

Human Dimension in Kyrgyzstan

Situation on Human Rights

2008 – 2009

Human Rights Center “Citizens Against Corruption”

Kyrgyzstan

Human Dimension in Kyrgyzstan.

Situation on Human Rights in 2008

During 2008 in the Kyrgyz Republic the situation with human rights sharply deteriorated, there was a tendency of the family clan governing the country, narrowing of political pluralism and eliminating influence of the civil society impact on the decision-making process both in the Parliament of the Kyrgyz Republic and in all structures of the power.

During the year the official power used to undertake actions aimed at strengthening of positions of the President of the Kyrgyz Republic and isolating the civil society sector from participation and opportunity to influence the decision-making process. The criminal elements' entering the governmental institutions of all levels after March the 24th 2005 enabled criminalization of both the official power and the society.

Weakness of the political culture and competent opposing by the opposition of the Kyrgyz Republic, small number of strong leaders, who are broadly supported by the ordinary citizens, absence of a clear and efficient alternative strategy of actions does not allow it to resist the illegal actions of the governmental institutions.

To the moment the opposition cannot be considered as a real alternative power. Many of the oppositionists are under criminal cases and wide-scale prosecutions of both leaders of the opposition and members of their families, as well as relatives have started.

The official power has strengthened the law enforcement bodies and the military forces have been awarded the legal right to take part in resolution of conflict situations for the purposes of establishing public order in the country. In this situation the negative role also belongs to the assistance provided by OSCE, which was aimed at reforming of the law enforcement bodies; it only has strengthened these bodies technically. The Ministry of Internal Affairs of the Kyrgyz Republic, the State Office of Public Prosecutor, the penitentiary system have been suffering with interdepartmental conflicts, struggling only for budgetary funds and new financing programs, thus remaining the old Soviet system with a large quantity of employees and services, with bureaucratic and inefficient management and the system of corruption. The citizens of the Kyrgyz Republic are under strict and total control by the law enforcement bodies, which use the system of a residence permit registration ("propiska") and there is difference in the criminal statistics of the Office of Public Prosecutor and the Ministry of Internal Affairs of the Kyrgyz Republic. The practice when the law enforcement bodies continue to arrest people without passports and violently detain them in a pre-trial custody to 15 days is still there. The right of the citizens to free movement was and still remains limited.

Despite the two decisions of the Constitutional Court of the Kyrgyz Republic the right to peaceful assemblies and meetings has been ignored by the authorities, instead they passed the anti-constitutional Law, which practically prohibits the citizens' arranging and holding meetings and demonstrations.

Freedom of speech has been limited, since 2007 there were attempts on and prosecutions of 27 journalists, among whom Alisher Saipov was killed, the oppositional newspaper De Facto was closed, and the editor-in-chief had to leave the country with his family.

Decisions of the new Parliament of the Kyrgyz Republic depend on interests of the President Bakiev and his party in power Ak Jol, which is the dominating force in the Parliament. The Parliament of the Kyrgyz Republic is closed for the civilians; its work is not transparent and nonprofessional. All the laws of the Kyrgyz Republic, which are directly covering the liberties and the rights of the Kyrgyz people were adopted without taking into consideration opinions and participation of the civil society.

In 2008 the Parliament of the Kyrgyz Republic adopted the anti-constitutional laws, which are not complying with the requirements of Basic Law of the country, the Constitution of the Kyrgyz Republic, as well as international standards, since they are aimed at narrowing of the civil and political rights of the citizens, namely:

- Restriction of the right to peaceful meetings and assemblies,
- Infringement of social and economic interests of the people of the Kyrgyz Republic,
- Restriction of rights of believers,
- Restriction of freedom of mass media,
- Awarding military men with the right to interfere in the situations related to occurring conflicts for the purposes of keeping public order and safety during the peaceful time,
- The law encroaching on the absolute right of citizens – the right to life in relation to the citizens sentenced to the higher measure of punishment, lifelong term of imprisonment was also passed.

As a result, in the Kyrgyz Republic it has become impossible to carry out peaceful meetings, pickets and demonstrations. All initiated actions of protest were rigidly stopped by the authorities, and the participants were punished. For the human rights organizations are finding it more and more difficult to be engaged in their professional work. Many human rights activists have been subject to pressure and arrests and detention, offices of human rights organizations were searched.

In 2008 the representative of the Norwegian Helsinki Committee on Human Rights Ivar Dale was prohibited to enter the territory of the Kyrgyz Republic for 10 years, he was deprived any access to fair court proceeding, from the airport of the city of Bishkek he was sent back (repelled) and officially deprived to enter the territory of the Kyrgyz Republic for the period of 10 years.

In the country the number of independent mass-media representatives has sharply reduced and there are no more any oppositional television channels. Two independent newspapers “De Facto” and “Alibi” stopped their operation at all, in December 2008 broadcasting of the two radio stations “Liberty” and “BBC” were restricted. The number of cases of violence and prosecution of journalists has been increasing. Human rights activists and journalists, being afraid for their lives and safety of their relatives, have been leaving the Kyrgyz Republic, asking for a political asylum abroad.

At the end of February 2009 the leader of the communists’ fraction in the Parliament of the Kyrgyz Republic I. Masaliev drafted the new law of the Kyrgyz Republic on the non-commercial organizations, which is aimed at the total financial control of the non-governmental organizations, as well as not allowing their participation in any activities related to election and other political processes.

During the last year influence of the Shanghai Cooperation Organization (SCO) and the Collective Security Treaty Organization (CSTO) on the Kyrgyz Republic has increased and in general it has negatively affected an independent development of the country, compliance with human rights, and in future it may represent a real threat to the sovereignty of the state. Before all regular SCO and CSTO summits and meetings the national security services of the Kyrgyz Republic, pretending to fight against terrorism, carry out actions and operations aimed at arresting and detaining the believers, release political refugees from the neighboring countries to their security services.

All these facts prove the tendencies of authoritarianism in the official power of the Kyrgyz Republic, recoil from the democratic principles, ignoring of the international norms and commitments in the field of protecting the rights and liberties of the people, as well as infringement of the constitutional laws and interests of all the people living in the Kyrgyz Republic.

CLOSENESS OF THE PARLIAMENT

In 2008 the Parliament of the Kyrgyz Republic became closed and inaccessible for the citizens and the civil society organizations of the country. The entrance regime to the building of the Parliament and to certain deputies of the Parliament became tougher. The Parliament passed the anti-constitutional laws, which were contradicting the international norms and standards, they have limited freedom of mass-media, peaceful meetings and assemblies, as well as freedom of committing religious customs, thus infringing both economic and social interests and rights of the citizens of the Kyrgyz Republic.

All the laws and amendments to them were adopted by the overwhelming majority of the votes (by approximately 65-70 votes). The reason is that in advance the draft laws are discussed in the fractions for the purpose of developing their positions for the voting process. Since the fraction of the People's party "Ak-Jol" consists of 71 deputies out of 90, it affects the voting results for final passage.

In the adopted by the Parliament of the Kyrgyz Republic Law "On Regulations on the Parliament of the Kyrgyz Republic" not the principle of an independent will of a deputy prevails irrespective of a political party fraction he (she) belongs to, but a party position, i.e. when voting a deputy is connected to an opinion of his (her) party fraction. If for any reasons a deputy cannot participate in the voting processes, he (she) can subcontract (pass) his (her) vote to another member of the same party.

Introduction of the above mentioned norms and approaches have strengthened the position of the deputies representing the president's party "Ak-Jol" during the process of passing the laws and making other decisions. In this situation the laws aimed at infringement of the civil and political rights of the citizens were initiated basically through the leader of the fraction of the Communist party of the Kyrgyz Republic Iskhak Masaliev, and the strategically important laws and decisions were discussed and adopted by the Parliament of the Kyrgyz Republic in a closed manner.

In addition the parliament issued the resolution about the list of office documents for internal use, with which neither the citizens nor the civil society can get familiar; the list of these documents includes some draft laws, which were submitted for consideration by the Parliament or drafted by the members of parliament. Therefore the civil society learnt about adoption of many strategic documents, covering the civil and political rights of the citizens, the public learnt on the eve of their passage by the Parliament.

ADOPTION BY THE PARLIAMENT OF PROVISIONS ON FREEDOM OF ASSEMBLY, WHICH ARE IN CONTRADICTION WITH THE CONSTITUTION OF THE KYRGYZ REPUBLIC AND INTERNATIONAL NORMS

On June the 13th 2008 the Parliament of the Kyrgyz Republic passed the Law “On amendments and addenda in the Law of the Kyrgyz Republic “On rights of citizens to gather peacefully, without weapons, to hold meetings and demonstrations freely”, which has limited the right of the citizens to freedom of assembly fixed both in the Constitution of the Kyrgyz Republic and in the international law.

The law drafted by the deputy of the Parliament of the Kyrgyz Republic I. Masaliev, has been hastily passed by the parliament without any public discussions, and without any decision to be made by the Constitutional court of the Kyrgyz Republic, without conclusions and recommendations on the draft law by ODIHR OSCE and the Venetian Commission of the Council of Europe. Later on in the conclusion of the Venetian commission it was specified that “these amendments cause a number of serious questions and represent a step back in comparison with the standards, which were established by the previous edition”.

According to the adopted law the notifying character of peaceful meetings and assemblies actually has a permitting nature that contradicts the Constitution of the Kyrgyz Republic, as well as the decision of the Constitutional Court of October the 14th 2004 and of July the 1st 2008. The approved amendments contradict the International Covenant on Civil and Political Rights, to which the Kyrgyz Republic is signatory. The provisions of the Law are not aimed at protecting the rights of the citizens and assisting in their implementation and enforcement, but at their control and restriction.

According to the law organizers are obliged to notify local authorities about a planned action 12 days before its actual date, but it makes it impossible to provide urgent reaction to a situation and fast arrangement of spontaneous actions of protest. The law supplies governors of localities, districts and cities, heads of local governments with the powers of giving a permit and defining places for carrying out peaceful meetings and demonstrations. Such meetings and demonstrations are prohibited to be carried out on the parts of streets where cars run, at sites of monuments, as well as administrative and private buildings.

Thus, the adopted by the Parliament of the Kyrgyz Republic Law has awarded official authorities with large powers of arbitrary prohibition of meetings and demonstrations, depriving the citizens of the basic rights and freedoms to peaceful meetings, without which enforcement of other human rights and democratic development is impossible.

In the country we have got the precedent when representatives of the official power, including deputies of the Parliament of the Kyrgyz Republic are ignoring decisions of the Constitutional Court of the Kyrgyz Republic on the right of the citizens to peaceful meetings and assemblies and are violating the Basic Law of the country, the Constitution of the Kyrgyz Republic.

OBSTACLES TO FREEDOM OF DEMONSTRATIONS, ARRESTS AND DETENTION OF PARTICIPANTS OF PEACEFUL ACTIONS

The new Law on peaceful meetings and assemblies and the previously adopted Resolution of the Bishkek City Council (which later was recognized as anti-constitutional by the decision of the Bishkek city court), made it impossible to arrange and carry out any peaceful actions of protests in the Kyrgyz

Republic. All the initiated actions of protest have been rigidly suppressed, their participants have been punished according to the two articles of the Code on Administrative Responsibility of the Kyrgyz Republic, article 371 (“Disobedience to staff members of the law enforcement bodies”) and 392 (“Infringement of rules of carrying out political meetings”), which involve punishments in the form of penalties and imprisonment for several days.

Actions of the “I Do Not Believe” movement participants

In the end of 2007 and in the beginning of 2008 actions of the participants of the “I do not believe” movement were suppressed and stopped; the actions were organized by members of the youth movements and the youth wings of the parties “Ata-Meken”, “The Greens” and the female human rights activists and were aimed against results of the elections to the Parliament of the Kyrgyz Republic. All the arranged and carried out actions were interfered and interrupted by the staff of the Ministry of Internal Affairs, the participants of the actions were arrested, they were put in pre-trial custody for several days, and they had to pay administrative penalties and fines in the amounts from 1000 to 2000 Kyrgyz soms. The courts proceedings against the arrested persons were held in the closed manner, without participation of lawyers, mass-media and relatives of the detainees.

Actions against transfer of Kyrgyzstan’s lands to the property of its neighbor states

On April the 10th 2008 in Bishkek 52 participants of the action of protest aimed against transfer of the natural mountain hole “Karkira”, 4 recreation resorts in the Issyk-Kul oblast, the “Open-cast mine” area in Talas oblast and the site at the river Chu near Tokmok town of Chu oblast to Kazakhstan were arrested.

On April the 26th 2008 the authorities broke the pedestrian march organized by the opposition of the country against transfer of the Kyrgyz lands to the property of Kazakhstan. The participants of the action were surrounded by about 200 employees of the law enforcement bodies, in the place of the action there were regional and oblast public prosecutors, employees of the State Committee on National Security, local and regional authorities, who were observing and supervising the provocations. For the purposes of deranging the action the aggressively inspired prisoners from the penitentiary institutions from the city of Cholpon-Ata and the Tupe village were deliberately brought to the site. The former deputy of the Parliament of the Kyrgyz Republic Bolot Sherniyazov, human rights activist Maxim Kuleshov and the participant of the action Tilek Sadykov were badly beaten there.

Actions of the “Ata-Meken” Party

On December the 19th 2008 the group of activists from the Socialist party “Ata-Meken” without any signs of disobedience and encroachments on a public order was arranging collection of signatures under the appeal to the people of the Kyrgyz Republic and to the President of the Kyrgyz Republic with the requirement to stop prosecution of mass-media and the opposition, not to allow privatization of the strategic companies and enterprises of the country. Eight participants of the action were detained and brought to the police station of the Leninsky rayon of Bishkek.

The detained participants of the actions were incriminated in violation of articles 371 and 392 of the Codes of the Kyrgyz Republic On Administrative Responsibility. As a result the same very day two of them were sentenced by the court to three days of administrative arrest, the other participants were imposed to pay the administrative penalty in the amounts from 200 to 300 soms.

Actions of the human rights activist M.Kuleshov

During the year the law enforcement bodies interfered with and interrupted more than ten peaceful actions organized by the human rights activist Maxim Kuleshov. Kuleshov's actions were aimed against the adopted decisions and the arbitrariness of the authorities and they lasted for not more than 10 to 15 minutes, because they were suppressed by employees of the Ministry of Internal Affairs-policemen. In the majority of the cases Kuleshov used to be arrested and brought to the Pervomaisky police station of Bishkek and further he was subject to administrative responsibility by the Pervomaisky rayon court of Bishkek.

On March 4, 2009, in the action “Enough, You Bastard!”, which was one in the action series “Democracy Lessons Street-Style”, Maxim Kuleshov was detained and forcefully taken by the officers of the Pervomaiski District Internal Affairs Department to the Republican psychoneurological dispensary. Only after a day had passed, his fellow activists managed to free Maxim Kuleshov. Another action participant – Mikhail Golovanov – was sentenced by the decision of the Pervomaiski District Court to 15 days of administrative custody.

Action “A Civil Hour In Commemoration Of Aksy!”

On March 17-18, 2009, starting at 9:30, on the initiative by the Human Rights Center “Citizens Against Corruption”, a peaceful action “A Civil Hour In Commemoration Of Aksy!” was held next to the Government House, dedicated to the 7th Anniversary of the Aksy tragedy.

On March 18, 2009, right after the beginning of the action, three of its participants T.Ismailova, T.Turgunaliyev, A.Artykov were detained and taken to the Pervomaiski District Internal Affairs Department. On the same day, the Pervomaiski District Court, upon trial of these activists charged with violation of Art.371 (disobedience to a lawful direction or demand issued by an internal affairs officer) and Art.392 (violation of the established order of organization and conduction of gatherings, meetings, marches, demonstrations), awarded a judgment on administrative responsibility in the form of a warning.

The Supreme Court, upon trial of Ismailova’s, Turgunaliyeva’s, and Artykova’s appeal, conceded on the lack of an administrative offence element in the actions of the human rights activists.

Action in the support of Iranian activists

On July 25, 2009, the “Citizens Against Corruption” Human Rights Center joined the Worldwide action in support of Iranian activists who had been subjected to repressions by the state authorities following presidential elections in Iran. Upon completion of the action, when the participants moved towards the Embassy of the Islamic Republic of Iran to pass on their Appeal, the Police arrested and took to the Pervomaiski District Internal Affairs Department 8 people: 4 members of the Human Rights Center and 4 partners of the organization.

On the same day, an investigation of the administrative cases of the detainees was held in the Pervomaiski District Court. All of them were charged with violation of Articles 371 and 392. The Human Rights Center members T.Ismailova, D.Makenbaeva, A.Baijumanova, and also E.Imankojoeva of the “Karek” Public Association, T.Shaihudinov of the “Free Generation Alliance” were awarded a recovery of administrative penalty in the amount of 1,500Som per person. On these cases, petitions of appeal were serviced in the Bishkek Municipal Court, which has ruled the District Court judgments standing, and that we intend to appeal against in the Supreme Court.

On July 25, 2009, actions in support of Iranian activists took place in more than 120 cities of the world, and only in Kyrgyzstan action participants have been detained and prosecuted.

Peaceful meetings on the Presidential Election day of July 23, 2009, in Balykchi

On the day of the Kyrgyz Republic Presidential Elections of July 23, supporters of the Social Democratic Party of Kyrgyzstan, having discussed the issue of mass falsifications at polling stations, directed their steps towards the City Election Commission. En route, the special mission unit apprehended 19 rally participants, who were then severely beaten. For a day no lawyers or relatives were allowed near the detainees, and no medical assistance was provided. The detainees were accused of an attempt to seize Polling Station Number 3011, followed by the premises of the Balykchi City Hall and the Internal Affairs Department. Criminal Action Number 117–09–132 was brought against them through attribution to such offence as stipulated in Articles 231, 233, 297 of the Criminal Code of the Kyrgyz Republic. On July 25, 2009, the City Court of Balykchi awarded preventive punishment in the form of detention for 14 people, and no-leave cognizance for others. Art.231 – criminal community formation, Art.233 – mass riots, Art.297 – encroachment on the constitutional order of the Kyrgyz Republic. The detainees can face up to 20 years of penal service.

Actions of the Social Democratic Party of Kyrgyzstan in defense of the Balychinians

On July 29 in Bishkek members of the SDPK planned to walk a march from the capital to the Issyk-Kul Region in support of the action participants detained in Balykchi on July 23, 2009. The march participants were accused of unsanctioned procession, 44 people were detained at the intersection of the Messarosh and Den Siaopin Streets and taken to the collection-dispenser facility of the Bishkek City Internal Affairs Directorate.

By the circuit court decision of the Leninski District Court of Bishkek, 1 person was acquitted, 2 people warned, 12 people fined, of which in the amount of 3,000Som – 2 people, 2,000Som – 4 people, 1,200Som – 2 people, 500Som – 1 person, and 200Som – 1 person.

29 people were put under administrative arrest: for 3 days – 1 person, for 5 days – 1 person, for 7 days – 2 persons, and for 8 days – 1 person.

Measures applied towards the detainees were stipulated by Art.371 (disobedience to a lawful direction or demand issued by an internal affairs officer) and Art.392 (violation of the established order of organization and conduction of gatherings, meetings, marches, demonstrations) of the Criminal Code of the Kyrgyz Republic on administrative responsibility.

Actions in defense of the participants of the peaceful meeting in Balykchi and peaceful processions held on July 29, 2009, in Chui Region.

Actions in defense of the participants in the peaceful meeting in Balykchi on July 23, 2009, and peaceful processions on July 29, 2009, in Chui Region were held by human rights activists T.Ismailova, A.Abdirasulova, A.Sasykbaeva, G. Dzhurabaeva on July 30, 2009.

On July 30, 2009, the activists held a news conference, whereby they pronounced names of the participants unlawfully detained in peaceful actions in Balykchi and Chui Region. The mass media were presented with facts of abuse of power by police officers, and photographs of the detainees with traumas and hematomas.

At 15:00 the human rights activists went on a picket to the House of the Kyrgyz Republic Government. In 20 minutes the action was halted, the activists detained and taken to the Pervomaiski District Internal Affairs Department. On the same day the Pervomaiski District Court held that actions of the participants constituted elements of administrative offence according to Art.392 of the Criminal Code of the Kyrgyz Republic on administrative responsibility (violation of the established order of organization and conduction of gatherings, meetings, marches, demonstrations) and ruled that an administrative fine in the amount of 1,500Som be paid. The detainees' lawyer has served petitions of appeal to the Bishkek City Court that claim instances of violation of the right to peaceful meetings.

On July 31, 2009, the human rights activists continued with the action in defense of the Balykchi peaceful meeting and the Chui Region procession participants. At 11:00 T.Ismailova, A. Abdirasulova, A.Sasykbaeva, G.Dzhurabaeva chained themselves to the fence of the House of the Kyrgyz Republic Government. The objective of the action was to draw attention of the state, law enforcement and public prosecution authorities to torture practices by Internal Affairs officers applied to the meeting participants. At about 11:15, the police broke the chains and took the activists to the Pervomaiski District Internal Affairs Department.

The case hearing in court commenced after 15:00. T.Ismailova and A.Abdirasulova were charged with violation of Articles 392, 371, and 364 (disorderly conduct). The court issued a penalty in the form of administrative fine amounting to 500Som to 2,000Som. Petitions of appeal have been serviced in the Bishkek City Court.

THREATS AND REGULAR PRESSURE ON HUMAN RIGHTS ACTIVISTS

In 2008 many human rights organizations were subject to pressure and arrests. The law enforcement bodies conducted searches of the offices of the Norwegian Helsinki Committee, the “Peace! Light! Culture!”, “Kylym-Shamy”, “Labris”, “Citizens against corruption” and Kapek organizations (Barskoon village).

During the year many times there were obstacles in organizing the work of the Norwegian Helsinki Committee on human rights. From the moment of its opening in 2006 the Ministry of Justice of the Kyrgyz Republic repeatedly postponed its registration. On June the 6th 2008 the ninth department of the Ministry of Internal Affairs of the Kyrgyz Republic conducted a search of the office of the organization, during which photo and video shootings of the documents were conducted, employees of the Ministry of Internal Affairs of the Kyrgyz Republic demanded the information on implemented and prepared projects from the head of the Committee Ivar Dale.

On October the 12th 2008 the border guards prohibited entrance to Kyrgyzstan for the head of the Norwegian Helsinki Committee on Human Rights Ivar Dale. Ivar Dale's entrance to the country was prohibited for ten years. Dalew was accused by the Kyrgyz authorities of illegal labor activity and of providing incorrect information when getting the visa in 2007. Actions of the authorities are illegal, because earlier for these charges Ivar Dale was recognized to be innocent by the court and the accusatory documents presented by the were recognized as untrue. Administrative cases were initiated against the human rights activists Tolekan Ismailova and Aziza Abdrasulova in the Sverdlovsky rayon police department of Bishkek, they were charged in (as if) interfering with proper operation of the policemen.

On February the 1st 2008 in Osh, based on doubtful case related to forgery of documentation and fraud legal expert Saidkamal Ahmedov, who the status of a refugee in Kazakhstan was sentenced to one year of conditional imprisonment. Being engaged in protection of the rights of the citizens, Saidkamal Ahmedov informed the public and the society about the facts of officials' abusing their power.

In June 2007 the Alma-Ata UNHCR office granted Saidkamal Ahmedov the status of a refugee. In Alma-Ata he lived in expectation of an invitation from a third country. But on September the 5th 2007 during a trip to Tashkent to his family he was arrested by the Uzbek special services. At the end of December of the same year S. Ahmedov was transferred to the Kyrgyz authorities.

Human rights activist Ravshan Gapirov, the director of the “Justice – Truth” centre was arrested on March the 11th 2008 and released only on December the 29th 2008. Gapirov was incriminated violation of article 299 part 2 paragraph 2 of the Penal Code of the Kyrgyz Republic, which provides imprisonment for the term from 3 to 5 years for “initiating national or religious hostility”. The criminal case was raised in connection with distribution of the open message text R. Gapirov titled “Impudent lie of Riskul Mondoshev”, in which he declared about his non-participation in the religious organization «Khizb-ut-Tahrir».

Human rights activist Maxim Kuleshov from the “Peace! Light! Culture!” public association has been subject to numerous arrests, which were accompanied with beatings, insults and subsequent administrative penalties in various sizes.

In 2008 he initiated and carried out dozens of such actions in support of democracy in the city of Bishkek and in Tokmok. All the actions arranged by maxim Kuleshov lasted for not more than 10 to 15 minutes, because they were subject to suppression by employees of the Ministry of Internal Affairs of the Kyrgyz Republic. In most cases Kuleshov was arrested and delivered to the Pervomaisky police department of Bishkek and later he would be subject to administrative punishment by the Pervomaisky Rayon court of Bishkek.

On February the 8th employees of the Pervomaisky rayon police department of Bishkek broke the action “I want to believe”. Some hours later trying to register the application related to interruption of the action Maxim Kuleshov was badly beaten by the public prosecutor of the Pervomaisky rayon Public Prosecutor of Bishkek K. Toktogulov. Prosecutions now proceed and Maxim Kuleshov's bringing to punishment still continues.

At the end of 2007 the law enforcement bodies stopped the action of protests “I do not believe!”, its participants, young active people and human rights activists T. Ismailova, M. Kuleshov, T. Umetalieva were arrested and imposed to administrative penalties and imprisonment from 5 to 7 days.

On March 4, 2009, in the action “Enough, You Bastard!”, which was one in the action series “Democracy Lessons Street-Style”, M.Kuleshov was detained and forcefully taken by the officers of the Pervomaiski District Internal Affairs Department to the Republican psychoneurological dispensary. There he was forcefully injected with an ‘unidentified preparation’, as a result of which he passed out three times. A day went before other activists managed to free Maxim Kuleshov. Another action participant – Mikhail Golovanov – was sentenced by the decision of the Pervomaiski District Court to 15 days of administrative custody.

Following the above incident M.Kuleshov had to leave the country.

CONTROL OVER ACTIVITY OF MASS-MEDIA

In 2008 in the Kyrgyz Republic the authorities established state control over activity of mass-media by adoption of Law of the Kyrgyz Republic “On TV and radio broadcasting”, which was adopted by the Parliament of the Kyrgyz Republic and then signed by the President of the Kyrgyz Republic Bakiev K. S on July the 4th 2008. The Law of the Kyrgyz Republic “On TV and radio broadcasting” was immediately subject to sharp criticism by OSCE and the European Union.

The Law gave the right to the President of the Kyrgyz Republic to appoint and dismiss general director of the National TV and Radio Broadcasting Company and his (her) deputies, under his (her) recommendation the Parliament of the Kyrgyz Republic will elect members of the Supervisory Board of the National Broadcasting Corporation. According to the statements of the representations of OSCE and the European Union this law contradicts the idea of forming a truly pluralistic and independent public broadcasting system and can establish state monopoly over the mass-media.

Also this law requires the companies to broadcast more than half of their programs in the state language and not less than 50 percent of broadcasting should be their own production. These provisions contradict the Constitution of the Kyrgyz Republic; they violate the rights of the national minorities to receive information in their native languages, as well as the rights of owners of private broadcasting companies, which are broadcasting in languages of the national minorities.

According to the experts’ opinion, by means of this law the state interferes with internal policy of the private broadcasting companies, oppresses and restrains the citizens, which is inadmissible in a democratic state, in addition the Law has essentially weakened the broadcasting companies of the country since the majority of them are not at able to implement provisions of this law and will have to be closed. The “Citizens Against Corruption” human rights center and the private broadcasting companies “Ouu TV” and “Meson TV” applied to the Constitutional Court of the Kyrgyz Republic asking for protection of rights of the national minorities, however our petition about irrelevance of the provision on restricting TV and radio broadcasting in the native languages of the national minorities has not been supported. At present our lawyer has been preparing the complaint to the United Nations Committee on human rights about the fact that the Kyrgyz Republic is violating not only its own internal laws, but also does not implement its international commitments.

PRESSURE ON MASS-MEDIA, PERSECUTION OF JOURNALISTS

Increase in of the cases related to violence against the journalists, which has become the reason of decrease in the level of freedom of speech in the Kyrgyz Republic, was noted in the reports of some international organizations and institutions. In February 2008 the “Human Rights Watch” organization, the Committee for Protection of Journalists and the Freedom House international non-governmental organization expressed their concerns and fears with regards to the situation with human rights in the Central Asian region and, in particular, in the Kyrgyz

Republic. In the rating of freedom of mass-media, produced by the organization “Reporters sans frontiers” (Reporters without borders), the Kyrgyz Republic occupied the 110th place, whilst Tajikistan appeared to be on the 115th, Kazakhstan – on the 125th and Uzbekistan – on the 160th place.

The international organizations have noted growth of cases related to intimidating representatives of mass-media, which are “working in the conditions of increasing persecutions by the authorities, violence and lawlessness”. This is what is mentioned in the report of the Committee on protection of journalists.

Every year the number of court decisions in favor of the journalists has been reducing. For example, in 2007 journalists won up to 80% of all the court cases, however based on the situation of 2008, it is now possible to make the conclusion that the judges have become more severe to the journalists. According to forecasts of the lawyers this year out of the total number of the court cases the number of those won by the journalists will make up not more than 60%. In 2008 at least seven criminal cases against the journalists and mass-media representatives of the Kyrgyz Republic were initiated, the courts have received more than 30 claims on protection for honor and dignity.

In July and in August 2008 the independent newspapers “De Facto” and “Alibi” stopped their operation, their editors-in-chief Cholpon Orozbekova and Babirbek Jeenbekov were brought to criminal punishment for slander.

On June the 2nd 2008 the Pervomaisky rayon court of Bishkek made the decision to charge one million Kyrgyz soms from each of the newspapers “De facto” and “Alibi” based on the claim of the relative of the President of the Kyrgyz Republic Asilbek Saliev (who is the son of Janysh Bakiev, brother of the President Kurmanbek Bakiev) in relation to protection of his honor and dignity. The claim was submitted in connection with the publication of the article in the above-mentioned newspapers, saying that Ailbek Saliev was a participant of the road accident where one man passed away. Asilbek Saliev demanded to recognize the information in the articles as doubtful and to charge a penalty from the newspapers for moral damage. The court satisfied his claim.

On September the 9th 2008 the editor-in-chief of the newspaper “Alibi” Babir Jeenbekov ЖЭЭНБЕКОВ was arrested and detained for not execution of the court decision on payment of the penalty and because, being free from custody, he could prevent establishment of the truth related to the case. Later he left the newspaper “Alibi” and being the editor-in-chief of the absolutely new newspaper “Achik sayasat” (Open politics) he continued to be persecuted by the law enforcement bodies, which tried to convince him of inadmissibility of operation of the new newspaper.

On September the 11th 2008 being afraid of arrest and detention, and worried about safety of her relatives, Cholpon Orozbekova left the country. To the moment together with her family she lives in Switzerland, where she continues to be engaged in the journalist activity and Internet site editing work, covering events in the Kyrgyz Republic. The “Citizens Against Corruption” human rights center supported Cholpon, her small children, her sister and husband with getting passports and receiving their protection.

On September the 10th 2008 the regional correspondent of the bulletin “Law for all” S. Nazarova was subject to punishment for slander.

At the end of December 2007 S. Nazarova decided to write article about infringements of norms of construction and architecture companies, which had been restructuring ground floors of the residential many-storied buildings into various offices, shops and other establishments. A. Iminova, the mistress of one of the re-planned buildings, who had very good personal connections in the city, accused S. Nazarova of slander. According to the court decision, the journalist should pay to plaintiff A. Iminova, the owner of the beauty salon, 10580 Kyrgyz soms (equal to about \$300) as moral damage indemnification, and also expenses for medicines and services of her lawyer.

Thus, as the basic tendencies of development of the mass media situation in the Kyrgyz Republic in 2008, it is necessary to note deterioration in the situation with electronic mass-media, increasing number of cases of

violence against journalists, narrowing of a range of alternative and oppositional mass-media, reduction in access to information, preservation of criminal punishment of journalists, and also attempts of regulating information publications in Internet.

THE LAW ON RELIGION

On November the 6th 2008 the Parliament of the Kyrgyz Republic passed the Law “On freedom of religion and religious organizations in the Kyrgyz Republic”. One of the basic provisions there was the one according to which a religious organization can be registered provided that there are not less than 200 persons (members) there. In the past this figure made up 10 persons.

Under the new law the governmental institutions received the possibility to supervise and control (almost in a total mode) activity of the religious organisations. It is related to the provisions of the law on import of religious literature, others printing, audio and video materials only after carrying out a state religious expertise.

At the same time the law does not provide for participation of religion scientists in carrying out state religion science expertise and examination, including an independent religious science expertise and examination at the initiative of the religious organizations themselves; in case of their disagreement with conclusions of the state religion science expertise and examinations, as well as an international religion scientific expertise and examination with participation of experts from the internationally recognized world religious centres.

According to conclusions of the lawyers from the staff of the “Citizens Against Corruption” human rights center the law does not fully comply with the international legal standards, it does not reflect the international standards of freedom of religion. Irregular description of standards of freedom of religion in the law, incompliance of provisions of this law with the international legal norms and standards cannot provide effective protection of freedom of religion.

The ordinary civilians deprived of the right of citizens to religion were extensively exposed to acts of violence by the staff of the law enforcement bodies of the country. The Nookat area events, which took place of the Muslim Hliday Orozo Ait in 2008, were initiated by representatives of the official power, as a result of which the participants of the peaceful rally were exposed to very severe tortures, and later on 32 persons were sentenced to 20 years of imprisonment.

WOMEN'S RIGHTS

The Human Rights Center has carried out analysis of the Family Code from the perspective of legal protection of property rights for those women whose marriages have not been registered in accordance with the legislation of the Kyrgyz Republic. The Family Code of the Kyrgyz Republic stipulates the norms that protect joint ownership which includes property earned by both man and wife during their marriage, and the right to a part of which the woman still has even after the cessation of the marriage. However, this given legal protection of property rights apply only to women in a registered marriage.

At the same time, there exists no norm in the Family Code that would protect property rights of those women who have lived their married lives without registration, even if the couple have actually set up a family, lived together, earned joint property, and raised common children, and then for some reason the family has fallen apart. As a result, the woman would lose her property rights. Law suits through civil proceedings end up not in their favor, as a rule.

Such a legislative approach does not fully comply with the Convention of December 18, 1979, on liquidation of any form of discrimination against women (which was effected for the Kyrgyz Republic as of March 12, 1997), particularly in that part whereby both of the spouses shall have equal rights in regard of ownership, acquisition, management, utilization, and disposal of their property (Article 16). The standards of this Convention do not

discern the property rights of women by whether they are in a registered marriage or not, and thus do not give proprietary advantages to neither of the two instances.

A similar standard is contained in the Universal Human Rights Declaration of December 10, 1948, paragraph 1 of Article 17 of which has it that “Every human has the right to own property both solely and jointly with another human”, i.e. the property right of a woman should hold true, regardless of whether she has had a registered marriage or not.

The norms of the Constitution of the Kyrgyz Republic also stem from the premises that family is the source of society and that family, fatherhood, motherhood, and childhood are objects of care for entire society and of preemptive protection for the law, i.e. law should not only protect property rights of women in registered marriages, but also of those who haven't been registered, while prioritizing the very fact of the creation of a family.

Such approach suits well Paragraph 6 of Article 21 of this country's Constitution that stipulates that “Laws on civil rights and responsibilities should equally apply to all the citizens, and should not create advantages of privileges for none of them, apart from those instances that has been envisaged by this Constitution and the social security laws”.

Thereby, the norms of the Constitution of the Kyrgyz Republic and international legal norms contain judicial basis for the property rights of women in registered marriages and of those in un-registered marriages to be equally protected.

In this respect, the Family Code has a gap which is yet to be filled out with appropriate amendments and additions. Such course of action is binding for the Government of the Kyrgyz Republic also through the provision of Article 2 of the Convention on Liquidation of all forms of discrimination against women in that “member countries shall take all appropriate steps, including legislative, to alter or terminate such existing laws, regulations, customs, or practices that represent discrimination against women”.

RIGHT TO LIFE IN PRISONS

There is the total of 32 penitentiary establishments in the territory of the Kyrgyz Republic: 11 of these represent high security correctional facilities or “colonies”, including one for women, one for adolescent males, and one for the law-enforcement-personnel-turned-convicts contingent. The system of the Main Directorate of Punishment Execution (MDPE) also includes 15 colony settlements which prisoners can leave during the day, provided they come back in for the night. However, the current practice is that out of 2,416 convicts serving their sentences in the colony settlements 1,256 have been on the run (as of January 1, 2009, by the official data of the Ministry of Justice of the Kyrgyz Republic).

Finally, the MDPE controls pre-trial prisons which are 6 in number, including one for women.

As of January 1, 2009, the MDPE contained 9,607 prisoners (in pre-trial prisons – 2,515 people, in correctional colonies - 8, 631 people, and in the settlements – 3,981 people).

Problems in the criminal legislation of the Kyrgyz Republic as being inconsistent with the Constitution and international commitments of the Criminal Code of the Kyrgyz Republic:the

On June 25, 2007, the President of the Kyrgyz Republic signed the Law of the Kyrgyz Republic “On Introduction of Amendments and Additions to the Criminal Code of the Kyrgyz Republic, the Code of Criminal Procedure of the Kyrgyz Republic, the Code of the Kyrgyz Republic on administrative responsibility, the Code of Criminal Execution of the Kyrgyz Republic, to the Laws of the Kyrgyz Republic “On the Supreme Court of the Kyrgyz Republic and Local Courts”, “On the Public Prosecution Office of the Kyrgyz Republic”, “On Order and Conditions of Detention of Individuals Apprehended on Suspicion and Accusation of Committed Offence”, “On

General Principles of Amnesty and Pardon”, “On Introduction of the Code of Criminal Procedure of the Kyrgyz Republic”, and “On Introduction of the Criminal Code of the Kyrgyz Republic”. Within the framework of this law, the extreme penalty – “death penalty” has been replaced by such type of punishment as “life sentence”, i.e. the Parliament has adopted the set of laws aimed at further humanization of the criminal legislation and execution in the Kyrgyz Republic, and the norms contained therein have been thus brought to conformity with the new version of the Constitution of the Kyrgyz Republic.

However in the adopted package of laws on humanization there is a reservation in Article 4 of the Code of Criminal Procedure of the Kyrgyz Republic for implementation of the recommendations (declarations) by international organizations on matters of punishment execution to depend on the *provision of necessary social and economic conditions*. While it is obvious no factors should be affecting implementation of any such international pledge assigned on an agreeing party. Costs incurred in providing humane conditions for containment of the imprisoned, unlike social costs of the state, cannot depend on the economic situation of the state, but should be pegged to the minimum requirements of the human body – physical and mental. It is inadmissible to subordinate implementation of international requirements to the availability of social and economical possibilities. There is a primacy of the signed international agreements over national legislation, as it has been stipulated in the Constitution of the Kyrgyz Republic.

Apart from that, in accordance with the criminal legislation (Art.50 of the Criminal Code of the Kyrgyz Republic) “A life sentence, by way of pardoning, may be substituted with a term of 30 years of imprisonment”.

One should consider here that the main idea of punishment is not its severity, but its inevitability and one of its purposes is restoration of social justice. After abolition of the death penalty, a life imprisonment has become the next most severe punishment. And since such punishment as life sentence, though it does not take away human life as death penalty did, is perpetual, doesn't it mean that “death in installments” could be much more terrifying?

Besides, if before humanization the Criminal Code comprised 3 Articles whereby sanctions envisaged capital punishment (murder, rape, genocide), now punishment through a life sentence in the existing Criminal Code is envisaged by 6 (six) articles of the Criminal Code (murder, rape, genocide, murder of a state or public figure, murder of a person exercising justice or inquisition, murder of a law enforcement agent or service person).

Denial of access to equitable justice for the individuals previously sentenced to death, following abolition of death penalty:

Considering the norms of the Constitutions and exclusion of death sentence from the Criminal Code, the revisions of 105 criminal cases in the light of new circumstances in regard to 133 individuals sentenced to capital punishment were held in the Supreme Court ***from January to March, 2008, and these have been automatically amended to life sentences. i.e. those people who had been previously sentenced to death, after abolition of death penalty in Kyrgyzstan, were deprived of access to equitable legal trial.*** However, Paragraph 4 of Article 15 of the Constitution of the Kyrgyz Republic clearly stipulates that each person is guaranteed legal protection of his freedoms and rights.

At the same time, it should be noted, that considerable humanization of the criminal legislation and abolition of death penalty and its replacement with a life sentence have not influenced the punitive character of the judicial practices. Sentences for a life term of imprisonment are being continuously passed in courts, with the same degree of categoricity as they were for a death row, and the number of such sentences has been growing (in 2007, 19 people were sentenced to life imprisonment, in 2008 – 12 convicted, from January 1 to May 20, 2009 – 4 convicted).

After the court, sentenced for life, the convicts are placed for many years in the cells of pre-trial prisons that lack proper living, food or medical conditions, resulting in the increase of convicts suffering from TB. As a result, people sentenced for life, within several years will have a failing health and often die prematurely. For instance,

from the time of the moratorium on death penalty imposition in 1998 more than 70 prisoners have died because of containment in inhuman conditions.

On December 29, 2008, despite objections from human rights organizations, general public, relatives of the sentenced for life, the Law of the Kyrgyz Republic of December 29, 2008, Number 273 was adopted that stipulated that until a special regime correctional colony has been set up in the Kyrgyz Republic to contain those imprisoned for life in lieu of capital punishment, and those who have been convicted and sentenced for life originally, shall serve their sentences in pre-trial prisons and cell-type premises of the correctional colonies.

One of the main problems of the penitentiary system is the corrupted, accusation-biased system of the criminal justice. Besides, there is no doubt, that the system of criminal justice – the police, prosecutor general's office, courts and prisons - has retained in general its punitive character. More than 70 % of offence types, according to the Criminal Code, envisage imprisonment. Alternative forms of punishment have been allowed, but judges employ them rarely. As for those who have been sentenced for life, their cases have been automatically reviewed in light of newly disclosed circumstances (without the right to legal counsel).

As for medical services, in the penitentiary system it has been provided on a departmental basis. Alongside with the central general-type hospital under correctional establishment No47, in the system there function three specialist medical facilities for TB patients (Correctional Colonies Numbers 3, 27, 31):

At No 31 – patients with sensitive and poly-medicinally stable forms of TB;

At No 27 – patients with multi-medicinally stable forms of TB.

No 3 receives patients upon completion of a set of specific therapy at antituberculous hospitals for dispensary observation.

For the first half of 2009 within the MDPE system there have been registered 85 cases of first-time TB.

With the active form of TB, 6 people with a life sentence have been receiving treatment.

The medical staff coverage as of 01.07.2009 comprised 82.7%. Similarly to how it has been practiced in relation to foodstuff and primary necessity goods supply, many of the inmates in need of healthcare have to provide it at their own cost.

In mortality, the main reason is still TB (late admittance, detection and hospitalization). The highest number of prisoners have died from cardio-vascular diseases. As previously, acute is the problem of mortality through malignant formations and cirrotic liver.

PRESIDENTIAL ELECTIONS OF JULY 23, 2009

Pre-election situation

“Citizens Against Corruption”, jointly with their partners through the Union of Civil Organizations for Voters’ Rights “Time of My Choice!”, conducted monitoring of the pre-election situation in Kyrgyzstan and the election process on the voting day of July 23, 2009. A conclusion was made based on results of the monitoring to the effect that in Kyrgyzstan an abrupt devaluation of the state institutions and the elections had taken place following creation of the opportunity to control the composition of the Central Election Committee. Observers witnessed violations in the composition of the district and divisional election commissions from the moment ballots commenced, by then the commissions were represented only by presidential and loyal to the president parties. The pre-election campaign of the current president-a runner for president had enrolled individuals that were in an immediate official dependence to the candidate: state and municipal officials, parliament deputies. Financial,

transportation, communication means that were state or municipality owned have been used to organize meetings with the constituency. Local authority bodies impeded the conduct of pre-election campaigns by other candidates, intimidated election commission members from opposition candidates and regional residents who had come to meet these candidates. Legislation regulating access of the candidates to mass media had been bluntly violated. The bulk of the air time had been allocated to Candidate K. Bakiev, the existing president. During formation of constituency lists for election of the President of the Kyrgyz Republic there were made numerous violations of norms of Articles 22 and 24 of the Code “On Elections in the Kyrgyz Republic”, and conditions for mass falsification of the election results. The day before the vote, a website jashtar.kg has published a report by the Union on pre-election situation, in the result of which the Central Election Commission accused the Union leaders of violation of requirements of the Code on Elections that prohibit publishing any type of research related to the elections within 5 days before the voting day, accused them of partiality and referred the case to the Prosecutor General’s Office. Upon consideration, the Prosecutor General’s Office did not acknowledge any violations on the Union’s part.

The voting day

By the voting day, the Union had prepared 2,806 observers at 1,403 election centers throughout Kyrgyzstan. Their work had been coordinated by 80 coordinators. As a result of the observation, it was revealed that a great number of voters had cast their votes ahead of the schedule, there was noted a mass input of the ballot papers – often by the election commission members themselves under pressure from state body representatives on voters. A large-scale use of the administrative resource in favor of one candidate had been witnessed, too. On the voting day 14 independent observers from the Union who had been monitoring elections in Bishkek and the Talas Region were ousted from the election centers. Numerous instances of intimidation and pressure over observers had been witnessed during the entire voting day. The Union has noted, that exit of the two candidates from the election process, executed in violation of the election legislation, has demoralized their supporters in the regions and aggravated the situation, which further served as a cause for later violations that the observers could not confront single-handed. During the count of voices, it was revealed in numerous instances that the protocols had not been issued or not acknowledged to the observers, and that there were throw-ins and manipulations with the election ballots. Verification of the protocol data against the results of the vote showed discrepancy in the protocol data by the Union observers with that of the Central Election Commission. The initial data of the Commission indicated that Bakiev was given 1, 817, 692 votes, while the next day this data had been reduced to 1, 720, 421 votes.

By the conclusion of the Union, Presidential Elections did not conform to the main principles of the OSCE on holding honest, transparent and democratic elections, all facts of election legislation violation demonstrated violation of the constitutional right of the citizens to elect freely, secretly, justly, transparently and democratically.

Conclusion

The civil society in Kyrgyzstan has been active and often is a single social group that protests against narrowing of democracy and freedom of speech in Kyrgyzstan. Non-Government Organizations also stand against religious intolerance, poverty, untamed corruption. Despite the hopes of most citizens that has been linked to the “Tulip” revolution of the 2005, Kyrgyzstan has become a more repressive regime, and the situation with human rights and freedoms at present is critical.

Analysis of the activities of the Parliament of the Kyrgyz Republic for 2008 by the lawyers of the CAC has shown that more than 70% of laws have been adopted in violation of international commitments on human rights and freedom of speech, some of them have proved anti-constitutional.

More than 89 activists have fallen victims to unlawful persecution by the power-holding structures following dishonest presidential elections of July 23, 2009.

Emptiness that has been left by the Communistic ideology has been replaced with traditionalism and Islam, that in its turn weakens the status of a secular society. The rise of religious intolerance is a result of interreligious clashes and an increasing pressure upon women. Women are more often controlled about their clothes and conduct. The state openly funds religious events, supports financing through the official banks of “Eco Bank”, who provide credits on the condition of observing sharia principles.

The system of state education is so weakly funded by the government, and the number of alternative Islamic schools and universities has been growing. Ethnic minority groups have complained of discrimination and limited access to information and other resources. Events in Nookat, Petrovka, and Iskra indicate that authorities openly assist law enforcement agencies who have been engaged in “ethnic cleaning”. The NGOs and the activists have become lately objects of discrimination and intimidation by the power-holding structures. The question of amendments to the Law on the NGOs has been put under threat, with the aim of controlling and removing the proactive NGOs in Kyrgyzstan. The latter often consider them either as an annoying distraction, or even worse as a direct threat. More over, NGOs often lack experience, knowledge and skills to ensure efficiency in their actions.

To sum up the analysis of the problem one can cite the next external factors: Kyrgyzstan is surrounded by totalitarian Uzbekistan, China, Kazakhstan. Situation in the bordering Uzbekistan and Tajikistan is equally strenuous. It is important in this regard to activate the civil society of Kyrgyzstan through support and capacity building of its ability to assert democratic values, to preserve human rights and freedoms, and peaceful political transformation of Kyrgyzstan into a legal democratic statehood.

Appendix 1.

A Report of the Human Rights Center “Citizens Against Corruption” 2008 – 2009 With utilization of some facts of violent mortality among the convicts and of conflicting situations in the penitentiary system of the Kyrgyz Republic

The right to live in the prisons of the Kyrgyz Republic.

From 2002 the penitentiary system of the Kyrgyz Republic has been under the authority of the Main Directorate of Punishment Execution or MDPE. Earlier MDPE was under jurisdiction of the Ministry of Internal Affairs. In 2002 on demands from international organizations and local human rights activists control over MDPE was passed onto Ministry of Justice of the Kyrgyz Republic, since it was expected through this transfer to improve transparency of the system and to provide local and international observers a freer access to the penitentiary establishments.

There is the total of 32 penitentiary establishments in the territory of the Kyrgyz Republic: 11 of these represent high security correctional facilities or “colonies”, including one for women, one for adolescent males, and one for the law-enforcement-personnel-turned-convicts contingent. The system of the Main Directorate of Punishment Execution (MDPE) also includes 15 colony settlements which prisoners can leave during the day, provided they come back in for the night. However, the current practice is that out of 2,416 convicts serving their sentences in the colony settlements 1,256 have been on the run (as of January 1, 2009, by the official data of the Ministry of Justice of the Kyrgyz Republic).

Finally, the MDPE controls pre-trial prisons which are 6 in number, including one for women.

Of the 32 correctional facilities 22 are located in the northern Chui Region; the only correctional colony beyond its limits is in the southern Jalal-Abad Region (CC No10). Pre-trial prisons exist in 4 of the 7 regions. Three correctional colonies have been specially equipped to contain TB-affected prisoners. (CCs Nos 3, 27, 31).

As of January 1, 2009, the MDPE contained 9,607 prisoners.

	As of 01.01.2007	As of 01.01.2008	As of 01.01. 2009
In pre-trial prisons	2515 people	1754 people	1878 people.
In correctional colonies	8631 people	6673 people	5313 people
in the settlements	3981 people	2981 people	2416 people
TOTAL	15127 people	11408 people	9607 people

The chronology of death penalty abolition in Kyrgyzstan:

From 1998 in the Kyrgyz Republic by the Decree of President A.Akaev a moratorium on death penalty execution has been introduced.

Those convicted and sentenced to death, because there were no special condition colonies available, served their term in pre-trial prisons of the penitentiary system (MDPE of the Ministry of Justice). Locations of their containment, by conclusion of the monitoring by human rights NGOs, would set equal with torture. The pens (so-called prison wards) of 2 by 3 square meters would fit 3 to 5

inmates, and they would stay in there day and night. Some would have to sleep on the floor. The same enclosure would accommodate the toilet and water tap to drink and wash up.

On December 29, 2005, President of the Kyrgyz Republic K.S. Bakiev signed a Decree “On extension of the term of the moratorium on death penalty execution in the Kyrgyz Republic” until its complete abolition through legislation.

On November 9 and December 30, 2006, the Constitutions of the Kyrgyz Republic were adopted in their new reading, by the norms of which death penalty as type of criminal punishment has been abolished completely.

Problems in the criminal legislation of the Kyrgyz Republic as being inconsistent with the Constitution and international commitments of the Criminal Code of the Kyrgyz Republic: the

On June 25, 2007, the President of the Kyrgyz Republic signed the Law of the Kyrgyz Republic “On Introduction of Amendments and Additions to the Criminal Code of the Kyrgyz Republic, the Code of Criminal Procedure of the Kyrgyz Republic, the Code of the Kyrgyz Republic on administrative responsibility, the Code of Criminal Execution of the Kyrgyz Republic, to the Laws of the Kyrgyz Republic “On the Supreme Court of the Kyrgyz Republic and Local Courts”, “On the Public Prosecution Office of the Kyrgyz Republic”, “On Order and Conditions of Detention of Individuals Apprehended on Suspicion and Accusation of Committed Offence”, “On General Principles of Amnesty and Pardon”, “On Introduction of the Code of Criminal Procedure of the Kyrgyz Republic”, and “On Introduction of the Criminal Code of the Kyrgyz Republic”. Within the framework of this law, the extreme penalty – “death penalty” has been replaced by such type of punishment as “life sentence”, i.e. the Parliament has adopted the set of laws aimed at further humanization of the criminal legislation and execution in the Kyrgyz Republic, and the norms contained therein have been thus brought to conformity with the new version of the Constitution of the Kyrgyz Republic.

Thus, in the autumn of 2007 in the Kyrgyz Republic there was put a full stop over the long and lengthy work on abolition of death penalty.

However in the adopted package of laws on humanization there is a reservation in Article 4 of the Code of Criminal Procedure of the Kyrgyz Republic for implementation of the recommendations (declarations) by international organizations on matters of punishment execution to depend on the *provision of necessary social and economic conditions*. While it is obvious no factors should be affecting implementation of any such international pledge assigned on an agreeing party. Costs incurred in providing humane conditions for containment of the imprisoned, unlike social costs of the state, cannot depend on the economic situation of the state, but should be pegged to the minimum requirements of the human body – physical and mental. It is inadmissible to subordinate implementation of international requirements to the availability of social and economical possibilities. There is a primacy of the signed international agreements over national legislation, as it has been stipulated in the Constitution of the Kyrgyz Republic.

Apart from that, in accordance with the criminal legislation (Art.50 of the Criminal Code of the Kyrgyz Republic) “A life sentence, by way of pardoning, may be substituted with a term of 30 years of imprisonment”.

One should consider here that the main idea of punishment is not its severity, but its inevitability and one of its purposes is restoration of social justice.

With this type of inhuman conditions of confinement in prisons, the maximum term of sentencing could have been even reduced to 20 years, since 20 years is quite a considerable length of time for a human, on average it is a third of a human life span, judging from the statistics of an average life expectancy in our country.

If the conditions of confinement were to change for individuals sentenced to a life term, probably some of them would have certain incentive to change their “former” life style, and that would serve another important purpose, such as correction of the sentenced.

After abolition of the death penalty, a life imprisonment has become the next most severe punishment. And since such punishment as life sentence, though it does not take away human life as

death penalty did, is perpetual, doesn't it mean that "death in installments" could be much more terrifying?

Hope for getting released on parole after 30 years of prison time under current conditions in our correction institutions is vague, to say the least. To survive in existing prison conditions, as a rule, is hardly possible.

Besides, if before humanization the Criminal Code comprised 3 Articles whereby sanctions envisaged capital punishment (murder, rape, genocide), now punishment through a life sentence in the existing Criminal Code is envisaged by 6 (six) articles of the Criminal Code:

1. Part 2 of Article 97 – murder
2. Part 4 of Article 129 – rape of a juvenile
3. Article 294 - murder of a state or public figure
4. Article 319 - murder of a person exercising justice or inquisition
5. Article 340 - murder of a law enforcement agent or service person
6. Article 373 – genocide (actions aimed at total or partial annihilation of a national, ethnic, racial or religious group through murder, etc.)

Of the above mentioned Articles of the Criminal Code, only Article 373 (Genocide) has never been used to register a crime for the whole history of the Kyrgyz Republic. The bulk of crimes fall into the premeditated homicide category, and only handfuls into other mentioned articles of the Criminal Code. This type of punishment is not given to women, nor to persons who have committed a crime while still under the age of eighteen, or male criminals who at the time of the crime committed have reached the age of 60.

Denial of access to equitable justice for the individuals previously sentenced to death, following abolition of death penalty:

Considering the norms of the Constitutions and exclusion of death sentence from the Criminal Code, the revisions of 105 criminal cases in the light of new circumstances in regard to 133 individuals sentenced to capital punishment¹ were held in the Supreme Court *from January to March, 2008, and these have been automatically amended to life sentences. i.e. those people who had been previously sentenced to death, after abolition of death penalty in Kyrgyzstan, were deprived of access to equitable legal trial.* However, Paragraph 4 of Article 15 of the Constitution of the Kyrgyz Republic clearly stipulates that each person is guaranteed legal protection of his freedoms and rights.

At the same time, it should be noted, that considerable humanization of the criminal legislation and abolition of death penalty and its replacement with a life sentence have not influenced the punitive character of the judicial practices. Sentences for a life term of imprisonment are being continuously passed in courts, with the same degree of categoricity as they were for a death row, and the number of such sentences has been growing (in 2007, 19 people were sentenced to life imprisonment, in 2008 – 12 convicted, from January 1 to May 20, 2009 – 4 convicted).

After the court, sentenced for life, the convicts are placed for many years in the cells of pre-trial prisons² that lack proper living, food or medical conditions, resulting in the increase of convicts suffering from TB. As a result, people sentenced for life, within several years will have a failing health and often die prematurely. For instance, from the time of the moratorium on death penalty imposition in 1998 more than 70 prisoners have died because of containment in inhuman conditions.

¹ Reply of the Supreme Court of the Kyrgyz Republic Ref# 01-11/582 of June 4, 2009, to the letter of the Human Rights Center "Citizens Against Corruption" Ref#59 of May 22, 2009

² With the absence of a special security colony in the Republic, today the convicts with a life sentence are kept in correctional establishments of strict security, pre-trial prisons and medical establishments (# 1, 3, 16, 21, 24, 25, 27, 31, 47). In CC-1, 3, 16 this category of convicts are kept separate from the rest in locally contained premises. The life-sentence convicts kept in pre-trial prisons #1 Bishkek, #4 Naryn, #5 Osh are placed in individual cells. In CC-27, 31, 47 they have medical treatment in separate isolated premises

Denial of minimum standards for individuals sentenced to life imprisonment through changes in the criminal legislation, putting them in conditions set equal to torture:

On December 29, 2008, despite objections from human rights organizations, general public, relatives of the sentenced for life, the **Law of the Kyrgyz Republic of December 29, 2008, Number 273¹** was adopted that stipulated that until a special regime correctional colony has been set up in the Kyrgyz Republic to contain those imprisoned for life in lieu of capital punishment, and those who have been convicted and sentenced for life originally, shall serve their sentences in pre-trial prisons and cell-type premises of the correctional colonies.

The adopted law comes in contradiction to Article 45-1 of the Code of Criminal Execution that individuals sentenced to a life imprisonment shall serve their sentence in special security correctional colonies in the territory of the Kyrgyz Republic. According to Articles 19, part 1, and Article 41 of the Criminal Code of the Kyrgyz Republic, punishment does not aim to bring physical suffering or humiliation, and no human should be subjected to inhumane and humiliating punishments. That is why sending those convicted and sentenced to a life term back to the pre-trial prisons and cell-type structures is inhumane and humiliating punishment and does not comply with requirements of the legal status for the convicted, stipulated by Article 9 of the Criminal Code whereby “the State shall provide legally set conditions for serving a sentence”, and violates the Constitutional norm in that “In the Kyrgyz Republic individuality and dignity of a person are sacred and inviolable. (paragraph 2 of Article 13 of the Constitution).

In that way, adoption of this given law does not support legislation of Kyrgyzstan, norms of international law in regard of prisoners, diminishes the fact of ratification by the Kyrgyz Republic of the Second facultative Protocol of the UN Convention on Prevention of Torture (institutionalizing a criminal without proper conditions by the law of Kyrgyzstan is torture.), and also undermines the image of the country as a democratic and legal state.

As a result, extraordinary events took place that led to the murder of the colony employees and those inmates with a life sentence. Which in its turn resulted in the inmates with a life sentence returned to the pre-trial prisons, with only a small part of inmates in this category left to do time in the cell-type rooms of the colonies. At present, the life sentence prisoners have been one more time let out of the cell-type rooms into the common zone and get periodically sent to the pre-trial prisons, while other convicts would go from the pre-trials to the colonies.

Convicts sentenced to life imprisonment have the same rights as other categories of convicts, and they should enjoy the UN human rights standards, including the Minimum Standard Rules of Engagement With Convicts. Dealing with such convicts and taking care of them on site is all defined by their individual requirements, not their punishment type. All prisoners should have the right to grant of parole, which should be based on assessment of the level of danger they represent for society and not factors that depend on political situation.

Access to fair justice

One of the major problems of penitentiary system is prosecution-based corrupt system of criminal justice. Moreover there is no doubt that the system of criminal justice – police, General Prosecutor’s Office, judges and prisons – managed to maintain punitive attitude. According to the

¹ The Law of the KR of December 29, 2008, #273 “On Introduction of Amendments and Additions to the Law of the Kyrgyz Republic “On Introduction of Amendments and Additions to the Criminal Code of the Kyrgyz Republic, the Code of Criminal Procedure of the Kyrgyz Republic, the Code of the Kyrgyz Republic on administrative responsibility, the Code of Criminal Execution of the Kyrgyz Republic, to the Laws of the Kyrgyz Republic “On the Supreme Court of the Kyrgyz Republic and Local Courts”, “On the Public Prosecution Office of the Kyrgyz Republic”, “On Order and Conditions of Detention of Individuals Apprehended on Suspicion and Accusation of Committed Offence”, “On General Principles of Amnesty and Pardon”, “On Introduction of the Code of Criminal Procedure of the Kyrgyz Republic”, and “On Introduction of the Criminal Code of the Kyrgyz Republic””

Criminal Code more than 70% of crimes are subject to imprisonment. Provisions of the Criminal Code allow alternative punishments, which are rarely favored by the judges.

As for the life-sentence convicts, their cases were reviewed with regard to newly discovered circumstances automatically (with no right for defense).

Violence

Physical violence towards detainees is not something unusual in the pretrial isolation system of Kyrgyzstan (see Annex 1)

Besides, serious concerns are caused by the violence among detainees. Our legislation provides for the 4 types of colonies: regular, intensified, strict and special regimes. De facto there are only “intensified” and “strict” types, therefore prisoners are often in the conditions harsher than those they were supposed their sentence in.

Rights of the lowest category of prisoners – offended – are subject for another serious concern. They reside in isolation, they have to fulfill dirtiest jobs and provide sexual services.

E.g. currently there are 103 convicts serving life sentence at Bishkek pre-trial jail (SIZO) # 21 and 17 out of them are part of the “offended” category.

Material conditions

General state of pre-trial jails

Pretrial facilities are in sad state as most of them were built in the first half of 19th century. E.g. SIZO-23 in Karakol celebrated its 100th anniversary in 2009.

Interior of most of the cells can be rated as highly unsatisfactory. Floors are made of concrete. Bathrooms have no doors, only curtains, in some of them cold water basins are installed right above the toilet seat. Sanitary ware in most of the cases is unusable, dirty and smelly. Electric wires are exposed in some place, which by itself is rather serious threat for life.

Fresh air or natural light are not available in some cells due to blinds, bars and other similar devices, some cells are located in the basement or semi-basement (SIZO# 21 in Bishkek).

SIZO located within the cities have centralized (municipal) water supply but that does not solve water problems. At SIZO# 21 old water pipes go along sewage and leak.

A number of SIZOs are attached to municipal heating system (SIZO #21), others have their own boiler rooms (SIZO #23). However due to insufficient heating and worn out equipment one needs to keep electric heaters on to maintain temperature level, which also leads to serious negative subsequences – higher humidity, etc. This heating source is the only one (and even that is not reliable) for SIZO # 24 which also stocks up on wood due to power outages.

All pre-trial jails have showers. Clothes are washed manually.

General state of penitentiary institutions

Most of the penitentiary institutions have brick, one or two or more storey buildings, where tenants live in large rooms of 100 m² size designed for a lot of prisoners.

Currently most of these buildings are in a pretty bad shape, some of them have as little as walls and floors, not all of them protect from precipitation due to absence or leakage of roof (hospital at SIZO #27, etc.) which requires priority attention not only to protect prisoners from atmospheric disasters but also to keep the buildings from total destruction. Significant number of windows does not have frames, even more – glasses. Window frames that survived are worn out and deformed.

Heating is a serious problem. According to the prisoners and the personnel, various hand made or manufactured electric heating devices with open heat are used for heating. State of electric wires poses real threat to prisoners’ health. Heating is problematic for all of the colonies including medical penitentiary facility # 27.

Special facilities

All of the above facts are even truer with regard to special facilities where prisoners stay for relatively short time due to various reasons.

Facilities for disciplinary isolation of prisoners are in a very bad state – punishment cells at SIZO# 1, 3, 4; isolation ward and cell-type facilities at penitentiary institutions # 1, 3, 16). All of the cells at such facilities are dark with windows if any locked up with iron plates, blinds, etc.), poorly ventilated, poorly lit. Furniture and bedding are worn out; floors are made out of concrete and the cells are dirty and damp.

Nutrition

In 2009 there were 44,95 som allocated per prisoner against the set norm in the amount of 54 som¹. This amount includes not only nutrition but also electricity and public utilities bills. Given that nutrition of prisoners according to the set norms is not possible. Therefore prisoners should rely on their relatives in terms of nutrition, which in their own turn often suffer from various problems themselves.

Most of the penitentiary institutions and jails are equipped with electric/ steam boilers for cooking. SIZO # 5 had been equipped with the grant assistance from OSCE Office in Osh by so called “summer kitchen” with a wood stove to be used in case of power outages.

Canteens at penitentiary institutions are used only for cooking and serving food. Prisoners eat either at their cells or at unauthorized “canteens” at the territory of industrial zones, as the number of tables and chairs at canteens is not enough, or they are in a bad shape.

Lights and ventilation

This is a serious issue for SIZO # 1 due to lack of fresh air and natural lighting in most of the cells with windows shut by blinds, bars and other similar devices, some of the cells are in the basement or semi-basement. Light and air are basic life elements that prisoners are entitled to, moreover, absence of such elements leads to conditions that facilitate spread of diseases, e.g. tuberculosis.

Besides prisoners are unable to turn on or off electricity, electric outlets are controlled by administration of the institution. All they can do is to unscrew light bulbs in order to get some sleep at night.

Sanitary conditions

Supply of sanitary-hygienic items (soap, toothpaste, etc.) is not satisfactory either. Prisoners are given only laundry soap from time to time.

Prisoners serving life sentences at SIZO 21 can take showers once a week on Mondays. 2 laundry soap bars are given to each 6 prisoners².

Regime

Lifelong prisoners are deprived of the constitutional right – right for work. Lately some of the prisons upon agreement with the Chinese companies had built brick factories where rights and labor safety rules for the prisoners are violated. Lifelong prisoners can't study with everyone else. (section 5 article 84 Criminal Code of the Kyrgyz Republic). Most of the prisoners which are generally at the working age are not involved in work or studies which undoubtedly impacts effectiveness of penitentiary process and prevents formation of social roles natural for such age group.

Medical care

Medical care at penitentiary institutions is agency-based. In addition to the central clinic functioning at the penitentiary institution # 47 there are three specialized institutions for patients with tuberculosis (jails # 3, 27 and 31):

Jail # 31 treats patients with sensitive and poly-drug resistible forms of tuberculosis;

Jail # 27 treats patients with multi-drug resistible forms of tuberculosis;

After specific treatment patients are sent to the jail # 3 for further care.

¹ Source: interview with Mr. Maikozov K.A., deputy minister of justice in meeting # 7 of the Public Advisory Council on CPS under the Ministry of Justice of the Kyrgyz Republic, June 2009.

² Source: interview with the life time prisoners at Bishkek SIZO 21, July 2009.

For the first 6 months of 2009 there were 85 cases of newly diagnosed tuberculosis registered at penitentiary institutions¹.

Tuberculosis at penitentiary institutions or pretrial facilities

	1st six months 2009	2008	2007	2006
Under regular medical check-up including those:	786	578	720	2483
With active form of tuberculosis	336	444	450	1242
Newly diagnosed	85	356	346	533

6 Lifelong prisoners have active form of tuberculosis.

#		As of 01.07.2009	As of 01.07.2008
1.	Fluorography (persons)	2324	2927
2.	Positive results (persons)	433	395
3.	Bacterioscopic examination of phlegm	2782	2534
4.	Positive results (exam)	369	322

Places for the lifelong prisoners do not provide required treatment and care or appropriate diet and physiotherapeutic treatment or recuperation. Compliance with the above standards is impeded by under-equipped medical units with insufficient supply of medicines. MDPE owes over 60 million som to various pharmaceuticals companies.

Medical equipment almost at all of the institutions is either not functioning or does not conform to modern technical and medical requirements due to old age and exploitation.

As of 01.07.2009 medical units are staffed only to 82,7 %. The system of medical advice in other areas by neuropathology, ophthalmologic experts, surgeon, etc. is not working either, there are simply no such specialists. There is 1 medical assistant at the SIZO # 1 to provide medical care to lifelong convicts. There is no room to isolate patients of this category. Patients are treated in their cells; there is a clinical laboratory for review of blood test. Surgeries are not possible due to lack of proper conditions or dressing aid/ station. Intramuscular and intravenous injections are done.

Just like with nutrition and necessary items a lot of jail inmates have to take care of their own health by organizing treatment.

There is no such thing as dentistry, no matter what the problem is the tooth will be extracted, not treated. As lifelong prisoners said, doctors believe that they won't need them.

Tuberculosis still takes top place in the structure of mortality (late complaint, detection and hospitalization). Most of the prisoners died from cardiovascular diseases. Mortality from malignant tumors or liver cirrhosis is pretty high.

¹ Final report on operations and finances of the MDPE under the Ministry of Justice of the Kyrgyz Republic as of 2008.

Suicide of prisoners due to unacceptable conditions and inhumane relations among convicts is not something unusual for such institutions.

In 2008- august 2009 1 person died from suicide at Bishkek Sizo-1.

	As of			2006
	2009	2008	2007	
Total mortality	56	103	151	216
Which includes:				
Tuberculosis	18	39	83	135
Non-specific somatic diseases, including:	19	31	38	47
Cardiovascular diseases	2	13	12	25
Liver cirrhosis	1	5	8	3
Intoxication as a result of drug use	7	16	9	9
Suicide	5	9	12	8
Traumas	4	8	9	17

Conflicts

Current state of MDPE system unable to provide prisoners with proper food, remuneration and medical assistance may lead to prisoners' riots as this is a natural protest against inhumane living conditions.

Low salary of the MDPE staffers, low or no specific knowledge of dealing with prisoners, punitive attitude leads to constant conflicts in jails with lethal results, like it happened at colony # 16 in august 2008.

14 august 2008, 9pm – prisoners started riots at penitentiary institution # 16. According to S. Zubov, Deputy minister of justice, Kadyrbek Abdyshev that had been serving life time sentence stubbed junior lieutenant Dulatbek Adenov, chief of guards while intoxicated. Adenov died later. At the same time prisoners took several warrant officers as hostages. MDPE management, composite detachment and special forces detachment “Omega” arrived to jail # 16 around 10pm. Hostages were freed, Abdyshev and Urmanbetov as well as 39 more prisoners were transferred to SIZO – 1 in Bishkek.

Currently SAS lawyers are defending convicts accused of killing MDPE staffer at colony # 16 on august 2008. Convicts are at SIZO #1 in Bishkek. (SAS has alternative statement of events at jail # 16 where the conflict was initiated by both personnel of the jail and high level officials from MDPE and the Ministry of Justice of the Kyrgyz Republic).

On 20.12.2008 approximately at 00:30am personnel of jail # 3 found out a tunnel at the territory of blacksmith workshop near the fence of the zone #5, it was 1,5 meters deep, 70 sm. in diameters and 10 meters long. Investigation detected the persons guilty in making the tunnel in order to escape jail. MDPE initiated criminal case # 83-08-411 according to article 28-336, section 1 of the Criminal Code of the Kyrgyz Republic. Purpose of the tunnel was to arrange escape from jail.

RECOMMENDATIONS

- Improvement of national legislation in terms of more humane approach and reform of the penitentiary system, bringing it in compliance with the Constitution of the Kyrgyz Republic by providing absolute right of the prisoners – right for life. Lobbying legal replacement of life-time sentence by fixed term imprisonment for 20-25 years with the next review in five years thus enabling every person to enjoy access to fair justice.
- Give an opportunity to get early release for lifelong convicts after 15 years of imprisonment.
- Amend the Criminal Code with the provision enabling appeals to the President requesting pardon not only by the prisoner as it is now, but also by the prisoner’s lawyer, relatives, human rights organizations or colleagues from the last place of work;
- Ongoing cooperation with the new Parliament to implement orders of human rights organizations (block against tortures and reform of penitentiary system, monitoring of Supreme Court operations, judiciary reform, humanization of criminal law, transparent budget of the penitentiary institutions through targeted and secured items of the national budget of the Kyrgyz Republic);
- Strengthening of defense by ensuring legal protection at courts of all levels;
- Work with the UN Committee on human rights on individual complaints of the citizens convicted for life time sentence;
- Facilitate efforts of the Public Advisory Council on CPS under the Ministry of Justice of the Kyrgyz Republic;
- Ensure access to information for the public, relatives and people convicted for life time sentence;
- Train human rights activists to use monitoring tools and to hold civil and legal expertise of conformity of national legislation to international standards of human rights and freedoms protection;
- Facilitate reform of the Commission on pardon under the Administration of the President of the Kyrgyz Republic to ensure its transparency and accountability to the public;
- Facilitate ensuring national preventive mechanisms in closed penitential institutions including the penitentiary system.

Annex:

1. List of murders committed at MDPE institutions from October 2005 through July 2009.
2. List of conflict situations at MDPE system from October 2005 through jule 2009.

THE HOMICIDE LIST
murderes committed in MDPE facilities
within the period from October 2005 to July 2009

1. 20.10.2005 in facility #31 of MDPE MJ KR located in the village of Moldovanovka, Alamudun District, a group of convicts killed MP Akmatbaev T., Head of MDPE MJ KR Polotov, Parliament expert Omorov, and bodyguard Alykulov. By the results of the investigation 39 individuals have been prosecuted, 3 of them with a life sentence, and 'kingpin' Aziz Batukaev has been prosecuted with a custodial sentence.
2. 06.04.2006 in a pre-trial cell of facility #1 of MDPE MJ KR located in the village of Moldovanovka, convicts Novikov and Stukov, being adherents of 'the thief code' beat up with a shovel convict Abylov, who was member of Akmatbaev's crime clan. By the results of investigation both have been convicted and prosecuted.
3. 02.05.2006 in facility 316 o of MDPE MJ KR located in the village of Belovodsk convict Lygin out of hostility beat up convict Burhanov A. who died as a result. By the results of the investigation and court examination, Lygin has been convicted.
4. 23.06.2006 in facility #16 of MDPE MJ KR located in the village of Belovodsk convict Hodjebekov inflicted bodily injuries to convict Kushchubaev, who died as a result. By the results of the investigation and court examination, Hodjebekov has been found guilty.
5. 05.07.2006 in facility #16 of MDPE MJ KR located in the village of Belovodsk convicts Satybaldiev and Hadjimatov inflicted multiple knife wounds to convict Shaibyrov, who died as a result. By the results of the investigation and court examination, both have been found guilty.
6. 29.09.2006 in pre-trial prison #1 of the Bishkek City, arrestee under investigation Melnikov A. inflicted bodily injuries to convict Kasymov T. who died as a result. By the results of the investigation and court examination, Melnikov A. has been found guilty.
7. 01.11.2006 in pre-trial prison #1 of the Bishkek City, arrestee under investigation Kasymbekov A., out of personal hostility, inflicted bodily injuries to convict Musakunov K. who died as a result. Criminal case was closed after Kasymbekov's death.
8. 2.11.2006 in facility #35 of MDPE MJ KR convict Dogilev R. inflicted a knife wound to convict Suslov, who died as a result. By the results of the investigation and court examination, Dogilev has been found guilty.
9. 19.11.2006 in pre-trial prison #1 of the Bishkek City, convict Neustroev A. inflicted a knife wound to convict Torshko, who died as a result. By the results of the investigation and court examination, Neustroev A. has been found guilty.
10. 18.12.2006 in facility #47 of MDPE MJ KR located in the City of Bishkek, convict Makarov D. inflicted bodily injuries to convict Abdykadyrov, who died as a result. By the results of the investigation and court examination, Makarov has been found guilty.
11. 22.03.2007 in pre-trial prison #1 of the Bishkek City, body of Karimov F. was found wearing signs of violent death. By the results of the investigation and court examination, murderers have been identified and prosecuted.
12. 10.04.2007 in pre-trial prison #1 of the Bishkek City, convict Ordobaev Zh. inflicted bodily injuries to fellow inmate Suranbaev B., who died as a result. By the results of the investigation and court examination, Ordobaev has been found guilty.
13. 15.04.2007 in pre-trial prison #1 of the Bishkek City, body of convict Sarybaev B. was found wearing signs of violent death. By the results of the investigation and court examination, murderers have been identified and prosecuted.

14. 11.03.2007 in pre-trial prison #5 of the Osh City, body of convict Jumabaev A. was found wearing signs of violent death. Investigation was suspended for the absence of suspects.
15. 17.05.2007 in pre-trial prison #1 of the Bishkek City, body of convict Karpov K. was found wearing signs of violent death. Investigation was suspended for the absence of suspects.
16. 19.06.2007 in facility #16 of MDPE MJ KR located in the village of Belovodsk, convict Sulkarbekov M. inflicted a knife wound to convict Alimjanov, who died as a result. By the results of the investigation and court examination, Sulkarbekov has been found guilty.
17. 09.02.2008 in facility #19 of MDPE MJ KR located in the village of Djanyjer, convict Omurkulov U. inflicted bodily injuries to convict Zhuk R., who died as a result. By the results of the investigation and court examination, Omurkulov U. has been found guilty.
18. 01.08.2008 in facility #1 of MDPE MJ KR, convict Latinkov G. inflicted bodily injuries to convict Matiev, who died as a result. By the results of the investigation and court examination, Latinkov has been found guilty.
19. 14.08.2008 in facility #16 of MDPE MJ KR, convict with a life sentence Abdyshev K. inflicted bodily injuries to prison guard Djumataev and head of unit Abdanov, both of whom died as a result. Criminal investigation on Abdyshev K. was discontinued following his death.
20. 14.08.2008 upon arrival of a prisoner vehicle carrier from facility #16 to pre-trial prison #1 of the Bishkek City, bodies of convicts Abdyshev K. and Urmanbetov were found among other 38 convicts. By the results of the investigation 4 convicts have been prosecuted for the murders of Abdyshev and Urmanbetov.
21. 18.12.2008 in facility #47 of MDPE MJ KR of the Bishkek City, body of convict Ko K. was found wearing signs of violent death. Investigation was suspended for the absence of suspects.
22. 18.01.2009 in facility #8 of MDPE MJ KR located in the village of Petrovka convicts Sydykov and Bazarbaev inflicted knife wounds to convict Kochkarov I, who died as a result. By the results of the investigation and court examination, both have been found guilty.
23. 11.02.2009 in facility #16 of MDPE MJ KR located in the village of Belovodsk, convict Seitov T. inflicted a knife wound to convict Jumabekov M., who died as a result. By the results of the investigation and court examination, Seitov T. has been found guilty.
24. 18.02.2009 2009 in facility #10, Kaidelov I. using a metal pipe, inflicted a wound to convict Djuraev A., who died as a result. By the results of the investigation and court examination, Kaidelov I. has been found guilty.
25. 14.04.2009 in facility #47 of MDPE MJ KR located in the City of Bishkek, convict Begaliev A. inflicted bodily injuries to convict Boobekov N., who died as a result. By the results of the investigation and court examination, Begaliev A. has been found guilty.
26. 18.07.2009 in facility #14 of MDPE MJ KR located in the village of Voznesenovka, as a result of a group fight and of bodily injuries died juvenile convict Zaitov S.. Investigation is underway.

THE LIST
Of conflict situations in MDPE facilities within the period from October 2005 to July 2009

1. October, 2005 - Mass insubordination amidst the convicts in CC-3, employees getting beaten up, facility property getting damaged. The riot is led by convict Matyakubov K.. For a long time the personnel do not enter the territory of the facility and keep perimeter under guard. Riot has spread onto other facilities where personnel had to leave working places and posts within the facilities. A special regime of security is introduced. In the process of sorting out the circumstances of the riot by a commission headed by MP Akmatbaev, a group of convicts in facility #31 instigated by 'kingpin' Aziz Batukaev kill the MP, his bodyguard Alyekulov, head of MDPE Polotov and Parliament expert Omorov. Riots in facilities went on well over the 10th of November 2005. By the results of investigation 9 convicts with Matyakubov in the lead have been prosecuted for plotting and executing mass disorders in facility #3. In facility #13 39 convicts have been charged and prosecuted for riot and murder.
2. November 11, 2005 - In the educational correctional colony for juveniles located in the village of Voznesenovka convicts Zuev, Sadykbekov, Bocharov and Glazov have instigated mass disorders in the facility, property of the facility has been damaged, convicts refuse food, personnel blocked in the security staff area. Events have been forcefully brought to a halt through deployment of the MDPE's special unit 'Omega' and MDPE staff. Individuals responsible for setting up the riot have been prosecuted.
3. December 17-21, 2005 – Juvenile convicts in ECC-14 instigated by Daniyarov A., Semenetz A., Zuev, and Guktov have set up mass disorders involving pogroms of the halls of residence and the canteen. Convict Andreev has inflicted bodily injuries to educator Nogai V.A.. Riots have been terminated after the MDPE special units was brought in, the instigators taken out and prosecuted.
4. November 28, 2006 – A conflict situation emerged at an attempt to remove from the territory of the facility convicts Eshimbetov N. and Kalilov K. who on the same day inflicted bodily injuries to employees Samanov B. and Baisbekov M. The convicts had resisted for quite some time to withdrawal of the above individuals, finally an agreement was reached, special units were not deployed, nobody other than the above mentioned people got hurt, and no property was damaged.
5. March 10, 2007 – In facility #14 juvenile convicts Seredin N., Artykbaev B., Rustam Uulu A. has set up mass insubordination to the administration, come up with unlawful (a fortiori) demands (dismissal of the daily routine, etc.). Special unit not deployed, situation resolved through negotiations.
6. December 9, 2007 – In the pre-trial cells of facility #14 juvenile convicts under pretext of the administration's failure to comply with convicts' unlawful demands (free passage from cell to cell, use of mobile phones, free access to the facility, dismissal of the daily routine) with much noise and shouting have broken down window and door grills, set fire to bed linen. Riot has been brought to stop by the special unit and MDPE forces, the delinquents taken out into the court and, after grills are repaired, taken back inside. No beating of juveniles is allowed. Individuals responsible for setting up the disorder have been prosecuted.

7. February 13, 2008 – In facility #14 juvenile convicts Horoshenko, Ivanov, Israilov, Tabylda Uulu T. beat up staff member Saveliev. No special unit deployed, the responsible have been prosecuted.
8. April 16, 2008 – In facility #14 juvenile convict Mozhaitzev inflicts bodily injuries to staff member Abdukaimov A.. No units involved, Mozhaitzev has been prosecuted.
9. May 16, 2008 – In pre-trial cells 32-35 of facility #14, juveniles have smashed open cell doors and windows. Threatening employees with glass shards, they come up with knownly unlawful demands. Special units have been deployed to stop the disorder, individuals responsible have been prosecuted.
10. September 26, 2008 – juveniles in the pre-trial cells in facility #14 have smashed open the doors and broken free into the corridor area, spreading disorder, threatening employees, bringing forward unlawful demands and damaging property. Special units have been deployed to bring the disorder to a stop, individuals responsible for the disorder have been prosecuted.

Human Rights Center "Citizens against corruption"

Moskovskaya str. 158, office 11

720040

Bishkek

Kyrgyzstan

Tel.: +996 312 318645, +996 312 314623

Fax: +996 312 314623