

**Organization for Security and
Cooperation in Europe**

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APPLICATION

Social fund “Library of the first president of the Kyrgyz Republic” is founded on the 10th of September, 2001. It has a private form of property. Founders of the fund are Bermet Askarovna Akaeva, Aidar Askarovich Akaev and Askar Chukutaevich Kakeev.

The main objectives and tasks of the fund are studies of history and development of the Kyrgyz statehood, the Kyrgyz Republic and eventually the institute of the state as the state power.

On the basis of the library it was planned to open scientifically cognitive, historical and cultural center aimed at intellectual and spiritual development of the Kyrgyz society, to create conditions for research work of scientists, post-graduates, students, teaching children computer literacy, to open a library for the wide circle of audience, to disclose broad expositions on studies of historical processes. In this direction the fund has collected archives, manuscripts, a unique book fund, audio, video and photo documents.

Sponsor and voluntary contributions helped the social fund to repair two buildings. One building was donated by Dr. Zh. Nazaraliev in 2001, and the second one – by the first president of the KR A. Akaev in 2003. But unfortunately operation of the fund was terminated after the events of the 24th of March, 2005 when power in the country changed and Kurmanbek Bakiev became a new president.

On the 6th of May the General Prosecutor Office of the KR and the Presidential Property Management Department of the KR arrested all the property of the fund, including the fact that all rooms and premises were sealed where there were book, archives and museum funds, computer equipment and office furniture. The General Prosecutor Office of the KR initiated criminal proceedings on the fact of transfer of the budget for the repair of the fund buildings. On the 27th of September the lawsuit was dismissed due to the absence in the actions of formal element of a definition of a crime, but harassment and persecution of the social fund on behalf of public authorities do not stop even today.

According to the decision of inter-district economic court of Bishkek dated the 6th of May, 2008 the building of the fund located at Bishkek city, 8, Razzakova street was withdrawn as infringement of all the laws of the republic which control property rights. This building, as it was mentioned above, was donated to the Fund by Dr. Zh. Nazaraliev on the basis of the donation contract dated October 19, 2001. We consider this judicial decision political and illegal.

On the 15th of September 2009 there was the raiding violent seizure of the fund building located at Bishkek city, 8-a, Razzakova street occurred.

In the morning of that day officers of the Judicial Department of the KR, the Presidential Property Management Department of the KR, the State Committee for Property of the KR, the Bishkek State Register and militia tour of duty illegally forced into the building having broken

gates and locks with a wrenching iron. Whereby nobody had reported about it in advance, had not presented any documents confirming legality of their actions.

This house was the property of the former president of the Kyrgyz Republic Askar Akaev and was gifted by him to the social fund according to the donation contract dated February 4, 2003. It has an independent technical certificate with ID Number 1-02-03-0006-0667. The a.m. donation contract is valid, nobody has disputed and rejected it. This private property had never been mentioned in any litigation.

The social fund has a certificate from the Bishkek City Administration for land tenure and registration of deeds dated August 27, 2009 No. 200998501, according to which the SF "Library of the first president of the Kyrgyz Republic" owns a land plot of 1260,0 m² and he is the proprietor of the building located at 8-a, Razzakova street. This is to certify that the private property of the fund is illegally withdrawn with violence on behalf of the state.

This unlawful acts were motivated orally that the Social Fund is thought not to implement the judicial decision though they did not explained precisely what decision was not fulfilled. This statement is untrue and incorrect according to the following grounds.

According to the resolution on initiating of execution against property dated August 21, 2009, the social fund was offered to voluntarily fulfill the inter-district court's decision by an officer of justice dated June 24, 2009, which was voluntarily fulfilled on the 2nd of September and it is confirmed by the Delivery-Acceptance Act. According to this act the president of the SF "Library of the first president of the Kyrgyz Republic" submitted the building and edifice located at Bishkek city, 8-a, Razzakova street to custody of the state on a voluntarily basis, original of the Technical certificate for this building and the original of the donation contract dated October 19, 2001 on behalf of Zh. Nazaraliev. This act was signed by representatives of public authorities and as per this written certificate signed they had no claims towards the Fund.

In accordance with the article 30 of the Law "On court enforcement action and on the status of officers of justice of the KR" the court enforcement action is completed with actual fulfillment of the executive document. Therefore, after the SF "Library of the first President of the Kyrgyz Republic" had completed the judicial decision **on a voluntarily basis**, the court enforcement action shall be terminated.

In the judicial decision dated June 24, 2009 there are neither the fund building located at 8-a, Razzakova street nor the donation contract on behalf of A. Akaev mentioned. In relation to this building there were no judicial decision passed. Therefore, the state has no right to require this building and, moreover, to illegally withdraw it from the proprietor. Meanwhile, officers of justice had no right to implement the judicial decision regarding this building having not shown us relevant documents. There was no court enforcement action initiated against it, the representatives of the Social Fund were given neither the resolution for initiating legal proceedings nor an offer for the voluntary execution of the judicial decision.

In view of this, actions of authorities who took part in the illegal raiding seizure of the fund building are assumed criminal according to the articles 172-2, 304 of the Criminal Code of the Kyrgyz Republic. When they used their official position contrary to the interests of service, they violated rights and legal interests of the fund, and also committed an unauthorized capture of the building located at Bishkek city, 8-a, Razzakova street beneficially owned by the fund.

Furthermore, now private things and private archives of the former president of the Kyrgyz Republic A. Akaev and the property of the library inside the building and sealed by the act on the day of seizure, September 15, 2009 and submitted to the liable storage to the Chuy-Bishkek-Talas territorial administration of the State Committee for property of the KR are not returned without any explanations. Our official application to settle the issue on their returning is still not answered although private things private archives of the former president of the Kyrgyz Republic A. Akaev are subject to the immediate return, because according to the article 53 of the Constitution of the Kyrgyz Republic and the article 18 of the Law "On warranties of operation of the President of the Kyrgyz Republic" these things are indefeasible property. Their ejection is a

direct violation of the Constitution of the Kyrgyz Republic and it confirms that in Kyrgyzstan human rights and legality are ignored.

All applications to the public authorities of Kyrgyzstan on defense of our lawful rights are not considered as all these harassments and persecutions occur out of political vengeance on behalf of the first president of the Kyrgyz Republic A. Akaev.

The social fund "Library of the first President of the Kyrgyz Republic" begs you help in the solution of this question and to restore property rights of the social fund for illegally and violently seized building located at Bishkek city, 8-a, Razzakova street, and also in return of private things and private archives of the former President of the Kyrgyz Republic A. Akaev.

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President of the KR"

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