serik Joldasev, local activist, and others.

Within several months human rights advocates, local activists and inhabitants of many villages of Talas region claimed an access to information about gold mining companies, which together with officials tried to extract gold at “Djerui” and “Andash” ores without any tender or consulting with local population.

People wanted to obtain an access to Technical-Economical Rationale, ecological expertise and an Agreement between the Government of Kyrgyz Republic and gold mining companies. The activists, human rights advocates and local inhabitants acted within the frameworks of Kyrgyz Republic Constitution and Orchus Convention.

People’s civic constitutional rights to access information, and to participate in decision-making process were violated, which resulted in escalation of the conflict, fueled by the government, on May 26 2007, when Premier Atambaev visited “Djerui” and “Andash” ores. As the result, local people received severe injuries after being hurt by militia and special forces, which accompanied the Premier Minister from Bishkek. Moreover, all human rights advocates and activists were accused by the authorities on the most brutal articles of the Criminal Code, hence, were persecuted by special and law-enforcing agencies.

At present time all of them gave a written undertaking to leave the country and are being persecuted by the authorities and members of special agencies of Kyrgyz Republic.

*Erkingul and Baktygul Imanhodjaevs,* well known human rights advocates from Djety Oguz region of Issyk-Kul, who still fight corruption and injustice starting from the date of cyanide accident,

which happened by the fault of Canadian Kumtor-Centerra company in May 1998, when people of 5 villages were tortured by the authorities and special agencies trying to hide this incident and continue illegal extraction of gold. Erkingul, the leader of “Karek” NGO, was repeatedly persecuted by the special agencies for her activity to support the rights of victims.

Baktygul, a physician, who helped injured people after the cyanide accident, was dismissed from her work for several times. Based on false articles of the Criminal Code officials of different levels conducted illegal court investigations of Erkingul and Baktygul.

*April meeting.* Adilet Aytikeev, Manas University student, was forcefully taken to the National Security Committee, and only after human rights protest he was freed from the Committee with signing an undertaking not to leave the country. At present, he is wanted by the National Security Committee .

*Asiya Sasykbaeva*, director of “Interbilim” Center, one of the leaders of “For the reforms” movement, and a vice-Chair of the Constitutional Council is persecuted by the National Security Committee for her participation in demonstrations addressed at conducting reforms in Kyrgyzstan. At present time, she is persecuted by the members of special agencies.

*Cholpon Djakupova*, director of “Adilet” Legal Clinic, one of the most famous human rights advocates, and a member of “For the reforms” movement is persecuted by the special agencies of Kyrgyz Republic for her active attitude and claims to conduct reforms in Kyrgyzstan.

After demonstrators were dispersed by the special agencies on April 19 2007, leader, activists and members of “For the reforms” movement were brutally persecuted by the special agencies with bringing criminal actions against more than 50 people based on the Article 233.

Without any warning or invitation, nor possibility to have an attorney, these people were caught and taken to the building of National Security Committee, supposedly as witnesses, but in fact they were maintained in the basement as accused people. More than 30 participants of the April 19 meeting are held at the basement jail of the National Security Committee.

Kemin electoral district # 57. A complex situation in Kemin electoral district # 57 arose after witnessing corrupted elections to the Jokorgu Kenesh (Parliament) of Kyrgyz Republic, and which resulted in the violations of civic constitutional rights: a right to elect and be elected. Presently, more than 30 local activists are persecuted by the authorities, militia and special agencies. All of them are accused by the Article 233 of the Criminal Code. Some of them are presently maintained at the basement jail of the National Security Committee.

Jyparkul Arykova, a member of the Press-cutting service of Kyrgyz Parliament, a well known journalist, a young single woman with a small baby, who in charge of her badly diseased mother and a sixteen-year-old sister, is accused of an espionage by the Article 293 of the Criminal Code, plus, accused in high treason by the Article 292 of the Criminal Code. The accusation with such formulation has become the first in the history of independent Kyrgyzstan.

The given case shows that women in particular are subjected to violence and humiliation by special services and law-enforcing agencies, and one of them is Jypargul Arykova, who used to be a member of Kyrgyz Parliament, a public institute, where all decisions should be taken in accordance to the Constitution of Kyrgyz Republic and be available and open to any citizen, including members of international organization, particularly for journalists. Presently, Jypargul is under investigation at the basement jail of the National Security Committee, and her attorney is deprived of an access to run her case. She is isolated, and her relatives are not permitted to access either.

Sharing the opinion of local human rights advocates, famous leaders of feminine and democratic movement of Kyrgyzstan Arzykan Momuntaeva and Lira Tantabaeva in their statement that freedom, dignity and personal immunity is under threat in Kyrgyzstan, human rights non-governmental organization “Kylym Shamy”, “Citizens against corruption”, “Ghandi” establishment,

and “People shaping the world” solidarity network initiate a nationwide and international civic campaign “Protecting Freedom, Dignity and Personal Immunity in Kyrgyzstan!”:

We are appealing to the guarantor of constitutional rights and freedom of citizens – President of Kyrgyz Republic Mr. Kurmanbek Bakiev, on the eve of the two years anniversary of his Presidency, July 10 2005, and ask to protect our constitutional rights and freedom.

To assist in freeing accused and those currently maintained at the basement jail of the National Security Council and terminate criminal cases based upon political articles of the criminal code towards dissidents and opponents.

We are calling to pay attention to the fact that on July 10, 2007 Pervomay regional court will give a start to the process of criminal cases towards participants of the April meeting.

Taking into account the situation with women human rights advocates, we ask you to accelerate reforming the systems of the National Security Council, General Prosecutor Office, and the Ministry of Internal Affairs of the Republic, which remain punitive. To give women an equal access to the resources and politics.

We are appealing to the international community to pay attention to the situation of human rights in Kyrgyzstan, where forceful agencies of government subject female human rights activists to tortures and humiliation, accusing them in the most severe crimes, based on unreal facts invented by officials of different levels.

We ask to support national and international civic campaign “Protecting Freedom, Dignity and Personal Immunity in Kyrgyzstan!”, initiators of which intend to collect MILLION SIGNATURES to support, which will start on July 5, 2007.

*To non-governmental organizations, we are waiting for your support and solidarity!*

*To journalists, we ask you to distribute and promote given campaign and support our constitutional rights and freedom!*

Initiators: nominates of the Nobel Prize 1000 women for peace 2005 Aziza Abdirasulova, e-mail: [abdirasulova@mail.ru](mailto:abdirasulova@mail.ru), and Tolekan Ismailova, [info@anticorruption.kg](mailto:info@anticorruption.kg)

**Regarding corruption in Kyrgyzstan:** In 2005 the Kyrgyz Republic ratified UN Convention against Corruption. In spite of this regulations of the Convention are not followed to full extent, as majority of laws in the republic is not in line with it. Therefore, the next step should be changing of appropriate norms of domestic legislation in accordance with the requirements of Convention.

It also should be noted that ratification of the Convention is just the first step on the right way; Kyrgyzstan may consider possibility to include such changes into its legislation and/or administrative procedures in order to fully be in line with norms of the UN Convention against Corruption.

**Should you have any queries, please contact to the National Coordinator of HRC “Citizens against Corruption” Aida Baijumanova to the e-mail: [aidabajumanova@yahoo.com](mailto:aidabajumanova@yahoo.com), tel. +996 312 66 55 38. Aida is participating in this OSCE meeting in Vienna, from 11<sup>th</sup> to 13<sup>th</sup> of July, 2007.**

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