

**KYRGYZSTAN AT TEN:**  
**TROUBLE IN THE “ISLAND OF DEMOCRACY”**

28 August 2001



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ICG Asia Report N° 22  
Osh/Brussels

## TABLE OF CONTENTS

<b>MAP OF CENTRAL ASIA.....</b>	<b>i</b>
<b>MAP OF THE KYRGYZ REPUBLIC .....</b>	<b>ii</b>
<b>EXECUTIVE SUMMARY AND RECOMMENDATIONS.....</b>	<b>iii</b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. POTENTIAL SPARKS FOR CONFLICT.....</b>	<b>4</b>
A. THE EXECUTIVE BRANCH .....	4
B. PARLIAMENT.....	8
C. THE JUDICIARY .....	10
D. THE PUBLIC .....	14
E. POLITICAL PARTIES (THE OPPOSITION) .....	18
F. NON-GOVERNMENTAL ORGANISATIONS (NGOs) .....	21
G. THE MEDIA .....	22
<b>III. CONCLUSIONS .....</b>	<b>26</b>
 <b>APPENDICES</b>	
A. KYRGYZ PARLIAMENTARY RESULTS (FEBRUARY/MARCH 2000) .....	29
B. GLOSSARY OF ACRONYMS .....	30
C. GLOSSARY OF TERMS.....	31
D. ABOUT THE INTERNATIONAL CRISIS GROUP .....	34
E. ICG REPORTS AND BRIEFING PAPERS.....	35
F. ICG BOARD MEMBERS .....	39







## **KYRGYZSTAN AT TEN: TROUBLE IN THE “ISLAND OF DEMOCRACY” EXECUTIVE SUMMARY**

For most of the decade since it gained independence, Kyrgyzstan has been described as an island of democracy and stability in Central Asia. In comparison with other countries in the region, it has indeed carried out deeper economic reforms and allowed more room for civil society and opposition political activity. Recent developments, however, indicate that this stability is fragile, and that hard-won democratic gains are being eroded. If the government of Kyrgyzstan resorts to authoritarianism or crumbles under the weight of the country's moribund economy, the international community will suffer a setback for its hopes of promoting a model for economic and political reform in Central Asia.

The greatest threat to political stability remains public discontent with the economy. More than 60 per cent of the population live below the poverty line. While the government has pursued some of the most ambitious economic reforms in the region, these efforts have yet to translate into the significant economic growth that would reverse the steady decline in the standard of living.

In 2000 and 2001 protests broke out in Bishkek, Narin, Jalal-Abad and elsewhere in reaction to rising costs, stagnant wages and unemployment. Although protests have been modest in scope thus far, widespread public demonstrations and unrest could be on the horizon if the economic situation remains bleak. Food prices will likely increase again this fall, exacerbating social strains in a country already struggling with sharp

internal political divisions, ethnic tensions, military incursions by the guerrilla group the Islamic Movement of Uzbekistan (IMU), and disputes with neighbour states over resources, security and borders.

All this comes against a backdrop of efforts by the government to curtail both personal freedoms and political opposition. During the last several years, and particularly during the 2000 presidential election, President Askar Akaev has tightened his grip on the country. Although he had a reputation for being the leading democrat in the region, he began his campaign to diminish any opposition early in his rule. In recent years harassment of opposition politicians and journalists has been on the rise and the executive branch has increasingly used a largely compliant judiciary as a key tool to silence political opponents and critical media.

In 2000, former Vice-President and former Minister of National Security, Feliks Kulov — viewed by many as the strongest potential challenger in the presidential race — was sentenced to a long prison term after being denied the right to stand for the presidency on a technicality. Similarly, the human rights activist and leader of the Erkindik Party, Topchubek Turgunaliyev, was also jailed although he has now been released. Charges against both men were clearly politically motivated, as was the decision of the Supreme Court of Arbitration to close down *Asaba* — one of the country's most popular opposition papers.

As they have come under mounting pressure, opposition parties have recognised that they will

need to join forces if they hope to survive. Ten major opposition parties formed a broad coalition, the People's Patriotic Movement, in April 2001. The ability of this opposition coalition to provide an effective counter-weight to President Akaev and his supporters remains unproven. However, the opposition has effectively galvanised public concern about plans by President Akaev to make territorial concessions to both Uzbekistan and China to resolve border disputes. A memorandum signed by the Uzbek and Kyrgyz prime ministers on the exchange of land was voted down by the parliament in 2001 and the government has struggled to minimise the fallout from the leak of two secret border agreements signed with China in 1996 and 1999. If ratified, these would give China more than 100,000 hectares of Kyrgyz land. The parliamentary opposition has even threatened to begin impeachment proceedings against President Akaev for the conduct of the border matters, and while this is likely an empty threat, it does highlight the many fault lines in the current political environment. There are also signs that President Akaev may be facing some opposition from within his own ranks. All of these elements combine to suggest that the potential for a political crisis that could spark violent conflict in Kyrgyzstan has risen considerably.

Efforts by the government to suppress religious movements such as the Hizb ut-Tahrir, which have established a solid foothold in southern Kyrgyzstan, add to the current atmosphere of instability, as have security concerns about renewed incursions by the IMU and disputes with neighbouring Uzbekistan and Tajikistan about how best to deal with this threat. There remains substantial risk that Uzbekistan might intervene militarily in southern Kyrgyzstan if it deems the government in Bishkek is not effectively acting to halt the IMU. Even a small-scale intervention on Uzbekistan's part would raise fears that Tashkent was seeking to annex territory and possibly provoke clashes between the ethnic Uzbek and Kyrgyz communities.

Kyrgyzstan is faced with a choice of reinvigorating genuine economic and political reform or following the path of authoritarianism. Economic reforms have failed to deliver improved living standards because they have been hobbled by corruption and cronyism. A

weak legal system and fickle government interventions in businesses have meant the country has not developed an attractive investment environment.

International support — and constructive pressure — will be crucial in helping President Akaev embrace a more responsible political direction. Indeed, if the president continues on his current course, the likelihood of violence that would further cripple prospects for progress in the region will only continue to rise, and the once heralded "island of democracy" will disappear into a sea of instability.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF KYRGYZSTAN:

1. Reinvigorate economic reforms by focusing on poverty alleviation and improving the investment environment.
2. Allow free association of political groups and ensure that laws requiring their registration are not used to restrict political organisations. Grant amnesty for those political opponents jailed in the run-up to the 2000 presidential election.
3. Step up legal reforms by allowing true independence for the judiciary, approving anti-bribery statutes and introducing regulations on lobbying.
4. Privatised the state print media and turn the national television into an independent corporation controlled by a non-political board and with its own source of funds. Reform libel laws to make it a civil rather than criminal matter and limit awards so that libel is not used to bankrupt opposition media.
5. Reduce the number of government employees, be more transparent in recruitment and grant ethnic Uzbeks greater representation in government, the judiciary and the police.
6. Lift restrictions on the Hizb ut-Tahrir and pursue a dialogue with its members, Muslim scholars, media and NGOs.

7. Elect rather than appoint provincial governors to reduce corruption and provide stronger local representation.
8. End the use of referenda to circumvent parliament, and in particular end the "bundling" of issues in referenda to circumvent the specific will of the electorate.

**TO THE DONOR COMMUNITY:**

9. Major donor countries – in particular the United States, the members of the European Union and Japan – should make it clear that any rescheduling of Kyrgyzstan's debt and continued aid will be contingent on further economic reforms and an immediate improvement in the treatment of opposition groups, journalists and the other components of a civil society.
10. Donors should work closely with the Kyrgyz authorities, local NGOs, the media

and the domestic/international business community to reduce corruption, and make clear that future co-operation will hinge on major improvements in the rule of law. Encourage parliament to pass laws governing lobbying and outlawing bribery. Step up assistance for legal training.

11. Donors should assist the Kyrgyz authorities to improve training for journalists and provide financial support to the independent media to reduce its technical dependence on the state, by funding, for example, an independent publishing and printing house.
12. These countries should help the Kyrgyz authorities in their current efforts to restructure government administration through training of public officials and by aiding the introduction of new standards of personnel management.

**Osh/Brussels, 28 August 2001**



## **KYRGYZSTAN AT TEN:**

### **TROUBLE IN THE “ISLAND OF DEMOCRACY”**

#### **I. INTRODUCTION**

During the early years of the decade since independence from the Soviet Union, Kyrgyzstan was warmly viewed by the international community as one of the few success stories of economic and political reform in Central Asia. President Askar Akaev expressed his hopes that ruggedly mountainous Kyrgyzstan could become the “Switzerland of Central Asia,” and the country was widely hailed as an “island of democracy” in a region where autocracy and conflict seemed to be the norm. In contrast to the other Central Asian states, an independent media, multi-party democracy, NGOs and civil society were largely allowed to develop freely. Efforts were also made to harmonise relations between the country’s various ethnic groups — primarily the ethnic Kyrgyz and Uzbek in southern Kyrgyzstan. These freedoms did not lead to upheaval and anarchy, as some neighbouring authoritarian regimes had argued they would in justifying their own stranglehold on power.

Compared to the authoritarian rule in Kazakhstan and Uzbekistan, the ferocious civil conflict that raged for five years in Tajikistan and the Stalinesque personality cult that President Niyazov developed in Turkmenistan — Kyrgyzstan looked promising indeed. Generous amounts of international assistance flowed to the country as a result, and Kyrgyzstan became the first state in Central Asia to be welcomed into the World Trade Organisation (WTO) in December of 1998. The U.S. State Department quickly

called the development a sign of Kyrgyzstan’s “leadership on market reform.”<sup>1</sup>

Events since that time have seriously dimmed Kyrgyzstan’s reputation for reform and, more perilously, pushed the country closer to crisis. Three major factors are contributing to growing instability. First, President Akaev and his supporters have sharply curtailed civil liberties and used a variety of methods to crack down on critical journalists and opposition politicians. Second, while economic reforms have been ambitious, poverty remains widespread and the public is increasingly dissatisfied with declining living standards. Third, a series of interlocking security concerns appeared: incursions by the guerrilla organisation the Islamic Movement of Uzbekistan (IMU), ethnic tensions, the growing popularity of the underground Islamist group *Hizb ut-Tahrir* [“Party of Liberation”], and disputes with neighbouring states over borders, resources and the conduct of counter-insurgency campaigns.

Even in the best of times, and with the best of management, Kyrgyzstan would still face stern challenges. With an ethnically diverse population of less than five million people, this small, poor and landlocked country enjoys few natural economic assets. Although it possesses some gold deposits, and reasonably fertile land, the largely agrarian society is far removed from international markets and has few comparative advantages. Further, the Tien Shan mountain range effectively divides the country in two for much of the year. Geographically

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<sup>1</sup> Statement by James P. Rubin, U.S. Department of State Spokesman, 22 December 1998.



placed between far more powerful and sometimes antagonistic states such as Russia, China and Uzbekistan, existence has often been precarious for Kyrgyzstan. Riots between ethnic Kyrgyz and ethnic Uzbeks in the southern city of Osh in 1990 also contributed to lingering tensions between the nation's two largest ethnic groups.

In retrospect, Akaev's authoritarian bent has been more a steady evolution than a sudden shift. Early in his tenure, he argued that the Kyrgyz parliament was populated with Soviet-era holdovers who opposed political and economic reforms — a claim that was generally viewed with sympathy both in Kyrgyzstan and abroad. To move ahead with his agenda, Akaev sought to reduce the powers of parliament in favour of the executive. He justified this by suggesting that a Western-style parliamentary system was not practical while the country had a weak economy and an under-developed civil society. The amended constitution became law on 5 May 1993 and has subsequently been revised twice: in 1996 and 1998.

Although tensions continued between the parliament and the president, the institutions of civil society developed relatively freely until the mid-1990s. Since then, Akaev has tightened his grip on power and imposed a number of restrictions on the independent media and the political opposition. The presidential administration has defended its actions by arguing that strong executive powers are needed to deal with pressing security and economic problems. During the 2000 presidential elections, which Akaev won with more than 74 per cent of the vote amid widespread accusations of irregularities, the president's supporters argued that the opposition's lack of experience and integrity would put not only the safety, but even the very existence of Kyrgyzstan, at risk.

Since the election, relations between the executive branch and the parliament have steadily eroded, as has the relationship between the presidential administration and the media. In response to government's increasingly centralised hold on power, ten major opposition parties formed a broad-based coalition, the People's Patriotic Movement, in April 2001. Independent journalists and human rights activists throughout Central Asia established "the London Forum" in the spring of 2001 to focus international attention

on the often-bleak state of civil society in the region.

Although the largest non-governmental organisation (NGO) in Kyrgyzstan — the nation-wide "Coalition NGO" — faced considerable problems with the government last year following its critical assessment of the parliamentary and presidential elections, the non-governmental sector continues to be quite active. In many ways, the broad range of NGOs that have sprung up since independence have acted as a substitute for the media and opposition political parties, which have faced considerable pressure from the government. Fortunately, and in large part because of Kyrgyzstan's dependence on international assistance, President Akaev has been somewhat sensitive to international criticisms of his actions. If the international community judges that Kyrgyzstan no longer warrants support because of its recent steps against democratic institutions, Akaev would soon find himself further besieged in a country whose economic condition would rapidly deteriorate without aid.

Grim economic realities have led directly to spontaneous political protests<sup>2</sup> and are heightening the potential for violent unrest in the country. The World Bank estimates that 64 per cent of the population lives below the poverty line, although some local estimates have placed that figure closer to 80 per cent.<sup>3</sup> Kyrgyzstan has earned a good reputation for its willingness to embrace economic reform. Most state enterprises have been privatised, and the country has introduced significant market reforms.

However, the collapse of the social safety net in the wake of the Soviet period, rampant inflation and the relatively low level of economic development, have all combined to produce declining living standards. There is a real sense of hard hardship among many pensioners, the unemployed and government

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<sup>2</sup> See "Incubators of Conflict: Central Asia's Localised Poverty and Social Unrest," ICG Asia Report, No. 16, 8 June 2001. All ICG reports are accessible at: <http://www.crisisweb.org>.

<sup>3</sup> World Bank, "Kyrgyz Republic Country Data: Kyrgyz Republic at a Glance" (Washington, DC: September 2000), available at: [http://www.worldbank.org/data/countrydata/aag/kgz\\_aag.pdf](http://www.worldbank.org/data/countrydata/aag/kgz_aag.pdf) and *Res Publica* (Bishkek), "Korrupsiia goschinovnikov — prichina nishchety naroda [The corruption of government bureaucrats is the cause of the people's poverty]," *Res Publica*, 22 May 2001, p. 6.

workers who continue to be among the hardest hit. Corruption and cronyism have undermined some reforms, which have not produced rapid enough economic growth to alleviate the plight of most people. Thus far, 1,200 government jobs have been eliminated at the national level, and another 2,000 cuts are planned. Despite the pain, far deeper cuts will soon be necessary, when one considers that 22 per cent of those employed – some 393,400 people – work for the civil service.<sup>4</sup> Similarly, while the government has tamed inflation from a high of more than 1,000 per cent annually in 1993, to 9.5 per cent in 2000, price rises continue to outpace economic growth.

Religious movements such as Hizb ut-Tahrir, an underground political group seeking to replace the existing countries of Central Asia with an Islamic caliphate, are attracting increasing numbers of members, particularly in southern Kyrgyzstan. The country has also been rocked during the last several years by incursions by the Islamic Movement of Uzbekistan (IMU).<sup>5</sup> The relative ease with which the IMU entered Kyrgyzstan in 1999 highlighted the deficiencies of the security services, and sharply escalated tensions with neighbouring Uzbekistan which feels that its neighbour does not do enough to stop radical Islamist groups operating from its territory. The situation is further complicated by the persistent tensions between Uzbek and Kyrgyz communities in these southern border regions.

Friction between Uzbekistan and Kyrgyzstan has also increased over unresolved border issues and resources such as water. A memorandum which would have transferred territory to Uzbekistan, creating a link to one of its enclaves within Kyrgyzstan, as well as a secret deal with China on border demarcation, aroused controversy

when they were leaked in 2001. Many parliamentarians and citizens accused Akaev of betraying Kyrgyzstan's interests. Some members of parliament have even suggested impeaching the president, although this is unlikely.

Kyrgyzstan — long held forth as a model of hope in Central Asia — faces a dangerous confluence of economic and political missteps, mounting social tensions and serious security concerns. Without a concerted effort by the government to return to an agenda of reform and active international engagement, Kyrgyzstan will be another conflict waiting to happen.

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<sup>4</sup> The figures quoted are 1999 figures provided by the Statistics Department of the Ministry of Labour and Social Protection. Figures for 2000 and 2001 are not yet available. ICG telephone interview, 8 August 2001. Azimbek Isabekov, a government departmental head, on 14 June announced that 1,200 jobs had so far been abolished in national government and that another 2,000 will be cut. Local district administrations will be reduced from 150 to 80 employees. *RFE/RL Newsline*, Vol. 5, No. 115, Part I, 15 June 2001.

<sup>5</sup> See *"Islamist Mobilisation and Regional Security,"* ICG Asia Report, No. 14, 1 March 2001.

## II. MANY POTENTIAL SPARKS FOR CONFLICT

The political landscape in Kyrgyzstan has many of the hallmarks of a healthy civil society. Since independence, the number of non-governmental organisations, media outlets and opposition parties has swelled. Economic reform and large-scale privatisation efforts have introduced many new faces into the economy. Constitutional standards guarantee a free press, many basic religious freedoms and the separations of powers between the executive, judicial and legislative branches of government. However, the power wielded by the respective actors within Kyrgyzstan's political system has become dangerously skewed as the presidential administration has attempted to consolidate and expand its authority. This has left Kyrgyzstan awkwardly lurching between genuine reform and reversion to the heavy-handed tactics of the Soviet past. To best understand the potential for conflict today, it is first necessary to look at the key players. This report considers the role of seven particularly crucial groups: the executive branch, the judiciary, parliament, the public, opposition parties, NGOs and the media.

### A. THE EXECUTIVE BRANCH

Askar Akaev first assumed the presidency when the post was established in 1990. After multiple rounds of voting in the republic's Supreme Soviet, he emerged as a compromise candidate. In August 1991, Kyrgyzstan declared its independence, and on 27 October 1991, Akaev was "re-elected" after standing for the presidency unopposed. Complaining that real reform would continue to be blocked by the largely holdover Soviet-era parliament, Akaev pushed through a new constitution in 1993.

In December of 1995, Akaev was re-elected for five years after a campaign beset with irregularities, including the disqualification of three opposition candidates shortly before the vote on the trumped up grounds that their election petitions contained "invalid" signatures. In July 1998 the Constitutional Court ruled that Akaev was eligible to run for the presidency again in 2000, despite the two-term limit in the 1993 constitution. Like President Karimov in

neighbouring Uzbekistan, Akaev argued that his first two elections in 1990 and 1991 did not count because they took place under the old constitution.

The constitution can be changed by parliament or by referendum. If changes are made by parliament, the Constitutional Court must endorse them, whereas if they are made by referendum, no court endorsement is needed. Akaev has used a series of referenda, the most important of which took place in October 1994, February 1996 and October 1998, to strengthen considerably the powers of the executive. Each has passed by an overwhelming margin and has been accompanied by claims of ballot stuffing. The president now has the power to appoint provincial governors and government ministers, as well as to appoint the prime minister in consultation with parliament. He also has the right to fire the prime minister and dissolve parliament by decree. Further, he appoints the state secretary,<sup>6</sup> prosecutors and judges, as well as a third of the members of the Central Election Commission. The president also chairs the Security Council, is the head of the Armed Forces, and controls the National Security Services and the Ministry of the Interior. The president has the right to declare a state of emergency.<sup>7</sup>

In the run-up to the October 2000 presidential elections, the government worked systematically to undermine Akaev's potential rivals. Former vice president Feliks Kulov, after his arrest in May 2000, was tried by a military tribunal for abuse of power. Although initially acquitted, the decision was appealed and Kulov was found guilty in a subsequent retrial. In May 2001, the leader of the Kyrgyz People's Party Daniyar Usenov, was found guilty of an assault charge that was more than four years old and was sentenced to probation — disqualifying him from running for public office. Not surprisingly, President Akaev won re-election handily, with more than 74 per cent of the vote.

Many political observers within Kyrgyzstan lament the government's increasingly authoritarian tilt. A leading politician, who preferred to remain

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<sup>6</sup> Often the most influential position after the president, the state secretary's role is dependant on the president. According to the Constitution "the President appoints the State Secretary of Kyrgyzstan and determines his status and authorities" (art. 46, paragraph 1, point 6).

<sup>7</sup> *Konstitutsiia Kyrgyzskoi Respubliki* [The Constitution of the Kyrgyz Republic] (Bishkek: Raritet Info, 1999), art. 46 and 47, pp. 65-68.

anonymous, told ICG that Akaev has garnered "enormous powers" that allow him to dominate all three branches of government: "If Kyrgyzstan were a democratic country vesting the presidency with extensive [constitutional] rights, it would not be so bad. However, since the political establishment does not represent political parties or political organisations, the consolidation of power in the president's hands can do only harm." Not everyone shares this view. Ishembai Kadyrbekov, an independent member of parliament, said: "The president is a sensible person and a strong analyst. His policies are good, but this does not help when the team which is to implement these policies is bad."<sup>8</sup>

Others claim that Akaev has never fully broken free from the old Soviet bureaucracy despite his initial efforts. Melis Eshimkanov, the former owner of the banned opposition paper *Asaba* and leader of the People's Party, says: "Akaev is nothing but a marionette," and a "prisoner of the former party nomenclature."<sup>9</sup> Or as one journalist expressed privately, "Perhaps somebody 'bought' Akaev at some point. Perhaps his wife really rules the country. Who knows? We are little people and know very little about what is happening in the country at the moment."<sup>10</sup>

**The Best Jobs that Money Can Buy?** It is very difficult to glean information about the power struggles and political perspectives within the executive branch. However, there are clear trends in how the presidential administration functions that have an important impact on governance and stability. Presidential appointments and government structures still operate in a strict hierarchy, and large numbers of officials, such as provincial governors, continue to be appointed rather than directly elected. Until recently this was also the case for local mayors, or *akims*, who will be selected in popular elections as of November 2001, after limited trial elections were held in the spring of 2001.

Officials in the executive branch have used their control of such appointments both as a means for personal enrichment and as a tool to keep potential rivals relatively weak. Because

appointments are frequently rotated by the executive branch, the average tenure for a governor is only about eighteen months, although there are some exceptions to this rule. This is done to assert central authority and to prevent local patronage groups from becoming too powerful.<sup>11</sup> Most appointees are asked to serve outside the region where they have their strongest political networks. Thus, the current governor of Osh Province is himself from Narin, the governor of Jalal-Abad is from Isik-Köl and the governor of Isik-Köl is from Osh. The governors often recruit key members of their respective staffs from their home regions rather than from the region in which they work, creating a system that provides citizens with leaders who are not well versed in local concerns. Those who are appointed ministers, governors and *akims* are sometimes seen as lacking the necessary knowledge and skills for the posts.<sup>12</sup>

Money is also said to be a key in determining presidential appointments. Some opposition politicians claim that 70-80 per cent of the people working with Akaev have "bought" their positions — a claim that is obviously impossible to verify. The going rate for a governorship is rumoured to be U.S.\$250,000, with a mayoral job costing some U.S.\$50,000. Jobs in local administration, schools and hospitals are also alleged to be sold on a regular basis.<sup>13</sup> Knowing that they are likely to hold these positions for only a limited time, appointees have a strong incentive to them to recover their "investment" as quickly as possible by means of graft.

Many of those interviewed for this report claimed that the president's wife, Mayram Akaeva, plays a key role in making presidential appointments. The clans to which the president and his wife belong (the Sari-Bagish and the Saruu and Kutchu, respectively) are very well represented in government posts. A

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<sup>8</sup> ICG interview, Bishkek, 29 May 2001.

<sup>9</sup> ICG interview, Bishkek, 29 May 2001.

<sup>10</sup> ICG interview, Karakol, 3 May 2001.

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<sup>11</sup> Patronage groups in Kyrgyzstan are based on kinship, regional groupings, organisations or schools one belongs to, etc. The traditional kinship system retains its salience among many Kyrgyz. Major clan-lineages in Kyrgyzstan include the Saruu and Kutchu (Talas), the Sayaks (Jumgal — Susamir), the Solto (Chüy), the Bugu (Isik-Köl), the Sari-Bagish (Kemin) Kara-Bagish (Narin), and the Ichkilik group of clans (south-western Kyrgyzstan).

<sup>12</sup> ICG interview with Professor Turar Koichuev, Centre for Economic and Social Reform of the Kyrgyz Academy of Sciences, Bishkek, 30 May 2001.

<sup>13</sup> ICG interview, Zamira Sydykova, Editor-in-chief, *Res Publica*, Bishkek, 27 April 2001.

quarter of all state employees in Bishkek are said to be from Talas, the home district of the president's wife, and the head of presidential administration, the director of the Kyrgyz State gold mining company (Kyrgyzaltin) and the director of Kyrgyz Telecom are also all from the region.<sup>14</sup>

It is a common view among some observers of Kyrgyz politics that Akaev and his wife have accumulated considerable wealth from selling government posts, though solid evidence to support this claim is generally absent. On 7 June 2000, the newspaper *Res Publica* asserted that the president's wife had a stake in the Bishkek Hyatt Regency Hotel, repeating allegations first raised in the British newspaper *The Guardian*.<sup>15</sup> If true, they may lend some support to claims that administrative positions are sold. However, the president's wife has denied them.<sup>16</sup> The strongest evidence for such claims is the presumption that Akaev would not tolerate the rampant corruption which prevails in his country were he not himself a beneficiary.

A number of well-qualified and popular government officials and politicians have found themselves selected for ambassadorial posts as they became better positioned to challenge Akaev. The former head of presidential administration, Mendet Sadyrkulov, currently serves as the Ambassador to Iran, the former rector of the Osh State University and MP, Bakyt Beshimov, is Ambassador to India, and former Vice-Premier and Minister of Foreign Affairs, Roza Otunbaeva, is Ambassador to the United Kingdom. Another popular politician, former Prime Minister Amangeldi Muraliev, was offered the Kyrgyz ambassadorship to China, which he declined. He is currently the co-ordinator of the Birimdik Party and holds the chairmanship of the Kyrgyz Football Federation. While none of these individuals were forced to accept these posts, in some cases doing so also meant that the government dropped threats of investigation, and such appointments have been effective in co-

opting or otherwise removing potential adversaries.

A number of Kyrgyz diplomats felt compelled to raise their voices concerning developments around last year's presidential election — a remarkable step for a profession that traditionally remains silent on domestic politics. Several Kyrgyz ambassadors, however, on the eve of last year's presidential elections expressed their concern with the deteriorating state of democracy and warned against its consequences. As the Kyrgyz Ambassador to Austria, Alikbek Jekshenkulov, pointed out, "Kyrgyzstan has almost no strategic resources. But we do have an international image as an "island" of democracy in Central Asia. We mustn't jeopardise that."<sup>17</sup> The ability of ambassadors to affect domestic politics is limited, largely because they are physically removed from the country and voters — and also from each other. However, given that most of them are well known at home, some may enter, or re-enter politics in the future and use the diplomatic service as an effective stepping-stone to a more prominent political career.

The rotation of appointed positions, the president's fondness for sweeping changes of cabinet ministers and efforts to marginalize potential opponents may all be taking a toll on the government. A former top-level official from the presidential administration, Ishembai Kadyrbekov, who is now an independent member of parliament, argues that Akaev's successful approach to balancing various regional and political groups began to erode in 1995: "In the early 1990s Akaev gathered a team of skilled people, who all supported his policies. He also enjoyed the support and respect of the government and the Parliament as well as the widespread support of the people. With time, however, he started pushing these very people away and now only has a handful of people on whom he can rely for support."<sup>18</sup>

In such an environment, the president continues to place a premium on loyalty. The current Minister of Finance, Temirbek Akhmataliev, is viewed as one of the politicians closest to and most loyal to Akaev. Akhmataliev started his career as a collective farm accountant and later served as governor of Osh.

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<sup>14</sup> ICG interview with Gulmira Temirbekova, assistant to "Coalition NGO", Talas, 24 April 2001.

<sup>15</sup> Andrew Clark: "Five Star Headache: Hyatt Discovers the Pitfalls" *The Guardian*, London, 16 May 2001.

<sup>16</sup> *RFE/RL Newslines*, Vol. 5, No. 110, Part I, 11 June 2001.

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<sup>17</sup> Sultan Jumagulov, "Diplomats challenge Akaev," *Reporting Central Asia* (London: Institute for War and Peace Reporting), No. 13, 28 July 2000.

<sup>18</sup> ICG interview, Bishkek, 28 April 2001.

Askar Aitmatov, Chief of the International Department of the Presidential Administration, is also a confidant of Akaev, and both men are seen to be rising stars on the political scene.

**Internal Opposition:** Given the high turnover in presidential appointments and the continuing efforts by the president to weaken rivals, the loyalty of Akaev's inner circle of supporters is often subject to question. The president certainly has critics among both die-hard Communist apparatchiks and more progressive reformers. Absamat Masaliev, the first secretary of the Party of Communists of Kyrgyzstan, suggests that it is difficult to judge either the number of dissenters within the administration or how they will respond to continuing tensions within the government.<sup>19</sup> Melis Eshimkanov, the leader of the People's Party, suggests that the Ministry of Foreign Affairs continues to serve as the most active wellspring of internal opposition to the president.<sup>20</sup>

The presidential administration continues to be dominated by members of the Soviet-era nomenklatura. Key former Communist hard-line members of the government are said to have close links with both Russia and Uzbekistan, and share those countries' disapproval of Akaev's efforts to lean toward the West. President Karimov of Uzbekistan, and some of the other former Soviet leaders, quite apparently dislike Akaev and would prefer to see him replaced with a more compliant successor. Melis Eshimkanov of the People's Party speculates that there is still potential for a Communist backlash in Kyrgyzstan<sup>21</sup> — some form of "red revenge" — but Absamat Masaliev, the leader of the Kyrgyz Party of Communists, thinks that most of the members of the Communist Party who defected to the presidential administration are far more driven by personal ambitions than ideological fervour.<sup>22</sup>

Dooronbek Sadyrbaev, the leader of the Kairan El Party, argues in a similar vein that most appointees operate largely on the basis of self-

enrichment.<sup>23</sup> He claims that many high-ranking officials have siphoned off millions of dollars of government funds and that personal power and wealth are the foremost concerns among those surrounding the president. If true, there would be limited incentive for those in positions of power to upset the current system. Corruption of this kind is also alleged to benefit Akaev by allowing him to hold compromising materials on many in his administration and so discourage them from defecting or challenging his rule from within.

Others suggest that while a strong opponent may not emerge from within the ranks of the administration, the president's confidants might not be eager to go down with a sinking ship. Omurbek Tekebaev, the leader of the Ata Meken Party, insists that many working for the president are not loyal and would defect if a real alternative emerged.<sup>24</sup> Others, such as Alevtina Pronenko, the deputy leader of the People's Party, assess the situation as more complex, arguing that since the opposition would not be likely to welcome the president's people, those in the executive branch have clear incentives to defend the president.<sup>25</sup>

There is some speculation that Akaev, as a result of widespread criticism both at home and abroad, may choose to step down ahead of the elections in 2005. Prior to doing so, he would identify his successor and conclude an agreement with him similar to the one made between Yeltsin and Putin in Russia. In an official statement issued in August 2001, Akaev declared that he would not seek a new term and would instead focus the next four years on preparing a suitable successor, as yet unnamed.<sup>26</sup> Unlike Yeltsin, however, Akaev is in good health and the weak Kyrgyz opposition is not in a position to challenge him. What is more, President Akaev has reversed his position on this subject in the past. Rumours circulated in the parliament during the summer of 2001, that the president would call a referendum this autumn to extend his presidency from five to seven years — on the grounds that the economic situation requires extraordinary measures and political stability.

<sup>19</sup> ICG interview, Bishkek, 30 April 2001.

<sup>20</sup> ICG interview, Bishkek, 29 May 2001.

<sup>21</sup> ICG interview, Bishkek, 30 April 2001.

<sup>22</sup> Ibid.

<sup>23</sup> ICG interview, Bishkek, 29 May 2001.

<sup>24</sup> ICG interview, Bishkek, 1 June 2001.

<sup>25</sup> ICG interview, Bishkek, 2 May 2001.

<sup>26</sup> *RFE/RL Newsline*, Vol. 5, No. 156, Part I, 17 August 2001.

There have also been suggestions that a member of Akaev's own family may succeed him in the presidency. Akaev's wife is said to nurture political ambitions and could be a potential successor. Others point to the president's decision to appoint his son Aidar as an advisor to the Minister of Finance as a possible sign that he is being groomed for the top position.<sup>27</sup> Akaev's eldest daughter, Bermet, who has relatively liberal views and international work experience, would also be a plausible candidate for a family succession. None of these figures appears to have the authority to make a popular leader, but it is possible that the same confluence of interests that has maintained Akaev's power for the past ten years would ensure the succession of a family member. Yet a hand-over of power within the Akaev family has not yet been overtly prepared, and such an attempt would likely stir up considerable public anger.

## B. PARLIAMENT

The legislature of Kyrgyzstan, the *Jogorku Kengesh*, is divided into upper and lower houses. The upper house, or Legislative Assembly (*Miyzam chigaru palatasi*), consists of 45 directly elected regional members representing the country's six provinces and the city of Bishkek. The lower house, or Assembly of People's Representatives (*El öküldör palatasi*), has 60 elected seats based on districts and their respective population.<sup>28</sup> Party identification remains remarkably low – roughly 70 per cent of the current members of parliament ran as independent candidates.<sup>29</sup>

The last parliamentary election was held in two rounds on 20 February and 12 March 2000. Courts banned four of the fifteen participating political parties from putting forward their slates based on technicalities passed into law the year before. Those banned included three of the most popular opposition parties: the People's Party, the

Dignity party and the Democratic Movement of Kyrgyzstan. The government also made it difficult for certain individual opposition candidates to register, as it did again later in the presidential election. The OSCE election observers found the "pre-election period was marred by a high degree of interference in the process by state officials, a lack of independence of the courts" and the "selective use of legal sanctions against candidates."<sup>30</sup>

The relationship between the parliament and presidential administration is strained. The use of referenda by Akaev to rewrite the constitution is seen by most legislators as a concerted effort to reduce their influence. Alevtina Pronenko, the deputy leader of the People's Party insists, "We have practically no real powers. Until 1995 we approved all ministerial appointments. Since 1996, however, we only approve the Prime Minister. The 1998 referendum also deprived us of the right to pass laws regarding the budget. The parliament is not in a position to do anything. We cannot start impeachment proceedings against the president or demand that the government resign. We have been turned into a working cabinet for the government."<sup>31</sup>

Parliamentarians belonging to the organised opposition are in a decided minority, and a number of structural factors have kept them from becoming a more effective voice. Their ability to mobilise the public against the executive branch is limited both as a result of both government restrictions on the right to assembly and limited access to the media. Furthermore, not even the more popular parties have developed effective grassroots structures — a vital component in mobilising support for legislative action.

Independent legislators are also vulnerable to pressure from the executive branch. Both Jypar Jeksheev, leader of the Democratic Movement Party, and Giaz Takambaev, leader of the Republican Party, maintain that the administration has used a variety of tactics to induce deputies to vote in a manner favourable to the president.<sup>32</sup> Reliable sources claim that the Prosecutor's office has

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<sup>27</sup> The government paper *Kyrgyz Tuusu* suggested on 5 January 2001 that Aidar Akaev may ascend to the presidency, see *RFE/RL Newslines*, Vol. 5, No. 24, Part I, 5 February 2001.

<sup>28</sup> The distribution of deputies by chamber was changed from 70-35 to 60-45 as a result of amendments to the Constitution approved by referendum in 1998.

<sup>29</sup> See Appendix A, Parliamentary Election Results.

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<sup>30</sup> OSCE/Office for Democratic Institutions and Human Rights, "Kyrgyz Republic: Parliamentary Elections 20 February & 12 March 2000," available at: <http://www.osce.org/odihr/election/kyrg00-1-final.htm>.

<sup>31</sup> ICG interview, Bishkek, 2 May 2001.

<sup>32</sup> ICG interviews Bishkek, 31 May 2001 and 2 June 2001.

prepared cases for tax evasion and other matters against several members of parliament who are businessmen, and that the presidential administration has made clear to the deputies that these cases may be activated should deputies fail to take into consideration Akaev's "recommendations".

The leader of the *Moia Strana* Party, Joomart Otorbaev, argues that although the Legislative Assembly's powers are limited, the chamber is gradually becoming more independent of the executive.<sup>33</sup> Despite its limited powers the parliament has on occasion still managed to mobilise against the president, and Melis Eshimkanov of the People's Party claims that the success of the parliament is best seen in the frequent criticisms that the pro-government press has levelled at the parliament during mid-2001.<sup>34</sup>

Territorial and border disputes with neighbouring China have presented the parliament with a rare opportunity to show its independence and strength. The parliament demonstrated unity in early May 2001 when voting against the memorandum signed by Kyrgyz Prime Minister Kurmanbek Bakiev and Uzbek Prime Minister Ötkir Sultanov on 26 February 2001. This memorandum, leaked to the press, would have made territorial concessions to Uzbekistan, granting that country a corridor of land to one of its enclaves (Sokh) within Kyrgyzstan. The parliament also voiced its disapproval of agreements signed with China in 1996 and 1999, which if ratified would have given Beijing more than 100,000 hectares of remote mountain territory. The 1999 agreement was only discovered by the parliament when it was leaked to the public. There have been suggestions that Akaev made the territorial concessions in exchange for Chinese support of his 2000 presidential bid and the provision of military assistance and new road links.

The Chinese border agreements are currently being debated by the parliament. A parliamentary delegation travelled to the disputed areas in May 2001 for an inspection, and legislators were still trying to obtain copies of the two agreements as of August. There is also some confusion as to

whether the initial 1996 agreement with China was properly ratified by the previous parliament. The executive claims that the agreement was ratified by parliament in 1998, but it has so far been unable to produce a formal record of such a vote. The executive branch has largely ignored attempts by parliament to get more information about the agreements. Tensions between the executive and parliament were further increased in early July, when the Foreign Minister, Muratbek Imanaliev, and the Speaker of the Legislative Assembly of the *Jogorku Kengesh*, Abdygany Erkebaev, attended a meeting on the Chinese border dispute arranged by the Human Rights Movement of Kyrgyzstan. Members of parliament boycotted the meeting.

Expressing its disapproval of these potential land deals, parliament was able to portray itself as a strong defender of the national interest, while working to dispel some of Akaev's claims that legislators and opposition figures were too weak to deal with regional security issues. Some parliamentarians even suggested that impeachment procedures should be initiated against the president, insisting that under article 58 of the Constitution only the parliament has the right to conclude border agreements with neighbouring countries. Similarly, article 7 of the Law on International Agreements makes it clear that the relevant committee in parliament must discuss any international agreement prior to its formal conclusion. The administration's handling of the border agreements appear to be in violation of these articles.

Despite the calls for impeachment, such a step seems unlikely. In all probability, not only would an impeachment resolution be difficult to pass, but it would leave the president well positioned to dissolve parliament in retaliation. It is doubtful that a majority of deputies would vote in favour of impeachment — given that most are Akaev supporters. What is more, since the debate on the Chinese border agreements has been postponed until the parliament returns to session in September 2001, the president has had plenty of time to "consult" with deputies and to soften the parliament's position. Should an impeachment vote fail to get the necessary support, the parliament would automatically be dissolved and new elections called, and there is obviously no guarantee that all deputies would retain their seats. Thus some deputies would probably resist the temptation to vote against Akaev at least out of desire to retain office, while others

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<sup>33</sup> ICG interview, 30 April 2001.

<sup>34</sup> ICG interview, Bishkek, 29 May 2001.



have considerable financial interests in seeing the president remain in power.

For impeachment to go ahead, a majority of the deputies in the Legislative Assembly would need to vote in favour. A special legislative commission would then look into the circumstances surrounding the case after which charges against the president would be forwarded to the Constitutional Court for its assessment. Only if the Constitutional Court rules that the accusations are valid can a parliamentary vote go ahead, and this subsequent vote would require a two-thirds majority of the deputies and would need to be passed within two months of the parliamentary committee completing its work. Should the Constitutional Court make a negative assessment of the charges, the parliament would be dissolved and new elections called. So even if the required number of deputies voted in favour of initiating impeachment proceedings, the Constitutional Court would have to establish that the president violated the Constitution by signing the agreement with China. Given that all of the Constitutional Court justices owe their candidacy for this position to Akaev, they would certainly be expected to rule in his favour.

Others contend that it would be difficult for the Constitutional Court to ignore a parliamentary vote and popular pressure would make it difficult to dismiss the issue out of hand. Some observers argue that while most legislators know that impeachment procedures would lead nowhere, it is still important for the opposition to show to the people that they are against the agreement with China. As Melis Eshimkanov, leader of the People's Party, notes, "Newspapers writing about the impeachment discussions in parliament help people see that 'the little dog is barking at the elephant'."<sup>35</sup>

The president, on the other hand, maintains significant leverage over the parliament. He could call a referendum to amend the Constitution in an effort to derail an impeachment and to strengthen his powers further. Akaev has been rumoured to be planning a referendum in the fall of 2001 to extend his term. Two other measures are also frequently mentioned as likely to be included in such a

referendum: a measure to change the legislature from a bicameral to a unicameral body and a proposal to allow 50 per cent of the deputies to be elected from party lists.<sup>36</sup> These two issues enjoy considerable support even among opposition members. "Bundling" of unrelated issues in previous referenda has been a tactic to facilitate the passage of less popular measures. In this case, Akaev might believe the tactic could smooth the path to an extension of his presidency. There is no guarantee, however, that the additional measures endorsed by a referendum, would actually strengthen the role of parliament.

It appears that the president will continue to hold the upper hand over the parliament. Because the executive branch — largely backed by a compliant judiciary — enjoys such clear advantages in power, it does not seem likely that a conflict would erupt because of a direct showdown. However, public anger over the handling of territorial negotiations with Uzbekistan and China has increased tensions that may manifest themselves in unpredictable ways. Should the parliament ratify the agreements with China, there may be a popular backlash in the next round of parliamentary elections. Should such elections be subject to the same type of government interference that marred the 2000 parliamentary and presidential contests, public unrest might be a direct result. Other hot-button issues could also inflame the public, such as corruption, the bad economy, or ethnic tensions. Demonstrations were held last year in areas where well-known politicians were blocked from the ballot. Ultimately opposition politicians may decide that mustering public anger against the president on the streets is easier than competing with the executive branch on unequal playing field of institutionalised politics.

### C. THE JUDICIARY

Kyrgyzstan's judiciary has yet to develop as an independent and effective branch of government. The failure to develop this "third leg" of the democratic system has allowed Akaev and his supporters to revert consistently to extra-legal means to target political opponents and the free press.

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<sup>35</sup> ICG interview, Bishkek, 29 May 2001.

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<sup>36</sup> The opposition frequently argues that increasing the number of deputies of the Jogorku Kengesh elected from party lists would strengthen the political parties in Kyrgyzstan and also enhance their political role.

Courts have been used to manipulate election results, to constrain the media, and to issue damaging verdicts against individuals — including members of the opposition. Such blatant use of the courts as a political tool has the clear potential to destabilise the political situation.

Further, Kyrgyzstan's failure to embrace the rule of law has devastating implications for the country's economic prospects. Without a functioning and effective legal system, investors will remain wary, corruption will flourish, and the benefits of the economic reform process will continue to be skimmed off by a narrow elite. According to a poll carried out by the World Bank, 80 per cent of the public do not trust the courts.<sup>37</sup> Trapped within such a system, people may feel that they have little recourse other than violence. Opposition deputy Ishembai Kadyrbekov summed up the acute frustration of many when he complained that the entire legal system is under the control of the president: "The regime is supported by force and not by the public. It should be labelled either a dictatorship or an authoritarian regime."<sup>38</sup>

**The Problem: Dependent Kyrgyz Courts.** Until constitutional changes in 1993, judges were appointed by parliament. While it is common in many democracies for the executive branch to appoint judges, in Kyrgyzstan there is broad agreement that the judiciary often functions in effect as a tool of the presidency. Shamarai Maichiev, President of the National Legal Corporation<sup>39</sup> says, "Judges cannot be independent as they are appointed by the president, funded by the budget and given salaries below the minimum wage."<sup>40</sup> Many

judges remain fearful of losing their jobs, and unemployment rates among lawyers are high. Maichiev also notes that there are about 25,000 lawyers, but only about 1,000 practise law and there are very few vacancies in the court system. Joldosh Kyrymbekov, a deputy prosecutor in Isik-Köl Province characterised the judges' predicament: "If you have four children and a poor salary, then what can you do?"<sup>41</sup>

Judges are appointed for terms of four to seven years, and their licences may be revoked after three years, making them further vulnerable to pressure from the executive branch. Akaev announced on 18 May 2001, that judicial salaries will be raised 50 per cent as of 1 January 2002 and that judges will receive public housing and an official car.<sup>42</sup> However, these benefits will barely keep pace with inflation, and will not address the core problem of the executive branch's inclination to interfere with the judiciary.

How Kyrgyz society regards the rule of law is still heavily influenced by the Soviet period when many judges and lawyers grew accustomed to subservience to the government. Kachike Esenkanov, a member of the Constitutional Court, maintains that many lawyers remain "dependent" as a result of, "having been educated and having worked in a Soviet system" where they were highly susceptible to pressure from state political authorities.<sup>43</sup> Marat Sultanov, the chairman of the Pervomaisk district court makes a similar point: "We cannot all become independent all of a sudden. We have to educate ourselves."<sup>44</sup>

The system remains ripe for abuse. It is widely acknowledged that judges frequently find themselves under pressure from high-ranking officials and bribery is common. No mechanism is in place for dismissing judges who have either violated the code of honour or broken the law. The Council of Lawyers<sup>45</sup> rules on such violations and

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<sup>37</sup> *Slovo Kyrgyzstana* (Bishkek), "Askar Akaev. Bez vysochaishei spravedlivosti net pravosudiia [Askar Akaev: without the highest level of fairness there is no justice]," *Slovo Kyrgyzstana*, 24 May 2001, p. 3.

<sup>38</sup> ICG interview, Bishkek, 28 April 2001.

<sup>39</sup> The National Legal Corporation is a commercial company that was founded in November 1998 by two lawyers. It provides consultations on legal issues, defends people in court and assists organisations wishing to register with the Ministry of Justice, among other things. The National Legal Corporation should not be confused with the Association of Lawyers, which is an organisation defending the interests of lawyers in Kyrgyzstan. ICG telephone interview, 14 August 2001.

<sup>40</sup> ICG interview, Bishkek, 1 June 2001.

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<sup>41</sup> ICG interview, Karakol, 3 May 2001.

<sup>42</sup> Kurbat Otorbaev, "Corrupt Kyrgyz courts," *Reporting Central Asia* (London: IWPR), No. 57, 22 June 2001, available at: [http://www.iwpr.net/archive/rca/rca\\_200106\\_57\\_3\\_eng.txt](http://www.iwpr.net/archive/rca/rca_200106_57_3_eng.txt).

<sup>43</sup> ICG interview, 30 May 2001.

<sup>44</sup> ICG Interview. 30 May 2001.

<sup>45</sup> The Council of Judges consists of 23 judges: two judges from each province in addition to judges from the Supreme Court, the Supreme Court of Arbitration, the Supreme

has the right to request that the commission that licenses judges — the Attestation Commission, whose ten members are appointed by the president — reconsider the accreditation of a judge who has violated standards of professional conduct. However, the commission has never revoked a licence and there is little otherwise in the current legal system to discourage corrupt practices.

The frequent changes in constitutional and other laws since independence has also made it difficult for lawyers and judges to keep up-to-date and some directly contradictory laws are still on the books.<sup>46</sup> This, however, pales into insignificance when compared to the role of corruption in the judiciary. As Shamarai Maijiev, President of the National Legal Corporation laments, "Laws can be bought with money or connections in our country."<sup>47</sup>

***The Judiciary and Politics.*** The role of the judiciary in the parliamentary elections of February/March 2000 and the subsequent presidential contest deserves special attention. The OSCE observed that courts all the way up to the Supreme Court, took "actions aimed at excluding particular political forces from competing in the election."<sup>48</sup>

Three prominent opposition politicians — Daniyar Usenov of the People's Party and two independents, Ishembai Kadyrbekov and Marat Kairov, all ran afoul of the courts on the eve of the parliamentary elections. In the cases of Usenov and Kadyrbekov, charges were brought against them for incidents several years back. Usenov was accused of assault in 1996 — although the person he was alleged to have assaulted had dropped the charges and made a public statement to that effect. Nevertheless, the

charges were reactivated and Usenov was effectively prevented from standing for election. Kadyrbekov's case dated back to 1998 when he was alleged to have broken the finger of the leader of the Democratic Party of Women, Tokun Shalieva. The court eventually imposed a restriction order on Kadyrbekov, preventing him from leaving Bishkek. Because he was registered as a candidate in Narin Province, he was effectively stopped from campaigning. Despite all this, Kadyrbekov was elected.

The courts attempted to deregister two other prominent opposition leaders — Omurbek Tekebaev of the Ar-Namis party, and Itshakh Masaliev of the Communist Party — between the first and the second round of voting, but failed. However, both the leader of the Democratic Movement of Kyrgyzstan, Jypar Jeksheev, and Ar-Namis member Omurbek Subanaliev were deregistered. Emil Aliev — former Vice President Feliks Kulov's chief campaigner — was detained by the Ministry of the Interior three days before the second vote in connection with an incident dating back to 1995. He was only released a week after the elections and was thus prevented from carrying out his duties. Kulov himself won the first round of parliamentary elections, but lost the second round under dubious circumstances. In a gesture rarely seen in Central Asia, the chairwoman of the election commission in his district resigned from her post in protest. She claimed in a public statement that she had been put under intense pressure by the local authorities to ensure that Kulov would not make it to parliament.<sup>49</sup> For over a month, voters throughout the country staged daily protests against the conduct and the outcomes of the runoff elections. This highlights the growing public frustration by the citizens of Kyrgyzstan with the government's efforts to manipulate the electoral process.

Since the parliamentary elections, a number of leading politicians opposed to Akaev's rule have either been put in jail, such as former Vice President Kulov and the leader of the Erkindik Party, Topchubek Turgunaliyev, or had continuing problems with the courts, such as Daniyar Usenov of the People's Party. Yuri Maksimov, one of Kulov's defenders, claims that he can, "prove that opposition leaders such as Feliks Kulov and Topchubek Turgunaliyev were framed," adding that "judicial

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Military Court and the Constitutional Court. The Council of Judges is elected every two or three years by the Congress of Judges. ICG telephone interview with Marat Seitbaevich Sultanov, Chairman of the Pervomaisk Regional Court, Bishkek, 14 August 2001.

<sup>46</sup> ICG interview, Zootbek Choroevich Kudaibergenov, Prosecutor, Batken Province, Batken, 20 April 2001.

<sup>47</sup> ICG interview, Bishkek, 1 June 2001.

<sup>48</sup> OSCE/Office for Democratic Institutions and Human Rights, "Kyrgyz Republic: Parliamentary Elections 20 February & 12 March 2000."

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<sup>49</sup> Ibid.

repression of dissidents has reached epidemic proportions in this country.”<sup>50</sup>

Both Feliks Kulov and Topchubek Turgunaliyev, who was released from prison in August 2001,<sup>51</sup> may yet return to the political scene, but as long as Akaev is in power, the government will likely act to make sure they are marginalized. Akaev is rumoured to be contemplating amnesty for both men on 31 August (the 10th anniversary of Kyrgyz independence) — to appease the international community. However, this would come with a catch: if amnestied, their convictions would still prevent them from seeking political office. Both Turgunaliyev and Kulov could be catapulted back into politics if public unrest escalates, but at the moment this appears unlikely.

**The Judiciary and the Media:** Court cases against the media have proliferated during the last several years, with libel being the most frequent charge. Government officials and pro-presidential politicians have brought the majority of these cases. For example, former Minister of National Security Misir Ashyrkulov has sued newspapers such as *Komsomolskaia pravda v Kyrgyzstane* and *Delo №* for libel. Even judges have taken journalists to court. Judge Toktosun Kasymbekov from Jalal-Abad took journalist Moldosay Ibraimov to court for an article printed in *Akikat* that accused the justice of taking a U.S. \$15,000 bribe. On 19 June 2000, Ibraimov was sentenced to two years in prison. He was also given a fine of 107,000 söms (U.S.\$2,257), whereas *Akikat* was ordered to pay 100,000 söms (U.S.\$2,109) in damages. The provincial court a month later reduced the fine imposed on Ibraimov to 10,000 söms (U.S.\$211) and made his prison sentence conditional. Following an appeal from judge Kasanbekov, however, the Supreme Court referred the case back to the provincial court, which on 13 March 2001 upheld the judgement of the Jalal-Abad city court, though the prison sentence was left as conditional. Ultimately, following the intervention of the governor, Judge Kasanbekov

withdrew his charges and requested that the sentence against Ibraimov be annulled.

Until 1996, it was very difficult to take newspapers to court for libel, as plaintiffs had to pay ten per cent of desired damages in taxes before a case could be initiated. This changed after a series of cases where the media criticised members of parliament, when the legislature decided to remove the tax requirement. In November 1997, Akaev urged that libel be made a civil and not a criminal matter, but the parliament has not endorsed this provision, and despite the 1998 referendum that included articles on press freedoms, libel remains part of the criminal code. Even if libel does become an issue for civil courts, there are still risks that the government and powerful figures could abuse it to silence the press.

The large sums of money routinely granted in such cases have had a chilling effect on the media. Former first secretary of the Soviet-era Communist Party of Kyrgyzstan, Turdakun Usubaliyev (now widely viewed as a presidential supporter), demanded more than U.S.\$1 million from *Asaba* in August 2000 for the damage the newspaper had inflicted upon his dignity and honour over the last eight years. He was eventually awarded \$105,000, which led lawyer Yuri Maksimov to complain, “Instead of administering justice, the courts always rule unreservedly in favour of affluent people, whenever their interests are threatened.”<sup>52</sup>

Newspapers have struggled to pay large fines, and a number involved in such cases have closed either temporarily or permanently. *Res Publica*, for instance, was forced to sell its furniture last year in an attempt to cover a U.S.\$4,200 award to the then president of Kyrgyz State Television and Radio, Amanbek Karypkulov. In February, the state printing house Uchkun was ordered to halt printing of *Res Publica* until the paper had paid in full. The newspaper *Delo №*, according to its deputy editor Svetlana Krasilnikova, has recently lost five court cases and is also having problems paying court-imposed awards.<sup>53</sup>

Zootbek Kudaibergenov, the prosecutor for Batken Province, acknowledges that the media law “is a bad

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<sup>50</sup> Kurban Otorbaev, “Corrupt Kyrgyz courts,” *Reporting Central Asia* (London: IWPR), No. 57, 22 June 2001.

<sup>51</sup> Sultan Jumagulov, “Kyrgyz opposition figure freed,” *Reporting Central Asia* (London: IWPR) No. 66, 22 August 2001

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<sup>52</sup> Ibid.

<sup>53</sup> ICG interview, Bishkek, 26 April 2001.

law, but it is still a law and it must be followed.”<sup>54</sup> In private discussions, some journalists have noted that as long as the newspapers print accurate information, they are not in danger of being closed. The chairman of the parliamentary committee on questions of the state and mass media, Kabai Karabekov (himself a well-known journalist) also argues that journalists and politicians alike need to share the blame: journalists suffer from a lack of professionalism while politicians and government officials are too thin-skinned.<sup>55</sup>

The popular opposition paper *Asaba* has probably suffered the most from its run-ins with the court system, although not always due to libel charges. In 2000, *Asaba* was taken to court by Lion Technics, a private company, for defaulting on a 1994 loan. Although the case was controversial, the Arbitration Court ordered *Asaba* to pay slightly more than U.S.\$22,000 to the company. As the paper could not afford this settlement, operations were suspended by a district court on 6 March 2001, and bankruptcy proceedings were initiated a short time later.<sup>56</sup>

#### D. THE PUBLIC

It would be a mistake to interpret Akaev's comfortable election margins as a broad mandate of support from the people. Indeed, many argue that Akaev is not particularly popular. Speaking anonymously, a local journalist insisted, "People do not like Akaev, but they see no alternative."<sup>57</sup> Valerii Uleev, the director of the human rights NGO *Spravedlivost*, says, "The Kyrgyz people do not see any results from Akaev's policies. They are tired of him, though an alternative will not emerge for a long time since Kyrgyzstan does not have charismatic leaders."<sup>58</sup> Tolekan Ismailova, the Chairman of the "Coalition NGO" echoes the same theme: "Our tragedy is that the authorities do not understand that people want a different kind of life."<sup>59</sup>

**Poverty:** Widespread poverty is fuelling much of the discontent with Akaev's rule. The World Bank estimates per capita gross national product to be less than \$300 annually. Over 60 per cent of the population lived below the official poverty line in 1998,<sup>60</sup> and as noted earlier, some local estimates are even bleaker. The minimum wage is \$2 a day, and staggering hyperinflation in the early post-independence period wiped out the lifetime savings of most families. The cost of living increased by 17 per cent in 2000 alone, and the social safety net for pensioners, the sick and government employees has largely collapsed. Even basic necessities such as gas and electricity have become increasingly out of reach for many families.<sup>61</sup>

Alevtina Pronenko, the deputy chairman of the People's Party, argues, "Poverty is very dangerous and it is impossible to predict what it may trigger. People are very patient and there are still those who hope for better times. But what happens when these people realise that their hopes are in vain"?<sup>62</sup> Jypar Jeksheev, chairman of the Democratic Movement Party, makes the stakes clear: "A social explosion is entirely feasible. People are disillusioned and they cannot do anything to improve their lot."<sup>63</sup>

While the government deserves credit for pushing through an ambitious agenda of economic reform, the danger is that it will stop mid-stream, failing to take the urgent steps needed to complete the transformation to a market economy that is able to generate lasting growth. Most important, the government needs to address the intertwined issues of the rule of law and corruption. Without a functioning and independent judiciary, accompanied by a genuine effort by the government to crack down on the corruption that is siphoning off

<sup>54</sup> ICG interview, Batken, 20 April 2001.

<sup>55</sup> "The Kyrgyz Presidential Elections October 2000: Final Report" (Dusseldorf: The European Institute for the Media, 2001).

<sup>56</sup> *RFE/RL Kyrgyz News*, 18 April 2001.

<sup>57</sup> *Journalist*, 3 May 2001.

<sup>58</sup> ICG interview, Jalal-Abad, 24 May 2001.

<sup>59</sup> ICG interview, Bishkek, 27 April 2001.

<sup>60</sup> World Bank, "Kyrgyz Republic Country Brief" (Washington, DC: September 2000).

<sup>61</sup> See O. Duisheev, MP, "Kyrgyzskii narod vprave zhit' dostoino, bezbedno [The Kyrgyz people are entitled to live in dignity and not in poverty,]" *Res Publica*, 3 April 2001, p. 5; *Res Publica* (Bishkek), "Obnishchanie naseleniia grozit' Kyrgyzstanu sotsial'nym vzryvom [The impoverishment of the population threatens Kyrgyzstan with a social explosion,]" *Res Publica*, 3 April 2001, and *Res Publica* (Bishkek), "Korrupsiia goschinovnikov — prichina nishchety naroda [The corruption of the government officials is the cause of the poverty of the people,]" *Res Publica*, 22 May 2001, p. 6.

<sup>62</sup> ICG interview, Bishkek, 2 May 2001.

<sup>63</sup> ICG interview, Bishkek, 31 May 2001.

resources, average citizens will continue to bear the brunt of the country's economic woes. A coherent approach to reform is made more difficult by the continuous process of rotating officials in the economic ministries, including often officials with marginal economic credentials. The government will need to recognise that the patience of international donors is wearing thin for providing assistance to a distant country of limited strategic importance that fails to address corruption and continues to become more authoritarian. Kyrgyzstan is heavily dependent on aid, and the economy could well go into a free fall that would take Akaev along with it, if foreign aid were substantially curtailed. External debt in 1999 was at U.S.\$1.2 billion – just under 100 per cent of GDP – and required payments of U.S.\$117.2 million. The country received 54.8 dollars of aid for each person against a per capita income of 265 dollars.<sup>64</sup>

Some positive steps are being taken. Akaev recently organised a seminar on poverty in Osh after designating the province as a pilot area for efforts to improve national living standards. He also has promoted a long-term program aimed at improving the economic situation. Yet such measures will be no substitute for a multi-party democracy, an independent judiciary, a free press and a serious anti-corruption campaign. For a country with an urgent need to reschedule its heavy debt burden, the government's current tack could prove disastrous.

The real danger of the simmering public discontent with the economic situation is, as Melis Eshimkanov, the leader of the People's Party, puts it, "If the Kyrgyz people rise up, they will listen to no one."<sup>65</sup> Or as Jypar Jeksheev, the leader of the Democratic Movement Party, put it: "When an apple is not quite ripe, it will not fall no matter how hard the tree is shaken. When ripe, however, it doesn't take much to cause it to fall. Akaev has passed many decisions that were not well-received and if he continues with this, he

may well at some point move beyond the point of peoples' tolerance."<sup>66</sup>

While many observers have seen the greatest likelihood for crisis in the south of Kyrgyzstan, Jeksheev notes, "A little spark, be it in the south, in Bishkek, Talas or Isik-Köl, may result in something. Social conflict could break out in any of the regions because the social situation is the same everywhere." Tursunbai Bakir uulu, the leader of the ErK Party, warned that people might take to the streets in October 2001 as a result of expected increases in food prices.<sup>67</sup>

The government's plans to privatise the state electricity company (Kyrgyzenergo) — one of the most profitable companies in the country — also has the potential to generate considerable public anger if not handled well.<sup>68</sup> This issue was still being debated in parliament as of August 2001.

A number of politicians have accused the government of exaggerating the threat of Islamist extremism to cover up its poor economic management. Joomart Otorbaev, leader of the Moia Strana Party, comments, "The image of the enemy is being used in Kyrgyz politics today. Akaev is channelling huge sums of money to the army. People are very poor, but the authorities cannot help them since the available resources have to be spent on preventing the Islamist fighters from taking control in the South."<sup>69</sup>

Scattered public protests over social conditions have occurred since the fall of 2000. In November 2000, pensioners in Narin took to the streets to protest deteriorating living standards. In January 2001, a picket was organised in front of the building of the provincial administration in Narin to protest delays in poverty payments (U.S.\$3 a month). On 1 May 2001, residents of Jalal-Abad demonstrated against deteriorating living standards in the country, and several of the participants were arrested and released later in the day. A similar protest was also held in Bishkek.

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<sup>64</sup> World Bank. Kyrgyz Republic Data Profile at <http://devdata.worldbank.org/external/CPProfile.asp?SelectedCountry=KGZ&CCODE=KGZ&CNAME=Kyrgyz+Republic&PTYPE=CP>. Latest figures are for 1999.

<sup>65</sup> ICG interview, Bishkek, 29 May 2001.

<sup>66</sup> ICG interview, Bishkek, 31 May 2001.

<sup>67</sup> ICG interview, Bishkek, 31 May 2001.

<sup>68,69</sup> The Bishkek-based Bureau on Human Rights and the Rule of Law has submitted a formal protest to the World Bank against its requests to the Kyrgyz authorities for extensive privatisation of state assets, including Kyrgyzenergo.

<sup>69</sup> ICG interview, Bishkek, 30 April 2001.

A meeting to protest the closure of the *Asaba* opposition newspaper was planned for Bishkek on 30 March 2001. At the last moment, it was rescheduled for 13 April, but some 250 people showed up at the Gorky Square on 30 March anyway. A Bishkek municipal law prohibits demonstrations in areas other than this location and city authorities have forbidden demonstrations on weekends or public holidays, which many opposition figures believe violates article 2 of the Constitution, allowing for the freedom of expression.

Most of those who showed up for the gathering were not political activists but street-traders and pensioners. Their demands were distinctly social, and not political. One protestor reportedly complained that none of the country's natural resources benefited common citizens, "The Kyrgyz people are worse off than other people in the CIS. The government is strangling the people."<sup>70</sup> Absamat Masaliev, leader of the Party of Communists, aired similar complaints: "Eighty-five per cent of our country is poor, hundreds of enterprises are not working and everything has been sold or stolen." Masaliev also argued, "*Asaba* wrote about all these issues and its closure is advantageous to those who do not want the people to know the truth."<sup>71</sup>

Although such protests have been small in scale, and usually poorly organised, authorities are clearly concerned. The authorities are increasingly adopting security precautions to contain this threat, such as heavy police presence at demonstrations, yet it is doubtful whether this could be effective if the situation deteriorates. Sheer frustration with economic conditions was cited again and again by those interviewed for this report as the most likely spark for a conflict that could quickly spread out of control.

**Ethnic Relations, Borders and Islamist Movements:** Ethnic relations, border tensions and Islamist movements have further exacerbated security concerns, particularly in the southern part of the country. There have not been major

incidents of violence between ethnic Kyrgyz and ethnic Uzbeks since riots in 1990 shook the cities of Osh and Özgön.<sup>72</sup> Concerns about a reoccurrence of ethnic conflict, however, have been a steady undercurrent of life. For example, in the summer of 2001 rumours were circulating that ethnic violence would soon break out in Özgön or Osh, possibly at the main bazaars. An incident this spring underscored the brittleness of the situation. On 1 May 2001 in Özgön, several teenagers rushed to the bazaar and raised the alarm that bearded Muslim fighters had arrived in the city. Traders fled the market in panic, leaving their goods behind. The teenagers turned out to simply be petty criminals who looted the stalls once the traders left. However, the incident does highlight the potential for small incidents to quickly turn serious which is particularly the case when tensions have an ethnic overlay.

One source of tensions is the fact that Uzbeks have been largely shut out of the political process. Because mayors and governors have been appointed rather than elected, Uzbeks often feel they are poorly represented even in areas where they form a local majority. Some people claim that the Party of National Unity and Concord, whose membership is about 95 per cent Uzbek, represents the interests of the roughly 650,000 Uzbeks living in southern Kyrgyzstan, although the party does also have some Kyrgyz and Russian members. The party was not registered in time to take part in the 2000 parliamentary elections, though it hopes to field candidates in the next elections, and to get at least one of its representatives from southern Kyrgyzstan into the parliament. The party's presence is not felt very strongly in the city of Osh where two local figures dominate politics in the Uzbek community. The first, Mahqamajan Mamasaidov, is president of the Uzbek Cultural Centre, and a political ally of Akaev. The second and more popular figure, parliamentarian Davran Sabirov, is not close to Akaev and has tried to use his seat in the legislature to voice the concerns of the Uzbek community. To reduce tensions, it will be crucial to provide Uzbeks greater opportunities for participation and representation in local government.

Though the proximity of Uzbekistan complicates relations between the Uzbek and Kyrgyz communities in Kyrgyzstan, irredentism per se is not

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<sup>70</sup> *Delo №* (Bishkek), "Kto ego posadit? On zhe pamiatnik! [Who will put him in Jail? He is a Statue!]," *Delo №*, 4 April 2001, p. 2.

<sup>71</sup> ICG interview, Bishkek, 30 April 2001.

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<sup>72</sup> The familiar Russian name for Özgön is "Uzgen".

an issue. Uzbeks in Kyrgyzstan do not pine to join the Uzbek state as they are aware of political conditions in Uzbekistan and often quite critical of Uzbekistan government policies, including the sweeping crackdowns on religious groups, political opposition and journalists. There is genuine disillusionment within the ethnic Uzbek community regarding the way in which Uzbekistan behaves towards the ethnic Uzbek population in the southern Kyrgyzstan. On several occasions, ethnic Uzbeks have been kidnapped by security services from Uzbekistan operating illegally on Kyrgyzstan's territory. Uzbekistan has also imposed visa requirements on Kyrgyzstan citizens who wish to spend more than three days in Uzbekistan. Finally, it has become very difficult for Uzbeks from Kyrgyzstan to receive Uzbek citizenship. All these factors serve to limit Tashkent's influence on the ethnic Uzbek community — at least for the time being. The harsh treatment handed out to members of Hizb ut-Tahrir in Uzbekistan, which is "advertised" on Uzbek state television, may also make people more sympathetic toward this organisation and contribute to the destabilisation of Kyrgyzstan in the longer term. In any case, Kyrgyzstan should take the clear message that it will have fewer problems with its ethnic Uzbek minority if it allows them greater civil liberties, and that efforts to marginalise ethnic Uzbeks will likely backfire.

The influence of Hizb ut-Tahrir has been growing in southern Kyrgyzstan over the last several years. It is a non-militant Islamist group with its roots in the Arab Middle East that advocates the establishment of a Islamic caliphate across Central Asia. Despite its utopian character and closed structure, the group enjoys considerable support among Uzbeks in Jalal-Abad and Osh provinces. The party is also recruiting members in the Chüy Valley and in Bishkek in northern Kyrgyzstan. Hizb ut-Tahrir does not recognise the legitimacy of the current Kyrgyz regime, and its members see themselves as pitted against a state which is un-Islamic and treats them as criminal.

Joldors Jorobekov, the Chairman of the State Commission on Religion, points out that the Constitution bans both political parties founded on a religious basis and foreign organisations from taking part in the country's political life. Thus, Hizb ut-Tahrir, as both a religious and an

international party, is considered illegal by the Kyrgyz authorities.<sup>73</sup> Members of Hizb ut-Tahrir have been arrested for distributing leaflets, and nearly all of the members apprehended thus far have been Uzbeks. This contributes to the sense among many Uzbeks in Kyrgyzstan that they suffer systematic discrimination. Kyrgyz police officials also frequently harass Uzbeks merchants at the bazaars (more so than Kyrgyz traders). When arrested, members of Hizb ut-Tahrir are faced with a legal apparatus and police force dominated by Kyrgyz. Likewise, there are very few Uzbek judges. Detainees are treated harshly, and human rights activists in Jalal-Abad — as well as members of the Hizb ut-Tahrir themselves — told ICG that Hizb ut-Tahrir members are subjected to various forms of torture. There is some concern that if the disrespectful treatment of Hizb ut-Tahrir members is perceived as an attack on the Uzbek community more generally, it could escalate ethnic tensions.

On 21 March 2001, some 30 women picketed the local police office in Kara-Suu to protest the treatment of seven Hizb ut-Tahrir members arrested for distributing leaflets. A second, larger picket attended by some 80 Hizb ut-Tahrir supporters, took place in Kara-Suu on 24 March. Such pickets have the potential to grow into larger demonstrations. Should violence break out, it is difficult to predict how members of Hizb ut-Tahrir would themselves react. Officially, Hizb ut-Tahrir opposes the use of violence, and distance themselves from militant groups such as the Islamic Movement of Uzbekistan (IMU) though they share their goal of an Islamic state. As one member of Hizb ut-Tahrir said, "It is easiest to take power by using arms. The Prophet never chose the easy path, though. We must achieve our aims by persuasion rather than by force."<sup>74</sup> This individual did however note, "We are with the IMU in spirit."

Local religious leaders acknowledged that the ranks of the Hizb ut-Tahrir in southern Kyrgyzstan have swelled because many young people are unemployed, bored and frustrated. While the Hizb ut-Tahrir's leadership has clearly articulated its opposition to the use of force, it could be difficult to maintain this position among frustrated rank-and-file members. As one Hizb ut-Tahrir member lamented, "[President] Karimov [of Uzbekistan] has arrested

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<sup>73</sup> ICG interview, Bishkek, 30 May 2001.

<sup>74</sup> ICG interview, Jalal-Abad, May 2001.



some 40,000 of our members. It is a pity that we are not allowed to use force to protect them.”<sup>75</sup>

The border disputes between Uzbekistan and Kyrgyzstan also have the potential to spark broader popular political turmoil, particularly in southern Kyrgyzstan. Some members of the Kyrgyz community told ICG that they are ready to take up arms to defend Kyrgyz territory, should an agreement be reached with Uzbekistan on creating a corridor from Uzbekistan to the Sokh enclave in Kyrgyzstan. Any border agreement between Uzbekistan and Kyrgyzstan judged as unfair by the public also has the potential to trigger violence between Kyrgyz and Uzbeks in Kyrgyzstan.

The destabilising potential of an agreement with China on disputed territory in the north of Kyrgyzstan is less severe for several reasons. First, the areas in question are remote and sparsely populated. Second, people in Isik-Köl and Narin provinces do not seem too concerned. In their view, people only protest if there is a possibility that their own land will be taken away. Third, people in the Narin Province have very limited access to information through the media, and many are not even aware of the issue. The Kyrgyz authorities are still concerned, though. National television is conducting a campaign in favour of ratifying the 1999 border agreement with China.<sup>76</sup> And while visiting Isik-Köl Province in early June, Kyrgyz government officials warned local inhabitants that they would be punished if they protested the agreement.<sup>77</sup> The authorities are trying to persuade the public that getting control of the Khan Tengri Peak will bring the country much needed income from the tourist industry.

The authorities also argue that Western political scientists have predicted that in 30-40 years' time

China will be much stronger politically and economically than it is now.<sup>78</sup> Failure to settle the border issue with China today may mean an even less favourable settlement in the future. China and Kyrgyzstan at the June 2001 Shanghai Forum summit signed a memorandum on the construction of a rail link between Qashghar in China via the Torugart Pass and Jalal-Abad to Bishkek. Also work has begun in Osh to improve the road connection to China. Finally, the authorities argue that upsetting China over the border issue may result in reduced trade and thus financial losses for Kyrgyzstan. Opponents argue that the agreements would give China control of substantial Kyrgyz water resources, which may cause disputes between the two countries in the future. While the agreement with China will not likely provoke an uprising, it feeds on popular distrust of the Chinese and turns this into an issue of tension between the population and the government.

## **E. POLITICAL PARTIES (THE OPPOSITION)**

Opposition parties have yet to transform themselves into an effective counterbalance to the executive branch for several reasons. For many, the “party” label still carries connotations of the Soviet period. Most opposition parties have not built effective grassroots structures or established a legislative agenda that would help the public identify them as a group working to defend their particular interests.

During the 2000 parliamentary election, 105 seats were available in the two houses, of which fifteen were set-aside for proportional distribution to political parties. Parties competing in national constituencies had to receive more than five per cent of the vote to be eligible to win seats. The Ministry of Justice had registered 32 political parties before the parliamentary contest, but of these, only fifteen were given permission from the Central Election Commission to contest the elections. Pro-presidential and pro-governmental parties took nine of the seats, and opposition parties took six.<sup>79</sup> Party representatives also took several seats not earmarked for political parties. In total, just over 30 per cent of those currently in parliament represent political parties.

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<sup>75</sup> ICG interview, members of Hizb ut-Tahrir, Jalal-Abad, May 2001. The real number of Hizb ut-Tahrir members arrested in Uzbekistan is probably much lower — possibly around 5,000 people — though the government does not allow access to reliable information on the scale of the arrests or the detentions camps where they are imprisoned.

<sup>76</sup> For an example, see *Jetigen* (weekly television program), KTR, 23 June 2001.

<sup>77</sup> *RFE/RL Newsline*, Vol. 5, No. 105, Part I, 4 June 2001.

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<sup>78</sup> *Jetigen*, KTR, 23 June 2001.

<sup>79</sup> See Appendix A for a breakdown of parliamentary seats by party.

The largest parties — apart from the Party of Communists of Kyrgyzstan — are the three pro-presidential and pro-governmental parties Adilet, Birimdik and Moia Strana. The smaller Union of Democratic Forces, the Democratic Party of Women, the Party of Afghan War Veterans and the Agrarian Labour Party are also generally pro-administration.

Opposition parties tend to be less organised and have fewer members. The biggest is the Party of Communists of Kyrgyzstan, headed by Absamat Masaliev. The other most well known parties are the People's Party, led by the former editor-in-chief of *Asaba*, Melis Eshimkanov, who contested the presidential elections last year and finished fourth among the six challengers, and Ar-Namis, headed by former Vice President Feliks Kulov until his arrest earlier this year. Former vice-speaker of the Legislative Assembly, Omurbek Tekebaev, who finished second in last year's presidential election, heads the Ata-Meken Party, and the ErK party is led by Bakir uulu who was also a candidate in last year's elections and is well known in Kyrgyzstan for negotiating the release in 1999 of four Japanese hostages held by the IMU.

Less than twenty deputies in the Parliament belong to the opposition and they are not well positioned to have a serious impact on politics. None of these parties, except the communists, have branches in more than three or four provinces. And where they do have such branches they are either not very active (and thus not very well known to the local population) or have gone underground. The party of former Vice President Kulov, Ar-Namis, for example, instructed its members to go underground in the aftermath of the parliamentary elections. Parties remain regionally focused: strong in the cities of their leaders and weak elsewhere. For example, the Party of Communists of Kyrgyzstan is particularly strong in the south, because its leader, Absamat Masaliev, is from Batken Province. The Social Democratic Party, on the other hand, is strongest in the north, since Almazbek Atambaev, its former leader and candidate in last year's presidential elections, hails from the village of Arashan in the Alamüdün District of the Chüy Province. In some

remote regions, such as Leylek District, there are almost no party activities.<sup>80</sup>

Parliamentarian Ishembai Kadyrbekov explains the inherent weakness of opposition political parties in basic terms: "Policy is made by money," and most opposition parties have limited financial resources.<sup>81</sup> A leading member of the "Coalition NGO" adds, "People are too frightened of the authorities to join the opposition parties," and stresses that the 1999 Law on Political Parties prohibits political parties from conducting business, thus keeping them cash poor.<sup>82</sup> Given the state of the economy, many people are hard pressed to afford membership fees.

At this point, political parties largely remain engines for individual politicians and not broader social movements.<sup>83</sup> Political parties also have to struggle with public distrust, and a number of citizens have complained that they see little of politicians between elections. Turar Koichuev, the former President of the Kyrgyz Academy of Sciences, said: "Parties were formed because of the political ambitions of certain people. As soon as they are elected deputies, they take care of their own personal interests."<sup>84</sup>

The government has imposed a number of obstacles to expansion of the influence of parties. In several districts — most notably in Bishkek — it has imposed restrictions on meetings and demonstrations. A request by the major opposition parties for a rally permit in Bishkek on 1 May 2001 was denied. The opposition organised a peaceful rally of some 500 people in downtown Bishkek despite the lack of a permit, largely in an effort to show it would not be cowed by the authorities. The opposition also does not have access to state controlled media which either largely ignore or vilify the opposition, usually casting it as irresponsible and inexperienced. The state media has also played up suggestions that the opposition parties, if allowed into power, would leave the country vulnerable to security threats such as militant Islamist extremism. Although some political parties have their own newspapers (the Republican

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<sup>80</sup> ICG interview with Bakir Kurbanbaev, chairman of the local council in Leylek District, 19 April 2001.

<sup>81</sup> ICG interview, Bishkek, 28 April 2001.

<sup>82</sup> ICG interview, 11 May 2001.

<sup>83</sup> ICG interview with Valerii Uleev, the director of the human rights NGO *Spravedlivost'*, Jalal-Abad, 24 May 2001.

<sup>84</sup> ICG interview, Bishkek, 30 May 2001.

Party has *Res Publica* for example, and the People's Party controlled *Asaba* until it was closed down earlier this year), the opposition press has a limited circulation and has struggled to reach a broader audience.

**Strengthening the Opposition:** In the aftermath of the parliamentary elections, there was discussion of forming a unified opposition, but this effort was slow to get off the ground. However, cooperation between the opposition parties began to gain some steam on the eve of the 2000 presidential elections. Omurbek Tekebaev of the Ata-Meken party and Feliks Kulov of the Ar-Namis party forged an alliance, as did the Social Democratic Party and the Party of Communists of Kyrgyzstan. The government's manipulation of the presidential contest only further reinforced the notion that the opposition would need to co-operate to survive.

In April 2001, ten opposition parties forged a coalition called the People's Patriotic Movement. The effectiveness of this alliance remains to be demonstrated. Even joint meetings and gatherings have been difficult to arrange as of August 2001. Some are sceptical that their decision to unite will have much of a political impact given the power enjoyed by Akaev's administration. Still, the alliance represents a very important step in that it signals an intention on the part of the opposition to work together, and could make it more difficult for the presidential administration to act against individuals or select parties. Further, if the alliance could begin to attract some of the members of the very large bloc of independents in parliament, it could potentially become a far more potent force.

Attempts at uniting political parties have also been made at the local level. In Kara-Köl, for instance, the major political parties have set up an umbrella organisation called the "Civic Union" representing parties including *Asaba*, the Communist Party, the Agrarian Workers' Party, Ata-Meken, Ar-Namis, the Women's Democratic Party, the Social Democratic Party and others, in addition to NGOs such as the Union of Consumers, the Union of Industrialists, the Union of Afghan Veterans and the Union of Chernobyl Veterans. Altogether fifteen political parties and NGOs are members of the Civic Union that is active in lobbying local and district authorities. Members of the Union stress that they are trying

to find ways to work with the local government instead of organising street protests, and feel that they have made some progress in that regard. The Civic Union, however, is the exception rather than the rule, though it provides a useful model of a movement that is focused on achieving social change at a local level rather than simply advancing the candidacy of a given politician.

Considerable concern has been raised by a decision of the Ministry of Justice earlier this year, which forces all political parties set up before the 1999 Law on Political Parties to re-register. There is clear fear that the process of re-registration is simply a guise to abolish some of the strongest opposition parties. Deputy Minister of Justice, Erkinbek Mamurov, claims that such fears are unfounded and that the re-registration is a formality.<sup>85</sup> He indicated to ICG that nineteen parties would need to re-register with the Ministry of Justice by 1 July 2001. He added that several parties that were not required to re-register were opposition parties (for instance Kulov's Ar-Namis Party, Kairan-El, the Republican Party, the Party of National Revival and the Republican Party). A Ministry Official later told ICG that as of 8 August four political parties had been re-registered and that the deadline had been extended to 1 October.

It is still too early to say whether opposition parties will be denied re-registration. While this process is legal, it could turn into a transparent effort to silence government rivals. If the Party of Communists of Kyrgyzstan, the People's Party or Ata-Meken are denied re-registration there would likely be some public protests but probably not on a large-scale. However, even small protests could snowball into larger unrest given the complex array of political tensions in the country.

Following last year's parliamentary elections, Akaev has deservedly been under increasing pressure from the international community to improve the observance of democratic and human rights. Outlawing legitimate opposition parties would only strengthen the case that assistance should be

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<sup>85</sup> ICG interview, Bishkek, 30 May 2001. Some members of the opposition have indicated to the ICG that the re-registration of political parties, unlike the re-registration of the media, is justified in that the 1999 Law on Political Parties makes certain demands on political parties regarding their statutes that were not contained in previous legislation.

withheld until Akaev demonstrates renewed commitment to democratic norms. If opposition groups are not allowed to function legally, this will add strength to illegal underground movements such as Hizb ut-Tahrir and to the potential for spontaneous unrest. It is therefore clearly in Akaev's and Kyrgyzstan's interests to re-register the opposition parties.

## F. NON-GOVERNMENTAL ORGANISATIONS (NGOs)

While political parties and the media have suffered increasing restrictions, NGOs have been allowed considerably more leeway to develop. A total of about 3,000 NGOs were registered with the Ministry of Justice by the end of 2000, although the number of active NGOs is probably considerably less. The majority of these NGOs work in the social sphere, addressing problems such as poverty, unemployment and women's issues. Some NGOs, such as the Foundation for Tolerance International, work to improve relations between ethnic communities in southern Kyrgyzstan. Kyrgyzstan's largest NGO, an umbrella organisation called "Coalition NGO," unites some 100 local organisations and has offices in all the provinces. It monitors elections and lobbies the government on a range of issues.

Some NGO representatives argue that NGOs are more influential than political parties in the current climate. For example, Alevtina Pronenko, the deputy leader of the People's Party, calls NGOs, "a real force in our country," and observes that the "strength of the NGOs was clearly demonstrated in parliamentary, presidential and local elections. The fact that the authorities are also setting up their own NGOs demonstrates that NGOs are a force to be reckoned with."<sup>86</sup> Parliamentarian Ishembai Kadyrbekov suggests that the importance of the NGOs comes both in their ability to produce future leaders and in their capacity to serve as watchdogs.<sup>87</sup> Others, such as Avazbek Tursunbaev, the director of the Public Fund "Turan", are far more modest in their

assessments, insisting, "NGOs play a limited role in Kyrgyzstan at the moment."<sup>88</sup>

Because they are organised and receive support at the local level, NGOs are also in a better position to have mutual lines of communication with communities and provide people with information not available through the media. Bolot Maripov, the editor of *Obshchestvennyi reiting*, argues, "NGOs currently fulfil the role of media and also partly of political parties, given that the authorities have put obstacles in the way of parties."<sup>89</sup> The human rights NGO *Spravedlivost'* based in Jalal-Abad, publishes its own newsletter, as does the "Coalition NGO". The latter has a print run of 70,000 and is distributed throughout Kyrgyzstan. Roza Jumaeva, co-ordinator of the Narin chapter of "Coalition NGO", maintains, "Our bulletins are useful and have an impact, since many villages do not have access to other information."<sup>90</sup>

Not all NGOs are in a position to manage their own publications, making links to the media vital. Kara-Köl-based EMTV has televised debates organised by local NGOs, and the director of the channel, Ruslan Osmonaliev, told ICG that people are familiar with the work of the NGOs in the province. The local independent radio station *Liubimaia volna* also provides local NGOs with free airtime. In other parts of the country, such as Osh, relations between NGOs and the media are less well developed.

Relations between NGOs and political parties are complex. In some instances, NGO representatives are sceptical of political parties. Roza Jumaeva from "Coalition NGO" comments: "The political parties are not capable of doing anything themselves. On the eve of the election campaign they turned to us, requesting that we provide them with election observers. NGOs represent a strong power and both political parties and the authorities are trying to use us. We must not allow them to do so. We must remain independent."<sup>91</sup> Some NGOs helped political parties and presidential candidates to arrange local meetings during the election campaigns last year. While the political role of many NGOs is constrained (including by restrictions placed on them by international donors), the issues they

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<sup>86</sup> ICG interview, Bishkek, 2 May 2001.

<sup>87</sup> ICG interview, Bishkek, 28 April 2001.

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<sup>88</sup> ICG interview, Özgön, 18 May 2001.

<sup>89</sup> ICG interview, Bishkek, 31 May 2001.

<sup>90</sup> ICG interview, 5 May 2001.

<sup>91</sup> ICG interview, Narin, 5 May 2001.

address, such as poverty, will remain central to the public debate.

**NGOs and the Government:** Not viewing NGOs as a direct threat, the government has allowed them relative independence. Indeed, because NGOs help to alleviate some of the country's most pressing social problems, and attract international funding, the government has good reason to view them as a constructive social force.

The government has also tried to co-opt NGOs to a certain extent, and several "official" NGOs have been set up during the last year. The most well known is the "Association NGO", headed by Tokaim Umetalieva who is closely associated with the presidential administration.<sup>92</sup> The government has clearly bridled that more and more money is being directed through NGOs and not the government. Abdishukur Isabaliev, the chairman of the Osh provincial parliament, complains that international donors choose to work primarily with NGOs and not directly with the government.<sup>93</sup> However, as long as the government fails to deal adequately with corruption and grows increasingly undemocratic, this trend will continue.

The authorities have also signalled that they wish to cooperate with existing NGOs. On 19 January 2001, the government ordered the state administration at all levels and also deputies to meet with NGOs on a regular basis. This was done with the aim of improving relations with NGOs and to increase the potential for joint projects. As Batal Bozgorpoev, the deputy governor of Isik-Köl Province noted, "We invite NGOs to the province administration and we provide them with information. We do not bother, but rather help each other. Our goals are the same, although we go about things in different ways."<sup>94</sup>

However, the government has also put pressure on NGO activists who have been critical of the current system. "Coalition NGO", for example, ran afoul of the government when it monitored last year's parliamentary elections with financial support from the U.S. National Democratic Institute (NDI) and was highly critical of the way in which the elections were conducted. As a result, the Ministry of Justice and the Central Election Commission denied the group permission to monitor the presidential elections, claiming that it was not properly registered with the Ministry of Justice. Government pressure on "Coalition NGO" during August 2000 forced many people to leave the organisation, and Tolekan Ismailova, director of the group, was beaten up outside her house in Bishkek in March 2001, in an incident many viewed as politically motivated.

## G. THE MEDIA

A free press is integral to a functioning democracy, but unfortunately journalists have increasingly been under fire in Kyrgyzstan. Although more than 600 media outlets have registered with the Ministry of Justice, only about 30 per cent of that number are currently operating. The difficult economic climate is partially to blame. Newspapers, for instance, have small circulations — usually no more than 5,000. Paper and printing services are expensive and most people cannot afford to buy newspapers. It is not unusual for up to fifteen people to read the same copy of a newspaper. Because the advertising market is small, advertising provides very limited revenues. Most newspapers are consequently forced to rely on sponsors that often bring a distinct political agenda along with their cash, leading one journalist to complain anonymously, "Although we are 'independent', we are still dependent. If we were financially and technically independent and had some international protection, it might be possible to talk about freedom of speech in this country."<sup>95</sup>

All the major newspapers are printed in Bishkek and many of them are having problems with their distributor, the state-owned Kyrgyzpochtasi. Thus, even people who can afford to buy newspapers still have limited access to the media.<sup>96</sup> Only a very

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<sup>92</sup> During the OSCE's press conference following the Kyrgyz presidential elections in October 2000, Umetalieva caused a row by shouting at the head of the OSCE election monitoring mission, Mark Stephens, and denouncing the claims that the elections were not free and fair.

<sup>93</sup> ICG interview, 15 May 2001.

<sup>94</sup> ICG interview, Karakol, 4 May 2001.

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<sup>95</sup> ICG interview, Karakol, 3 May 2001.

<sup>96</sup> Tolekan Ismailova, the leader of the Coalition NGO, even laments: "There are no newspapers to speak of. People do

limited number of newspapers are printed locally and, as a rule, they are official publications of local governments. Joldosh Kyrymbekov, the deputy prosecutor in Isik-Köl Province reinforces that point, "Newspapers do not always reach the villages, and they are expensive to buy. Television is therefore very important for our district."<sup>97</sup>

The same is true for much of the country. KTR — the state-owned television company — is available in most parts of the country, as are the Russian channels ORT and RTR. In southern Kyrgyzstan, most people are also able to watch Uzbek television. A majority of the private television companies, however, are based in Bishkek and broadcast to Bishkek and Chüy Province only. In any event, few people own televisions.

**Media and Governance:** The government continues to engage in a systematic campaign to eliminate or co-opt the press. Both *Pyramida TV* and the popular Russian language newspaper *Vechernyi Bishkek* are now said to be controlled by Akaev's son-in-law, Adil Togumbaev — the husband of Akaev's oldest daughter Bermet. Togumbaev is also rumoured to be trying to acquire a majority share in the state printing house, Uchkun. The papers *Asaba* and *Delo №2*, however, have resisted such pressure. The editor of *Asaba* was approached by representatives of the government and asked to sell his paper. The request was backed by a threat that if he did not sell, the courts would shut down the paper. The offer was made in conjunction with the Supreme Court of Arbitration's ruling that the newspaper had to pay more than U.S.\$22,000 to Lion Technics for defaulting on a loan, a case that appeared to be built on shaky evidence. *Asaba* has since filed for bankruptcy. Presidential confidantes also unsuccessfully offered to pay *Delo №2* to cease publishing during the last month of the 2000 presidential election campaign. The paper declined on the grounds that most of the presidential candidates had already purchased advertising space.

Other tactics are more aggressive. "We are all afraid of being closed down. The tax inspectors can always find something on us," said one prominent media figure. Editors attributed measures taken against *Delo №2* to the paper's aggressive reporting of the government harassment of presidential candidate Feliks Kulov.<sup>98</sup> On occasion, the state printing house Uchkun has been ordered to temporarily cease printing of controversial newspapers. This is usually justified by the government because of paper or ink "shortages". On the eve of last year's elections, a journalist working in *Res Publica* announced that Uchkun had gone so far as to censor a sarcastic poem about Akaev included in an issue of the newspaper.<sup>99</sup> In April this year Uchkun was ordered by court to cease publication temporarily of an issue of *Res Publica*, made in collaboration with journalists from *Asaba* (entitled *Asaba v Res Publica*), because the title was not officially registered with the Ministry of Justice. More recently, Uchkun was reportedly instructed not to print materials critical of the president or his family.<sup>100</sup> Physical violence against journalists has also been used, though only rarely. Thus, the editor-in-chief of *Kyrgyz Ruuhu*, Beken Nazaraliev, was severely beaten by four people at a bus stop in Bishkek on 16 April 2001.<sup>101</sup>

Given the stiff penalties for libel, the media impose a degree of self-censorship. To avoid being taken to court for violating the "dignity and honour" of public officials, reporters have become increasingly cautious. While greater professionalism is obviously both needed and welcome, the libel laws have also clearly had a chilling effect. Many journalists continue to be self-taught, and faculties of journalism are not well oriented to the demands and responsibilities of modern media. Internews provides some technical training in Bishkek, but the quality of journalism as a whole remains wanting. This has to do in part with the fact that newspapers and television channels have very limited budgets and are thus not in a position to send their journalists off to do investigative journalism. The difficult economic situation also does not allow journalists to specialise in any particular field. Further, access to

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not get any information." ICG interview, Bishkek, 27 April 2001.

<sup>97</sup> ICG interview, Karakol, 3 May 2001.

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<sup>98</sup> The European Institute for the Media, "The Kyrgyz Presidential Elections 2000. Final Report" (Dusseldorf: European Institute for the Media, 2001).

<sup>99</sup> Ibid.

<sup>100</sup> RFE/RL Newslines, Vol. 5, No. 110, Part I, 11 June 2001.

<sup>101</sup> *The Times of Central Asia*, 19 April 2001, p. 1.

information is often limited, and the government frequently fails to provide public access to records as required by law.

Despite all the problems, however, the ability of the media to influence political events should not be underestimated. Most notably, the public and parliamentary uproar sparked by the potential territorial swap with Uzbekistan erupted after the memorandum detailing this agreement appeared in the newspaper *Obshchestvennyi reiting*. It is worth noting that *Obshchestvennyi reiting* is generally considered a semi-independent, semi-pro-government paper,<sup>102</sup> and most of the materials printed in this paper are analytical. Its major audience is officials and intellectuals. By leaking this controversial document to the paper, a high-placed official was able to torpedo the agreement, and rumours abound as to who had the most to gain by such a move.

On 4 April 2001, the newspaper *Delo №* broke the subsequent story that President Akaev had signed an agreement with China in 1999 regarding disputed territory along the Kyrgyz-Chinese border. One of the paper's journalists, Vadim Nochevkin, acted on information received from a former official in the border guard in Narin Province, who had heard the story from an acquaintance stationed on the Kyrgyz-Chinese border and who was concerned and asked the newspaper to investigate.<sup>103</sup>

Government officials have frequently complained that the media is sensationalist and prints incorrect and unverified information. Shortly after the 1999 Kyrgyz-Chinese agreement became public, opposition newspapers claimed that a similar agreement had been reached in 1996 and that the previous parliament had not ratified it despite assurances to the contrary by the Minister of Foreign Affairs, Muratbek Imanaliev. A pro-presidential deputy of the Parliament quickly claimed that the 1996 border agreement between Kyrgyzstan and China had

indeed been ratified in 1998 by the previous parliament, and he expressed his dissatisfaction with those Kyrgyz media outlets suggesting otherwise.<sup>104</sup> However, Tursunbai Bakir uulu, the chairman of the ErK Party, who was a member of both parliaments, confirmed to ICG that the old parliament had indeed voted on five protocols signed by the Kyrgyz and Chinese authorities but the clause that would have ceded Kyrgyz territory to China was not included.<sup>105</sup> It appears the Kyrgyz media got the story right.

Representatives of the independent media are not optimistic with regard to the future. Svetlana Krasilnikova, the deputy editor-in-chief of *Delo №* comments, "In ten years we will have no independent media in Kyrgyzstan. What the independent media writes will no longer be an issue, since there will be no independent media left. The authorities would like to see the situation become like that in Turkmenistan."<sup>106</sup>

Recent media developments indicate that they may well be right. On 5 April 2001 the Ministry of Justice announced that the country's media outlets would have to re-register with the Ministry by 1 July because the Ministry wanted to find out how many were actually in operation. The decision to re-register the Kyrgyz media, like the equally ill-advised effort to re-register the political parties, appears to be raw politics dressed up in legalities. However, the Deputy Minister of Justice, Erkinbek Mamyrov, sought to reassure ICG that the measure was not aimed against the independent media.<sup>107</sup> As of 8 August, the Ministry of Justice had re-registered 60 media outlets and was reviewing another 30 applications. The deadline for re-registration has been extended until 1 October this year.<sup>108</sup> In another move, on 20 June 2001 the Ministry of Justice decided to de-register sixteen media outlets that had registered with the Ministry since 5 April. Two of these — *Ferghana* and *Pozitsiia* — had already appeared in print. And two — *Agym* and *Joltiken* — were founded by journalists who used to work in the now defunct opposition newspaper *Asaba*. Here too, the government appears to be

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<sup>102</sup> The chairman of the pro-government Moia Strana party told ICG that the newspaper is controlled by members of his party. Interview with Joomart Otorbaev, Bishkek, 30 April 2001.

<sup>103</sup> *Delo №* (Bishkek), "Kitaitsam otdaly zastavu i ... koe-cto v pridachu? [The Chinese were Given the Outpost...and Something in Addition?]," *Delo №*, 4 April 2001, p. 4.

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<sup>104</sup> *Jetigen*, KTR, 23 June 2001.

<sup>105</sup> ICG interview, Bishkek, 31 May 2001.

<sup>106</sup> ICG interview, Bishkek, 26 April 2001. There is no independent media in Turkmenistan.

<sup>107</sup> ICG interview, Bishkek, 30 May 2001.

<sup>108</sup> ICG telephone interview with Ministry Official, 8 August 2001.

headed in the wrong direction with regard to civil liberties.

**Ethnic Uzbek Media.** Ethnic Uzbek citizens of Kyrgyzstan face even greater obstacles in seeking independent sources of information in their own language. The problem is particularly severe in southern Kyrgyzstan, where ethnic Kyrgyz also have difficulty getting appropriate language broadcasts since the population is distributed mainly along the borders with Uzbekistan, remote from the regional centres. MP Adakhan Madumarov recently said he believes that the government of Uzbekistan is deliberately jamming Kyrgyz broadcasts in south-western Kyrgyzstan to ensure that citizens come under Uzbekistan's influence.<sup>109</sup> An independent radio station (Radio Salam) was recently launched in the Batken with the assistance of Internews and UNICEF in hopes of improving the situation.

Most ethnic Uzbeks, however, do not share the authorities' concern about broadcasts from Uzbekistan. They claim that they watch Uzbek National Television primarily for the music and the Uzbek language, and their attitude to the state-controlled news from Uzbekistan is often critical. In the largest population centres in the south Kyrgyzstan, however — Osh and Jalal-Abad — it is estimated that less than half the population is able to watch the national broadcasts from Uzbekistan. There are several independent television companies and television studios in Osh. The biggest and most well known of these is Osh TV, which broadcasts primarily in the Uzbek language. It is accessible to the majority of the population of cities such as Osh and Jalal-Abad and their environs, while other Uzbek language channels such as Keremet and Mezon TV have a much more limited range.<sup>110</sup>

For several years now, the State Communication Agency has pushed to have Osh TV switch its broadcast channel. However, the director of the company, Khaliljan Khudaiberdiev, has refused

because the channel switch, which would also include using a different broadcasting frequency, would dramatically reduce the number of viewers and be prohibitively expensive. Most media observers feel the State Communication Agency has pushed its demands simply because Osh TV is an Uzbek language station, and because authorities fear that southern Kyrgyzstan will fall under the sway of Uzbekistan. After Osh TV collected 32,000 signatures in support of its case, the Supreme Court of Arbitration recently ruled that it can remain on its current channel for the time being. While a variety of factors may stand behind it, the Supreme Court of Arbitration's decision may be understood as an expression of gratitude by Akaev for the very strong electoral support he received from the Uzbek community during last year's presidential elections.

Recent developments in southern Kyrgyzstan seem to indicate that the government has decided to allow Kyrgyzstan's Uzbek-language media some breathing room. Still, Kyrgyzstan's Uzbek-language media are cautious in their treatment of political issues. Few references have been made to the Hizb ut-Tahrir or ethnic issues. Similarly, the Uzbek-language media in the region did speak out against the potential territorial concessions to Uzbekistan as part of a border agreement. Any efforts to suppress Uzbek-language media would only make tensions and the potential for violence in the region more acute.

Journalists in the south are also trying to build bridges between the two ethnic communities. Local journalists in the Osh area have launched several new newspapers printed in both languages, such as *DDD* (Dostuk, Dostlik, Druzhba) and the *Jash Moon/Demos Times*. The editor-in-chief of the provincial administration newspaper in Jalal-Abad announced that he had launched a new newspaper called *Ferghana*. The paper is to be tri-lingual, publishing in Kyrgyz, Uzbek and Russian. Shortly after *Ferghana* was registered with the Ministry of Justice earlier this year its licence was revoked, as a result of the Ministry's decision to cancel all licences awarded after the re-registration of existing media outlets started on 5 April. *Ferghana*, like fifteen other media outlets, will therefore have to re-apply for registration once the re-registration has been completed on 1 October 2001 — a lingering reminder that even the most constructive journalists are still confronted with a maze of government regulations designed to put roadblocks in the way of a free press.

<sup>109</sup> Sultan Jumagulov, "Locals suffer enclaves impasse," *Reporting Central Asia* (London: IWPR), No. 57, 22 June 2001.

<sup>110</sup> The European Institute for the Media, "*The Kyrgyz Presidential Elections 2000: Final Report*" (Dusseldorf: European Institute for the Media, 2001).



### III. CONCLUSIONS

Beneath a veneer of relative calm, Kyrgyzstan is on a long, slow slide toward instability and shows a growing potential for violent conflict. President Akaev has steadily expanded his powers, and done his best to ensure that political opponents are too weak and harassed to pose a serious challenge to his rule. The government has tinkered with the law and the administration of justice to manipulate both the parliamentary and presidential elections in 2000. Despite the obvious abuses, and a rising chorus of international concern, neither dissenters within the presidential administration nor opposing parties are well positioned to put Kyrgyzstan on a different course in the near future.

The most serious threat comes from a rising tide of public disillusionment with social conditions and government policies. The last year has brought a number of spontaneous demonstrations in response to the difficult economic situation. These have the potential to grow into larger, more organised protests. Alternatively, meetings held by the opposition to protest widespread poverty could galvanise broader social uprisings. Kyrgyzstan's bleak standard of living provides the fuel that could accelerate ethnic, religious or regional violence. The continued curtailment of civil liberties by the government — including crackdowns on the media, political opponents and religious groups — only makes the frustration and anger more profound.

It is not too late for Kyrgyzstan to put its house in order and return to a more reform-minded path. First and foremost, the Akaev administration needs to understand that democracy is not its enemy. The government's authoritarian tilt will only alienate much needed donors of international assistance, further antagonise a public struggling with basic economic survival and lend appeal to those advocating more extreme solutions. The opposition must be allowed to operate freely. Restrictions on public meetings and demonstrations should be abolished. In the spirit of national reconciliation and justice, amnesty should be declared for political opponents jailed in the run-up to last year's presidential election, such as Feliks Kulov. Such amnesty should be provided without limiting the recipient's future ability to hold

public office. For its part, the international community should make it clear that efforts to assist Kyrgyzstan — including debt rescheduling and continued aid flows — will be directly contingent on continued economic reforms and immediate improvements in the treatment of opposition groups, journalists and the other components of a functioning civil society.

Provincial governors should be elected by the public rather than appointed by the executive, and the process of forcing political parties (and the media) to register and re-register according to the whims of the government should be immediately discontinued. Efforts are also needed to make the election process as transparent as possible. If ballot papers were printed abroad, this would diminish the possibilities for manipulating election results. Some opposition figures have suggested raising the number of seats to be elected from party lists from fifteen to 52, or 50 per cent of the total, as a means to strengthen the role of political parties in Kyrgyz politics. However, it is also reasonable to question if parties should be granted such a powerful political gift until they improve their own efforts to build grassroots structures and coherent policy platforms. The practice of "bundling" issues to be decided by the public in referendums should also be discontinued. A dialogue between the authorities, the political opposition, media outlets and NGOs may also help reduce political tension and make reform more likely.

Efforts to restore basic democratic rights must be accompanied by urgent action on the economic front. The government needs to continue, not abandon economic reforms, focus its efforts on poverty alleviation and re-negotiate debt payments with international lenders so that more money can be devoted to urgent needs. Any privatisation of such valuable national resources as the state electricity company Kyrgyzenergo should be overseen by the World Bank and other outsiders to ensure that a fair market value is received. Price increases for consumers should be carefully phased in order to avoid disturbances.

The president should also take effective measures to reduce nepotism and corruption within his own administration and appoint people to positions according to merit rather than personal loyalty. Transparent hiring criteria should be introduced, and the overall size of the government — one-quarter of the current workforce — will need to be reduced.

Greater numbers of ethnic Uzbeks will also need to be represented in the judiciary, police and other government functions. International assistance with efforts to restructure government administration would be helpful if the government shows progress in reform. As part of this effort, more government officials might be invited to training courses in public administration in donor countries and educated on sound standards for recruitment, training and management. Donors can also help set up better training facilities for public officials in Kyrgyzstan.

Kyrgyzstan also needs to initiate legal reforms as part of the overall strategy to boost economic growth. Corruption and the failure to develop the rule of law make foreign investors reluctant to invest in the Kyrgyz economy as they have no legal protection. Allowing precious state resources to be skimmed off for the advantage of the few also undermines overall confidence and impedes investment. This in turn fuels poverty, causing the unrest that the government is so eager to quell. The judiciary must be allowed to develop as an independent counterbalance to the executive. Anti-bribery statutes need to be enshrined in law and regulations concerning lobbying should also be instituted. The selective prosecution of businessmen, journalists and political opponents of the government should be halted.

Greater accountability is necessary in the appointment of judges through a system of effective checks and balances. Funding for the judiciary should be provided directly from the parliament and not from the executive. Judges should undergo compulsory training to ensure they reach minimum standards. The international community should work closely with the Kyrgyz authorities to ensure that the presidential commission on legal reform works more efficiently by improving its links with the parliamentary committee on legal issues.

Kyrgyzstan might consider adopting some of the policies of the "Coalition 2000" — an anti-corruption campaign initiated in Bulgaria, that brought together the authorities, local NGOs and the media to create public awareness of the high

costs of corruption.<sup>111</sup> A similar initiative supported by the OSCE in Armenia has also achieved good results.

A number of steps should likewise be taken to ensure the freedom of the media. Consideration should be given to the state media and national television should be turned into an independent national broadcasting corporation similar to the BBC in the United Kingdom. This would involve putting it under the authority of an independent board rather than under direct government control and ensuring that it has funds approved by parliament rather than the executive. Better training facilities for journalists should be provided. Courts should ensure that restrictions are not imposed that would interfere with an independent and accurate media. This should include making libel a civil and not a criminal matter and placing a cap on damages to minimise the risk that libel cases will be used to silence opposition voices.

At the moment, judges continue to be pressured into making too many decisions that clearly violate the standards of a free press. The suppression of an independent media and a heavily biased state-controlled media is a dangerous mix. The Kyrgyz people are entitled to receive objective information and the government should end its practice of deciding which journalists and organisations are "fit" to operate. Further, the Uzbek-language media in southern Kyrgyzstan should be allowed to operate freely and joint Kyrgyz-Uzbek media venues encouraged. Round-table discussions between leading members of the two ethnic communities — as well as a dialogue between the Uzbek community and the Kyrgyz authorities — would also help to diffuse ethnic tensions.

The government should also establish a dialogue with Hizb ut-Tahrir and develop a more balanced approach to Islamic clergy. In the interest of reducing tensions with the Islamic community in southern Kyrgyzstan — and to preserve its own sovereignty — the government of Kyrgyzstan should work to prevent cross border operations by Uzbekistan's security services.

The work of NGOs should be further encouraged. Local communities could benefit greatly from a

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<sup>111</sup> Information about Coalition 2000 can be found at its website at: <http://www.online.bg/Coalition2000>.

social partnership between the authorities and NGOs. NGOs are also an important source of information for people living in more remote regions. The political importance of NGOs is likely to grow in the future, as the political institutions tap benefits from the organizational experience of NGOs, and leading NGO figures become more politically active.

Some of the measures outlined above are likely to cause considerable discontent and even resistance within the government of Kyrgyzstan, but the alternative is far worse. Should President Akaev and his government fail to address these pressing issues, the "island of democracy" may soon descend into chaos. The international community needs to employ a very careful balance of "carrots and sticks" to help diverse elements of Kyrgyzstan society to negotiate this dangerous period.

**Osh/Brussels, 28 August 2001**

## APPENDIX A

### KYRGYZ PARLIAMENTARY RESULTS (FEBRUARY/MARCH 2000)

Category	Orientation	Party Name	Party List Seats	SMC Seats	Total Seats
Parties with Presidential Orientation	Pro-Presidential	Union of Democratic Forces	4	8	12
		Democratic Party of Women	2	0	2
		Party of Afghan War Veterans	2	0	2
	Pro-Government / Centrist	Moia Strana	1	3	4
		Agrarian-Labour Party	0	1	1
Independent Candidates			-	73	73
Parties with Opposition Orientation	Opposition	People’s Party	0	2	2
		DMK/Ar-Namis	0	0	0
	Leftist Opposition	Party of Communists of Kyrgyzstan (PKK)	5	1	6
	Opposition / Centrist	Erkin Kyrgyzstan	0	1	1
		Ata-Meken	1	1	2

Source: OSCE/ODIHR, "Kyrgyz Republic: Parliamentary Elections, 20 February & 12 March 2000: Final Report," available at: <http://www.osce.org/odihr/election/kyrg00-1-final.htm>.

## **APPENDIX B**

### **GLOSSARY OF ACRONYMS**

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<b>CIS</b>	Commonwealth of Independent States	<b>NAC</b>	National Agency for Communication, later renamed to SAC.
<b>CPK</b>	Communist Party of Kyrgyzstan.	<b>OSCE</b>	Organisation for Security and Cooperation in Europe.
<b>DDD</b>	Osh-based newspaper printed in Kyrgyz, Uzbek and Russian. The three 'D's represent the first letter (D) for the word friendship in Kyrgyz ( <i>dostuk</i> ), Uzbek ( <i>dustik</i> ) and Russian ( <i>druzhba</i> ).	<b>PCK</b>	Party of Communists of Kyrgyzstan.
<b>IMU</b>	Islamic Movement of Uzbekistan.	<b>SAC</b>	State Agency for Communication, formerly NAC.
<b>KTR</b>	Kyrgyz Television and Radio Company (Kyrgyz Televidenie jana Radio Kampaniiasi).	<b>UNICEF</b>	United Nations Children's Fund.
		<b>WTO</b>	World Trade Organization.

## APPENDIX C

### GLOSSARY OF TERMS

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**Adilet ["Justice"] Party** – Political party uniting government officials.

**Agrarian Labour Party** – Pro-presidential party. One seat in parliament.

**Akikat** – Jalal-Abad provincial administration newspaper.

**Aliev, Emil** – Current leader of the Ar-Namis Party.

**Ar-Namis ["Dignity"] Party** – Political party headed by Feliks Kulov until his jailing.

**Asaba** – Opposition newspaper owned by Melis Eshimkanov, the leader of the People's Party. Closed down by the Kyrgyz Arbitration Court earlier this year for defaulting on a loan.

**Ata-Meken ["Homeland"] Party** – The Kyrgyz Socialist Party, chaired by Omurbek Tekebaev. Two seats in parliament.

**Bakir uulu, Tursunbai** – Chairman of the Erkin Kyrgyzstan Party. Finished sixth (of six candidates) in last year's presidential elections. Primarily known for having negotiated the release of four Japanese hostages held by the IMU (Islamic Movement of Uzbekistan) in 1999. For this he was awarded the title "ambassador extraordinary & plenipotentiary."

**Beshimov, Bakyt** – Rector of Osh University until the spring of 1998. Officially removed from his post on the grounds that his qualifications were inadequate. Real reason for his removal said to be critical remarks about Akaev. Students organised demonstration in protest.

**Birimdik Party** (in Russian: Edinstvo ["Unity"]) – Pro-governmental party founded in 1994 led by Amangeldi Muraliev.

**Border Agreements with China** – Two agreements were concluded by the Kyrgyz and Chinese presidents on disputed areas along their common border. The contents of the first agreement, which was concluded in 1996, are not known. According to the 1999 agreement Kyrgyzstan would cede some 90,000 hectares (900 sq. km) in the Üzöngü-Kuush river valley (an area along the border between the Narin and Isik-Köl provinces in

Kyrgyzstan and China) in return for the Khan Tengri peak (6,995 meters). Most experts agree that the total amount of land to be ceded by both agreements exceeds 100,000 hectares. There is considerable confusion regarding the first agreement. The Kyrgyz parliament is having problems obtaining its text. Besides, Kyrgyz Minister of Foreign Affairs Imanaliev claims that the first agreement was ratified by the previous Kyrgyz parliament, whereas this is denied by many deputies. Some deputies have called for impeachment procedures to be initiated against Akaev in connection with the 1999 agreement.

**Coalition NGO** – Kyrgyzstan's biggest NGO uniting some 100 NGOs throughout the country. It monitored last year's parliamentary elections with financial support from the U.S. through the NDI. It was barred from monitoring the presidential elections. Current activities include lobbying legislation in parliament. Leader: Tolekan Ismailova.

**Delo №** – The first independent newspaper of Kyrgyzstan, founded in March 1991. Printed once a week in Russian.

**Democratic Movement Party** – Party founded in 1993. Major aim to include the creation of a law-based democratic state and civil society. Leader: Jypar Jeksheev.

**Democratic Party of Women** – Pro-presidential party founded in 1994. The party's major aim is to get women more involved in public life and to solve the environmental problems in the country. Party leader: Tokon Shailieva. Two seats in parliament.

**El (Bei-Becharalar) Party ["People's Party", "Poor People's Party"]** – Opposition party founded in 1995 and headed by Melis Eshimkanov, former owner of the Asaba newspaper. Two seats in parliament.

**Erkin Kyrgyzstan ["Free Kyrgyzstan"] Party (ErK)** – Opposition party founded in 1990 and initially headed by Omurbek Tekebaev (the current leader of the Ata-Meken Party).

Since 1995 the party has been headed by Tursunbai Bakir uulu. One seat in parliament.

**Erkindik ["Freedom"] Party** – Political opposition party led by Topchubek Turgunaliyev.

**Eshimkanov, Melis** – Former owner of the Asaba newspaper, leader of the People's Party. Finished fourth (of six candidates) in last year's presidential elections.

**Ferghana** – Jalal-Abad-based newspaper launched by the editor-in-chief of the *Akikat* newspaper. Caters for the Kyrgyz, Uzbek and Russian communities in the South of Kyrgyzstan. Registered with the Ministry of Justice in the spring and de-registered in June together with fifteen other media outlets (see media section).

**Hizb ut-Tahrir** – Religious party whose major aim is to create a caliphate uniting all Muslims throughout Central Asia using non-violent means. Illegal in Kyrgyzstan. Enjoys considerable support amongst ethnic Uzbeks in the South of Kyrgyzstan.

**Islamic Movement of Uzbekistan (IMU)** – Militant movement intent on toppling the Karimov regime by force. Based in Tajikistan. Organised incursions in the Batken province (Kyrgyzstan) in 1999 and 2000 in an attempt to enter Uzbek territory. Thought to plan similar incursion this year.

**Jash Moon/Demos Times** – Kyrgyz/Uzbek newspaper, founded in Osh in 2000.

**Jeksheev, Jypar** – Leader of the Democratic Movement Party.

**Jogorku Kengesh ["Supreme Council"]** – Kyrgyz Parliament. Consists of two chambers — the Legislative Assembly (60 seats) and the Representative Chamber (45 seats). Elections to the Jogorku Kengesh were held in February/March 2000.

**Kadyrbekov, Ishembai** – Independent member of the Kyrgyz Parliament from Narin province.

**Kairan-El Party** ["Misfortunate People's Party"] – Opposition party led by MP Dooronbek Sadyrbaev.

**KTR** – Kyrgyz Televidenie jana radio kompaniiasi (Kyrgyz Television and Radio Company)

**Kulov, Feliks** – Often referred to as "Akaev's (former) right hand." Has held a number of high-ranking posts – including Vice President of Kyrgyzstan, Governor of Chüy province and Minister of National Security. Arrested shortly after the parliamentary

elections last year, accused of having abused his position while Minister of National Security. Released by the Military Court of the Bishkek Garrison on 7 August 2000. Ruling overturned and sent back to the Military Court for review on 11 September 2000. Court sentenced Kulov to seven years in prison early this year.

**Kyrgyz Tuusu** – Government newspaper printed twice a week in Bishkek.

**Masaliyev, Absamat** – Leader of the Party of Communists of Kyrgyzstan, Deputy.

**Masaliyev, Itshakh** – Member of the Party of Communists of Kyrgyzstan, Deputy.

**Moia Strana Party** (in Kyrgyz: Menin Ölköm ["My Country"]) – Pro-government party uniting businessmen and members of the intelligentsia. Party leader: Joomart Otorbaev. Four seats in parliament.

**Muraliev, Amangeldi** – Governor of Osh from 1996 to 1999 and Kyrgyz Prime Minister from April 1999 to December 2000. Currently the co-ordinator of the Birimdik Party and also the chairman of the Football Federation of the Kyrgyz Republic.

**Otunbaeva, Roza** – Kyrgyz Ambassador to the UK.

**Party of Afghan War Veterans** – Centrist pro-presidential party maintaining the interests of Afghan war veterans, victims of regional conflicts and the Chernobyl accident. Two seats in parliament.

**People's Party** – see El (Bei-Becharalar) Party.

**Pronenko, Alevtina** – Member of parliament and deputy-leader of the El (Bei-Becharalar) Party.

**Republican Party** – Opposition Party founded in 1999. Most members are journalists (from *Res Publica*), NGOs and businessmen. Main aim is to establish a parliamentary republic. Party leader: Giyaz Tokombaev.

**Res Publica** – Major Russian-language opposition newspaper founded in 1992. Editor-in-chief: Zamira Sydykova.

**Sabirov, Davran** – Ethnic Uzbek deputy from Osh province.

**Sadyrbaev, Dooronbek** – Film director and member of parliament and leader of the Kairan-El Party.

**Sadyrkulov, Mendet** – Former chairman of the Auditing Chamber of the Kyrgyz Parliament and former head of the presidential administration. Member of the Moia Strana

Party. Kyrgyz ambassador to Iran since 22 March this year.

**Sokh Memorandum** – Signed by Kyrgyz Prime Minister Bakiev and Uzbek Prime Minister Sultanov on 26 February 2001. According to the Memorandum, Kyrgyzstan would provide Uzbekistan with a corridor to its enclave in the Batken province (Southern Kyrgyzstan) in return for land on the Uzbek side of the border. Initially the Uzbek side offered territory in Rishtan District in return for a corridor to Sokh. Later, however, the Uzbeks withdrew this offer and signalled that Kyrgyzstan would get Taian — a mountainous area with no economic or strategic value — instead. The governor of Batken, Aibalaev, said that if Kyrgyzstan provided Uzbekistan with a corridor this would effectively turn parts of the Batken province into a Kyrgyz enclave within Uzbekistan. The Kyrgyz Prime Minister therefore quickly backtracked on the Memorandum, making it clear that it should be treated as a declaration of intent rather than a binding agreement between the two countries. The Kyrgyz parliament voted against the memorandum in early May.

**Spravedlivost'** – Human rights group in Jalal-Abad headed by Valerii Uleev.

**Tekebaev, Omurbek** – Chairman of the Ata-Meken (Socialist) Party. Re-elected to parliament last year. Vice-speaker of the Legislative Assembly (lower chamber of the parliament) until May this year. Finished second in last year's presidential elections.

**Turgunaliyev, Topchubek** – Human rights campaigner and the leader of the Erkindik Party. Known for his ability to gather and appeal to large crowds. Charged with plotting the assassination of Akaev last year and sentenced to sixteen years in prison on 1 September. Sentence later reduced to ten years and he was released from prison on August 20, 2001. Charges are thought to be politically motivated.

**Union of Democratic Forces** – Pro-presidential party. Twelve seats in parliament.

**Usenov, Daniyar** – Member of the People's Party who got into trouble with the courts during last year's parliamentary elections. Deprived of seat in parliament, following a complaint by the person who ran against him. Later had difficulties with the courts regarding his business — on charges assumed to be politically motivated.

**Usubaliyev, Turdakun** – Chairman of the Kyrgyz Communist Party, 1961-1985.



## APPENDIX D

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is a private, multinational organisation committed to strengthening the capacity of the international community to anticipate, understand and act to prevent and contain conflict.

ICG's approach is grounded in field research. Teams of political analysts, based on the ground in countries at risk of conflict, gather information from a wide range of sources, assess local conditions and produce regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports are distributed widely to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analysis and to generate support for its policy prescriptions. The ICG Board — which includes prominent figures from the fields of politics, diplomacy, business and the media — is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; former Australian Foreign Minister Gareth Evans has been President and Chief Executive since January 2000.

ICG's international headquarters are at Brussels, with advocacy offices in Washington DC, New York and Paris. The organisation currently operates field projects in eighteen crisis-affected countries and regions across three continents: Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia in Europe; Algeria, Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone and Zimbabwe in Africa; and Burma/Myanmar, Cambodia, Indonesia, Kyrgyzstan, Tajikistan, and Uzbekistan in Asia.

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August 2001

## APPENDIX E

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## APPENDIX F

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