

KYRGYZSTAN

**Capital:**

Bishkek

Population:

4,892,808

GDP:

\$13.88 billion

GNI per capita:

\$290

Scores:

Civil Liberties: *3.17*

Rule of Law: *2.62*

Anticorruption and Transparency: *2.34*

Accountability and Public Voice: *1.84*

(scores are based on a scale of 0 to 7, with 0 representing weakest and 7 representing strongest performance)

by Eric McGlinchey

EXECUTIVE SUMMARY

Kyrgyzstan, once the most open of the five post-Soviet Central Asian states, is today approaching the levels of authoritarianism of its neighbors. Although not yet as repressive as neighboring Turkmenistan, Kazakhstan, and Uzbekistan, the leadership in Kyrgyzstan under President Askar Akaev routinely violates civil and political rights while manipulating the judicial and legislative branches to maintain uncontested power. External checks on executive misrule, moreover, substantially weakened over the course of the year. The Kyrgyz press, always the target of government interference before, suffered even more pronounced and systematic intimidation in 2003.

Kyrgyzstan's growing authoritarianism has multiple causes, including demonstration effects from neighboring illiberal regimes; a new sense of impunity on the part of the Kyrgyz leadership resulting from the perception of the country's growing geostrategic importance; and possibly also a realization by President Akaev that maintaining personal rule beyond his

constitutionally mandated departure from office will, in and of itself, demand additional authoritarian measures. Together, these three factors have encouraged Kyrgyzstan's drift to ever more autocratic rule.

When Askar Akaev was first elected to office in 1990, he had the credentials and reputation of a liberal reformer. Over time, however, he has adopted the same autocratic strategies of rule that his Central Asian colleagues used from the outset of the Soviet collapse. The Akaev regime's playbook—including civil and political rights violations such as the use of non-state actors to intimidate the independent media and the use of a dependent judiciary to prosecute the opposition—has benefited from the lessons of earlier authoritarian consolidation in Uzbekistan, Turkmenistan, and Kazakhstan. Moreover, President Akaev himself, while attuned to regional strategies of illiberal rule, has simultaneously become less concerned about international calls for reform. Indeed, the recent arrival of Western military troops in Central Asia appears only to have emboldened the Kyrgyz leader. Although many Kyrgyz had hoped that growing Western attention would lead to political liberalization, state-led political violence has continued despite the winter 2002 opening of the antiterrorist coalition airbase at Kyrgyzstan's Manas international airport. The Kyrgyz leadership, as the events of 2002 would suggest, has calculated that it can trade international basing rights for a freer hand in repressing the domestic opposition.

Finally, the Kyrgyz regime's growing authoritarianism is potentially the product of the approaching constitutional deadline for President Akaev's political departure. Absent an amendment enabling the Kyrgyz president to run for a third term, Akaev will be required to leave office in 2005. However, given the president's recent actions in the areas of civil liberties, rule of law, and accountability, it is not out of the question that he will use authoritarian strategies to ensure favorable amendments to or permissive reinterpretations of the constitution.

CIVIL LIBERTIES – 3.17

Respect for civil liberties decreased in Kyrgyzstan in 2003. Much as it has for the past three years, the Kyrgyz government continued to use state security services to repress political opposition, limit freedom of association, and constrain freedom of religion. Moreover, while President Akaev spoke publicly of the need to improve gender and interethnic relations, women and minorities continue to face barriers to advancement in both the state bureaucracy and the broader Kyrgyz economy. The Akaev regime moved closer to consolidated autocracy in 2003.

The Kyrgyz government has become more brazen in silencing the political opposition with official and unofficial security services. Refining a

strategy that was first used in the 2000 parliamentary and presidential elections, in 2003 the Kyrgyz state continued to repress its critics through the offices of the ministry of internal affairs (MVD), the national security service (SNB), and the state procurator. Despite state guarantees proscribing arbitrary arrest and detention without trial (Article 18 of the Kyrgyz constitution), members of the Kyrgyz political opposition, journalists, religious leaders, and civil society activists have been temporarily jailed or detained in military hospitals in increasing numbers. Whether this growing repression signals redoubled action on the part of the central government or merely an increasingly laissez-faire policy toward subordinate security services is unclear. What is certain, however, is that Kyrgyzstan's SNB, MVD, and procurator favor protection of the government in power over the rights of individuals.

Whereas in the past the Akaev government tolerated political opponents between election cycles, 2003 saw the steady persecution of state detractors throughout the year. In May, for example, 20 women from Aksy, southern Kyrgyzstan, were arrested by Bishkek police in the capital's central square. Ironically, the women were charged with planning an "unauthorized protest" against police abuses.¹ In addition, compounding the fears of regime detractors, non-state actors assaulted several oppositionists in 2003. Alexandra Chernykh, an independent journalist and daughter of one of Kyrgyzstan's most outspoken investigative reporters, was attacked by unidentified assailants in January. Dmitri Kabak, a prominent human rights lawyer, was assaulted in May and journalist Ernest Nazalov, a writer conducting a study into state corruption for the opposition paper *Kyrgyz Rubu*, was similarly assaulted in early September. On September 15, Nazalov's body was pulled from a river in Kara-Suu, southern Kyrgyzstan. The extent to which the Kyrgyz state was involved in these assaults and killings is unclear. However, the Kyrgyz government has shown little interest in pursuing the perpetrators of these attacks. The deputy director of the Osh oblast regional police, for example, concluded that Nazalov fell into the river after a night of revelry, and therefore no further investigation into the reporter's death was necessary.²

For those who are attacked by non-state actors and, equally, for those repressed by state security services, avenues of redress are limited. Rule of law is often compromised in Kyrgyzstan, and court decisions are made by the state administration with only the façade of due process. Kyrgyz rights defenders, moreover, face considerable risks should they choose to challenge cases before the courts. For example, prominent human rights lawyer Galina Kaisarova has been charged with libeling an adviser to the prime minister during her cross-examination defense in a 2001 court case.³ The Kyrgyz government has continued to prosecute the case against Kaisarova

despite a state law that prohibits statements lawyers make in court from being used as grounds for libel.⁴

One potential bright spot in Kyrgyzstan's otherwise disappointing record on human rights was the creation in November 2002 of the ombudsman's office. The ombudsman's role is to educate citizens and state actors about constitutionally protected civil liberties and to provide counsel to citizens whose rights have been violated. The Kyrgyz ombudsman, Tursunbai Bakir-uulu, noted that, as of June 2003, his office had received more than 800 complaints of human rights violations, the majority of which were directed at state security services.⁵ It remains unclear, however, whether the ombudsman will prove effective in redressing these complaints.

The Kyrgyz government, for its part, has not responded positively to the new ombudsman. Facing Bakir-uulu's charges that Bishkek police violated political rights when they arrested the Aksy women in May 2003, the press spokesman for the interior ministry, Dzholdoshbek Bursurmankulov, responded that the detentions were justified given a state "ban on political rallies in Kyrgyzstan."⁶ Moreover, when the ombudsman quickly—and perhaps carelessly—exhausted his 2003 budget, President Akaev further emphasized his displeasure by refusing to forward additional funds.⁷ The United Nations extended a grant in July 2003 to finance the ombudsman's office for the remainder of the year.⁸

Just as complaints against the security services have largely gone unaddressed, the Kyrgyz government has also passively tolerated violations of gender and minority rights. Women and ethnic minorities are grossly underrepresented in both the Kyrgyz government and the upper ranks of the economy. Of Kyrgyzstan's 105 parliamentary deputies, 5 are women, 10 are ethnic Russian, and 5 are Uzbek.⁹ The political under-representation of women is particularly striking. In 2001 women held fewer than 15 percent of all local and regional level parliamentary seats, and as of October 2003, only 2 of 12 Kyrgyz cabinet members were women.

Challenges for Kyrgyzstan's women, however, go beyond questions of political equality. For example, while gender discrimination is prohibited by the constitution (Article 15), women have access to considerably fewer opportunities in the Kyrgyz workforce than do men. Women are more likely to be unemployed than men and women are four times less likely to be small business entrepreneurs. Approximately 4,000 Kyrgyz women every year become victims of sex trafficking.¹⁰ Lured by promises of high wages and by misleading job descriptions, Kyrgyz women continue to find themselves in conditions of near enslavement abroad.

To the Akaev government's credit, it has taken limited steps to improve the welfare of women in Kyrgyzstan. The government announced new

measures in December 2002 to battle the growing sex trade. Moreover, as during the Soviet period, the Kyrgyz government remains committed to gender equality in education. Indeed, more women hold advanced degrees in Kyrgyzstan than do men. Complementing these laudable state efforts are more than 150 nongovernmental organizations (NGOs) working to improve the welfare of women in Kyrgyzstan.¹¹

To what extent education and NGOs can improve women's welfare, however, remains uncertain. In multiple areas—not just political representation—under-representation and gender-rights violations have increased rather than decreased since independence.¹² Just as the Kyrgyz authorities have done little to improve women's employment opportunities, so too have they failed to respond to the growing violence against women. In particular, the practice of “bride-stealing”—forcing a woman into marriage against her wishes—has markedly grown since the end of Soviet rule.¹³ Although bride-stealing is illegal, local authorities remain silent in deference to what they say is Kyrgyz tradition.¹⁴

Tolerance of ethnic discrimination has led to an increasing sense of resentment among minority groups. Ethnic Germans and Slavs have left Kyrgyzstan in droves. Russians dropped from 21 percent to 12 percent of the population between 1990 and 2000.¹⁵ For those who do stay, state efforts at ethnic integration often ring hollow. Although the Akaev administration has sought to encourage Russians to remain in Kyrgyzstan by making Russian an official state language and by appointing Russians to prominent positions in the state bureaucracy, Kyrgyzstan's Slavic population is considerably more dissatisfied with Kyrgyz governance than is the titular population.¹⁶ As one spokesman for the Russian minority tellingly summarized during the 12-year anniversary of the collapse of soviet rule, “Kyrgyzstan's independence day is not a holiday for ethnic Russians.”¹⁷

It should be emphasized that post-Soviet ethnic-based grievances have not produced violent conflict, a fact that is particularly notable given Kyrgyzstan's experience with ethnic rioting in June 1990. Recent calm, however, does not mean that ethnic tensions have disappeared over the past decade. Much as was the case prior to the Soviet collapse, ethnic Kyrgyz today continue to monopolize positions of power, even in regions where Uzbeks constitute the local majority.¹⁸ Moreover, tensions extend beyond questions of representation to those of everyday life. The Uzbek language, unlike Russian, has not been made an official state language—this despite the fact that Uzbeks, approximately 20 percent of the Kyrgyz population, constitute a larger minority than do ethnic Russians.¹⁹ Unfortunately, efforts to improve ethnic relations have been either ignored or ridiculed by the state. A recent proposal to increase Uzbek representation in the na-

tional parliament, for example, was described in the state-controlled press as dangerously “Balkanizing,” as “evidence of the complete irresponsibility of its disseminators.”²⁰

Some ethnic Uzbeks as well as a growing number of Kyrgyz have turned to non-state institutions for alternative sources of economic assistance, to voice dissent, and to challenge the policies of the Akaev regime. While these alternative institutions assume different forms, including a wide array of new NGOs and much older *mahalla*, or grassroots neighborhood organizations, recent years have also seen a growing attraction to organizations that directly challenge the basic underpinnings of the Kyrgyz state. For example, there has been a notable increase in the popularity of the banned group Hizb ut-Tahrir, a clandestine and secretive pan-Islamist extremist movement that seeks to “struggle against the rulers in the Arab and Muslim countries . . . to remove their regimes so as to establish the Islamic rule in its [*sic*] place.”²¹ Just as the Akaev regime has been intolerant of those who seek to replace authoritarian rule with democracy, so too has it shown little patience for those who wish replace the Kyrgyz state with an Islamic caliphate. As such, although Kyrgyz are free to practice religion, and indeed even encouraged to practice Islam,²² the Akaev government has declared illegal all forms of what it calls religious extremism. In 2000, 150 “extremists” were arrested. In 2001 this number increased to 400.²³ And, in just the first eight months of 2003, the Kyrgyz state began investigations into a further 1,650 Islamic “agitators.”²⁴ This trend toward imprisoning Islamic activists, moreover, appears likely to strengthen. Although 2003 has seen what most observers estimate to be the greatest number of sentences passed against Hizb ut-Tahrir members, the state paper *Slovo Kyrgyzstana* concluded that the courts nonetheless have been “too lenient” in prosecuting alleged extremists.²⁵

Recommendations

The government must ensure that legislative guarantees for improving civil liberties are implemented and enforced. The Kyrgyz government must cease using the judiciary to intimidate its political opponents.

RULE OF LAW – 2.62

The Kyrgyz courts are a powerful tool of executive control. Although the constitution stipulates that the judiciary is to be independent and that all who appear before it are to be guaranteed counsel and the presumption of innocence until proven guilty, the courts nevertheless reflect first and foremost the interests of executive power in most cases. The Kyrgyz president appoints both national and regional level judges and state pros-

ecutors, and, as Kyrgyzstan's many inadequately trained and easily swayed judges demonstrate, these appointments are based more on loyalty to the executive than they are on merit. In addition, the Kyrgyz president regularly dismisses judges and prosecutors, as the constitution vaguely allows, on "grounds, provided by law" (Article 81). Problematic magistrates have thus been sacked for failing attestation exams and for alleged ill health.

The executive is but one of many overlapping interests seeking to sway the judiciary. Judges, like most Kyrgyz public servants, are poorly paid and thus are susceptible to bribes. Senior members within the Kyrgyz executive and judiciary are aware that bribe taking is common behavior; six judges have been removed for such alleged improprieties.²⁶ Crucially, however, it is questionable whether this represents a genuine effort on the part of the executive to reduce corruption in the judiciary: Prosecuting judges for corruption, members of the political opposition emphasize, is a means by which the executive can ensure continued control and judicial dependency.²⁷

Given this dependency, Kyrgyz court decisions often do not reflect the primacy of the rule of law, but rather the interests of executive power. Supporters of the incumbent authorities and persons with links to high-ranking state officials who violate the law are regularly cleared of guilt while many political opponents are pursued by the courts with zeal. For example, Felix Kulov, onetime Akaev confidant and a former vice president of Kyrgyzstan, oblast governor, minister of national security, and mayor of Bishkek, is now serving a seven-year sentence for his "abuse of power" while heading Kyrgyzstan's national security service.²⁸ Revealingly, charges against Kulov surfaced only after he joined the political opposition in early 2000. In October 2002 Kulov's appeal was rejected. Interior police dragged Kulov from the courtroom while his enraged supporters tore down the court's doors and smashed windows.²⁹ The U.S. State Department's Kyrgyzstan report on human rights says that this and earlier trials against Kulov, as well as similar court cases against opposition parliamentarian Azimbek Beknazarov, were initiated for "apparently political reasons."³⁰

Although court decisions often reflect the interests first of the executive and second of those who pay bribes, there is little indication that the Kyrgyz courts systematically discriminate on ethnic, religious, or gender grounds. Rather, Kyrgyz citizens overwhelmingly and uniformly distrust the judiciary, which is feared by all.³¹ This distrust is the product of an environment where personal and property rights are not guaranteed by the state but are secured by personal connections and by money.³²

Growing public insistence that interior forces be held accountable for their abuses swayed the Akaev government to prosecute the Aksy regional police commanders for their March 2002 crackdown on demonstrators

protesting against the prosecution of opposition member of parliament Azimbek Beknazarov. Encouragingly, these officers were found guilty by a military tribunal and jailed in December 2002 for using excessive force. Five months later, however, their sentences were overturned on appeal.³³ No one, it now appears, will be held responsible for the Aksy killings.

The Aksy shootings suggest a number of troubling conclusions regarding the accountability of state security services. First, the acquittal of the Aksy officers by a second military tribunal only five months after they had been sentenced has led some to believe that civilian control over the security services may be imperfect.³⁴ An alternative explanation, put forward by members of the Kyrgyz opposition, is that the decision to fire on the Aksy protesters may have been made by officials within the Akaev administration, in which case the security services were merely carrying out the will of the civilian administration.³⁵ Neither of these interpretations is encouraging. And regardless, the Kyrgyz security services nevertheless have escaped the executive's censure in their use of excessive force in Aksy.

Recommendations

The Akaev leadership must cease interference in and manipulation of Kyrgyz courts. This includes the use of show trials against such members of the opposition as Kulov and Beknazarov, which intimidate and thereby effectively silence those who might otherwise challenge the Akaev regime. Maintaining an independent judiciary will also help ensure political freedoms and property rights. Freeing the judiciary's budget from executive control, increasing the salaries of Kyrgyz judges, and liberating magistrates from executive influence—both in their appointments and in their tenure—are essential if Kyrgyzstan is to see any measure of political liberalization.

ANTICORRUPTION AND TRANSPARENCY – 2.34

A biased judiciary is only one example of the corruption that pervades the Kyrgyz government. Offices across the state bureaucracy are compromised by a combination of poor salaries and direct executive intervention. Indeed, it is the combination of low official salaries and executive manipulation that helps sustain autocratic rule: State bureaucrats, judges, and policemen are paid miserly salaries yet remain attracted to state employment due to the economic rents their offices yield. The Kyrgyz executive, in turn, is saved the expense of paying its administrators a living wage, while at the same time it is guaranteed ready evidence of economic malfeasance should a former employee leave the central administration and join the political opposition.³⁶

The opportunities for rent-seeking behavior in Kyrgyzstan are considerable. A February 2003 study conducted by Kyrgyz television station KOORT found that state agencies could legally demand to see 50,000 different documents from business owners. Entrepreneurs often must register with 20 different state agencies before obtaining necessary licenses.³⁷ The World Bank's 2002 BEEPS survey found that Kyrgyz firms paid more in bribes to state officials than firms in any other post-Soviet country.³⁸ Indeed, costs of locally produced Kyrgyz goods are estimated to be three times higher than they otherwise would be under a regime of transparent licensing.³⁹

Moreover, corruption extends beyond everyday bribe taking to the upper reaches of the Kyrgyz government. In a November 2001 report, the World Bank concluded that corporate governance issues remained unaddressed in Kyrgyzstan and that the Akaev administration, rather than divesting itself from the economy, continued to subsidize loss-making industries.⁴⁰ As for Kyrgyzstan's most profitable sectors—fuel distribution, gold extraction, alcohol, media, and tourism—the International Crisis Group writes that these “are dominated by virtual monopolies, with major branches under the control of members of the presidential family.”⁴¹

The Kyrgyz government does periodically vow to fight what it acknowledges is widespread corruption. In an effort to limit corruption, all public servants are required to disclose their property holdings and annual incomes. However, the state agencies that review these declarations are, themselves, corrupt. In a March 2003 interview with KOORT, for example, President Akaev singled out the “Department for Fighting Economic Crime and Corruption” as among the “most corrupted ones [agencies]” in the country.⁴²

This department is by no means the only government agency riddled with graft. Money buys influence throughout the state bureaucracy—medical exemptions from military service, passing grades on university exams, access to hard-to-get hospital care, and, as this author was offered, copies of unpublished dissertations.⁴³ Motivating this pervasive corruption is the Kyrgyz government's inability or reluctance to undertake comprehensive audits of its many ministerial branches. As a result, what few internal audits are conducted have thus far proven ineffective in limiting growing corruption. External audits, moreover, have been no more effective. The IMF concluded in a March 2003 study that external audits of the Kyrgyz budgeting process “are relatively recent and still weak.”⁴⁴ Those institutions and actors that have proven capable of uncovering corruption—independent media sources such as *Moya Stolitsa* and whistle-blowing journalists such as Alexander Kim and Rina Prizhivoit—have been persecuted rather than embraced by the Kyrgyz government.

A large source of Kyrgyz corruption is the little-reformed practice of centralized budgeting—a practice that the International Monetary Fund has concluded leads to budgets that are “generally not realistic.”⁴⁵ Annual budgets are drafted exclusively by the executive, approved by the parliament with little debate, and routinely left unmet by state tax collection and spending agencies.⁴⁶ Further complicating matters, the Akaev administration routinely rotates its oblast governors. While this practice limits the possibility that oblast governors might form their own personal followings, it also limits the state’s capacity for rational budgeting.

Revealingly, while the Kyrgyz government does publish its annual budgets in state newspapers, these published statistics are “hollow,” as a member of the Karakol city council emphasized.⁴⁷ Meaningful statistics such as data on actual tax expenditures are not published. State tax collection, the International Monetary Fund (IMF) has found, is “negotiated” and “discretionary” rather than routinized by transparent and enforceable law.⁴⁸ The current, centralized system of Kyrgyz budgeting removes local taxation from local expenditures. As a result, Kyrgyz citizens and enterprises have few reasons not to strike private arrangements with state tax collectors. Perhaps not surprisingly, given this overwhelming lack of transparency, Kyrgyz budgets neither meet economic needs nor reflect economic reality. Thus, the Kyrgyz state faces chronic shortfalls, state employees remain underpaid, and bribes in all spheres of daily life are rampant.

International organizations have found it challenging to track the expenditures of the Akaev government. In its November 2003 report, the World Bank revealed that its own Rehabilitation and Privatization Enterprise Adjustment Credits to the Kyrgyz central government had been misappropriated; rather than furthering economic liberalization, World Bank funds were diverted “to finance inefficient SOEs [state owned enterprises].” The World Bank’s internal auditing agency downgraded its Kyrgyz aid programs after it discovered that loans were misappropriated by Kyrgyz state agencies.⁴⁹

Recommendations

Decentralizing the Kyrgyz budget process is important to encourage transparency as well as help to limit corruption by giving local populations ownership over revenues and expenditures. Devolution of control to local communities would provide Kyrgyz citizens incentive both to participate in and to police the process of tax collection and revenue allocation. Economic decisions should be shifted from migratory state appointees, who are rotated from region to region and thus rarely have vested interests in the oblasts where they are temporarily posted, to local governments, which

currently have few real powers. This would introduce a measure of accountability to what, thus far, has been a freewheeling and corruption-riddled centralized bureaucracy. The Akaev administration should receive credit for passing several decrees and legislative projects that, if effective, will allow a real measure of local budgeting for the regions.

ACCOUNTABILITY AND PUBLIC VOICE – 1.84

The Kyrgyz government has become steadily less accountable and the public's voice has been both suppressed and ignored with increasing frequency in recent years. At the same time, the Kyrgyz electoral code has become less democratic in both design and practice. The Akaev administration's proposed new electoral code, for example, would preclude the candidacy of anyone who has been convicted of a crime, regardless of the severity, or who is not fully competent in the Kyrgyz language. Equally troubling, those provisions, which are meant to safeguard democratic practice, are regularly flouted by the administration. Regulations on campaign financing so as to limit the influence of economically privileged interests, for example, and provisions against ballot fraud, although stipulated by law, are rarely observed in practice. As past actions demonstrate, the central government manipulates public ballots to ensure majority control over central and regional offices.

This control, it should be noted, is not absolute. The few independent media and election monitors have limited ability to act as a check on corruption, electoral manipulations, and gross usurpation of power. However, a limited number of opposition candidates do win national and local office. To what extent this reflects a measure of true accountability and public voice, however, is questionable. As the deputy chairman of the Ar-Namys opposition party observes, "one or two opposition deputies are necessary so as to show that we have an opposition; but we cannot do anything—five oppositionists alone will never win a vote."⁵⁰

Nevertheless, the Kyrgyz opposition is the most vocal and powerful of all political oppositions in Central Asia. Although constrained in its ability to limit presidential power, the Kyrgyz opposition has been able, particularly at the grassroots level, to rally Kyrgyz citizens against the abuses of executive misrule. In August 2003, for example, 1,000 Kyrgyz gathered for the "third congress of the Kyrgyz opposition." At the close of the meeting, congress delegates passed a resolution condemning President Akaev for "clannish and authoritarian" behavior and for failing to punish those responsible for the killing of the Aksy protesters in March 2002.⁵¹

Given such criticisms, it perhaps is not surprising that the Akaev administration carefully controls the electoral process so as to limit the opposi-

tion's presence in state institutions. Kyrgyz elections are administered by the Central Election Commission (CEC). The CEC is housed within the building of the presidential administration. Further assuring executive influence over the commission, the CEC's chairman and 5 of its 16 members are appointed by the president (the legislative assembly and the assembly of peoples' representatives in the parliament each appoints 5 members). This model of executive control is repeated in electoral commissions at the regional and local levels. There, the president's regional *akim* (appointed oblast governor) staffs local administrative posts and electoral commissions with regime loyalists.

Problematically, the executive-dominated CEC and Territorial Election Commissions (TECs) are responsible for registering parties and candidates for single-mandate elections. Not surprisingly, parties and candidates the executive perceives as threatening face selective—and often insurmountable—hurdles in the registration process. In the 2000 parliamentary elections, for example, two of the four main opposition parties (the People's Party and Ar-Namys, or Dignity) were denied registration on the party ballot as a result of the CEC's selective interpretation of contradictory electoral laws. Moreover, a third opposition party, the Democratic Movement of Kyrgyzstan (DMK), was deregistered when members of Ar-Namys joined the DMK party list.

Opposition candidates hoping to win seats in single-mandate districts fared little better. Kyrgyzstan's two most prominent opposition candidates, Felix Kulov and Daniyar Usenov, became the victims of CEC machinations after each demonstrated convincing leads in the first round of balloting. Kulov's campaign was derailed by what the OSCE Election Observation Mission called "clear and irrefutable evidence of systemic fraud by the senior officials of the executive branch" in the second-round voting.⁵² Usenov was deregistered after the first round due to what the CEC concluded were irregularities in his financial declaration; according to the Kyrgyz election code, all candidates are required to submit a declaration of personal income and property.⁵³

The presidential political machine has been equally active in securing the passage of constitutional amendments. On February 2, 2003, Kyrgyz voters were asked to approve a series of constitutional amendments that would expand presidential powers, change electoral laws, and potentially limit human rights. So as to ensure the implementation of these amendments, voters were also asked to reaffirm President Akaev's tenure in office until 2005 (that is, until the conclusion of his term). The Akaev administration repeatedly made assurances in the state-controlled press that this vote of confidence, along with the constitutional amendments, was the initiative

of a broadly representative constitutional council. Although such a council did exist, it was largely a façade to please the international community.⁵⁴ The recommendations of this body were quickly and quietly reworked three weeks prior to the referendum by an “experts group” hand-picked by President Akaev.⁵⁵ The reworked amendments were presented to the council as a *fait accompli*, and those who dared challenge the president’s revisions were ridiculed in the press as “imposters.”⁵⁶ Given the last-minute revisions by the expert committee, most Kyrgyz had little idea what they were voting for in the referendum. Voters were simply asked the question: “Should the Law of the Kyrgyz Republic ‘On a New Version of the Constitution of the Kyrgyz Republic’ be adopted?” The CEC posters explaining the amendments, moreover, did not include the expert group’s final revisions.⁵⁷

Even had the voters been able to make an informed decision, however, the regional authorities conducting the balloting probably would have ensured—as past referendums and elections demonstrate—that the President Akaev’s proposal passed. In what is now regular practice, Kyrgyz security services were most active during the time of national voting. Election monitors from the opposition Ar-Namys and Ata-Meken (Fatherland) parties were arrested, allegedly for kidnapping a voter in Bishkek. In a statement following their release, the election monitors explained that the “kidnapped” voter, an 18-year-old bused in from the provinces, had been shuttled around Bishkek by the state government officials so as to vote at multiple polling stations. OSCE election monitors have noted similar instances of multiple voting in other Kyrgyz ballots.⁵⁸ Only days following this press statement, Ar-Namys members were evicted from their party headquarters. Interior troops videoed the eviction and later used the tapes to call party members in for questioning.⁵⁹

As it has been in the past, the Kyrgyz state was selective in its application of election law in February 2003. While violations such as multiple voting were encouraged wherever they favored passage of the presidential referendum, actions that threatened the ballot were quickly suppressed. Thus, for example, in addition to prosecuting Ar-Namys and Ata-Meken election monitors, Bishkek police also jailed demonstrators who were distributing pamphlets calling for a boycott of the referendum. On the day of the vote, however, the local Bishkek administration allowed pro-referendum agitators to distribute their own pamphlets.⁶⁰ Nevertheless, as long as the local electoral commissions remain firmly under the control of the executive, the outcome of Kyrgyz ballots will continue to favor the president.

In previous years, although the outcomes of elections and referendums were rarely in doubt, Kyrgyz voters could at least take some comfort in knowing that independent media outlets and civic organizations could

publicly detail the scope and nature of state manipulation. In the past year, however, the central government has taken new measures to control the media and limit public dialogue. In addition to its long-established practice of censoring critical newspapers by sporadically denying them printing runs on the state-controlled press, the Akaev administration turned to the courts in 2003 for a more permanent means of silencing the independent media.

In the first six months of 2003, 31 libel suits were initiated against the opposition newspaper *Moya Stolitsa*—and quickly resolved in favor of the Akaev government. Among those supporting the lawsuits against the paper were Prime Minister Nikolai Tanaev and Akaev's son-in-law Adil Toygonbaev, the principal investor in the fuel import company Merlside. Tanaev sued after the paper questioned whether he had embezzled public health funds. Similarly, Merlside filed charges after *Stolitsa* printed an article alleging that the fuel company engaged in tax fraud. The Tanaev and Merlside lawsuits resulted in fines of 1.5 million soms (approximately \$30,000). Facing a further \$70,000 in similar court-ordered fines, *Moya Stolitsa* declared bankruptcy in June 2003.⁶¹ Thus the courts, working together with Akaev's son-in-law and prime minister, effectively silenced Kyrgyzstan's leading independent paper. The use of such libel suits, combined with the state monopoly of printing and the spate of unsolved assaults on independent journalists described above, has further weakened the independent media. Such attacks, understandably, have led to self-censorship and a concomitant erosion of political and civil freedoms in Kyrgyzstan.

It is not only the press, however, that is constrained in its ability to report on Kyrgyz politics. Civic organizations have faced state-led intimidation in their efforts to comment on and influence government policy as well. For example, Edil Baisalov, the leader of the Coalition for Democracy and Civil Society, Kyrgyzstan's largest NGO, was forcibly held in a hospital, ostensibly for a three-day exam to determine his eligibility for military service by verifying his poor eyesight.⁶² Baisalov's forced hospital stay prevented him from speaking at a Freedom House forum scheduled for February 28, 2003.

In addition to such overt intimidation, civic groups like the Coalition for Democracy and Civil Society and the Kyrgyz Committee for Human Rights have faced repeated difficulties in renewing their registrations as NGOs. In the summer and fall of 2003, for example, the Coalition was denied registration three times by the Kyrgyz ministry of justice. The ministry first argued that the Coalition was ineligible for registration because of a new constitutional amendment passed in February 2003 prohibiting NGOs from participating in "political activities," then because it had an improperly drafted lease for the NGO's office space, and finally because of

an incomplete accounting of Coalition members. Following considerable pressure from western governments and rights organizations, the Coalition was finally registered in early October 2003.⁶³

Recommendations

Autocratic rule in Kyrgyzstan must end. As a step toward this goal, the executive's power over the Central and Territorial Election Commissions and control of the judiciary must be curtailed. The Election Code must be changed to meet international standards for free and fair elections by protecting the right to be a candidate; allowing for pluralistic representation in the Central Election Commission; establishing satisfactory procedures for voting, counting of ballots, and tabulation; and offering complete transparency of all aspects of the election process. The media law must be liberalized to limit civil suits for libel against journalists and media outlets criticizing government officials. The Criminal Code should not include imprisonment for libel. Western aid should continue only on the condition that the Akaev leadership and the government demonstrate rather than merely promise political reform.

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Notes

¹ "Kyrgyz Ombudsman Calls for End to Police Mistreatment of Citizens" (Prague and Washington, D.C.: Radio Free Europe/Radio Liberty [RFE/RL], 23 May 2003).

² Makhmadzhan Urumbaev, "Nochnaia tragedia," *Vechernii Bishkek*, 24 September 2003.

³ E. Leo Milonas, President of the Association of the Bar of the City of New York, "Letter to President Akaev from the Association of the Bar of the City of New York Regarding the criminal prosecution of Kyrgyz attorney Galina Kaisarova" (New York: Human Rights Watch, 27 June 2003), <http://www.hrw.org/press/2003/06/kyrgyz062703-ltr.htm>.

⁴ Vadim Nochevkin, "Advokati zagovorili o vserespublikanskoi zabastovke," *Delo No*, 23 April 2003).

⁵ "Kyrgyz Ombudsman's Office Running out of Funds" (RFE/RL, 17 June 2003).

⁶ "Kyrgyz Spokesman Links Arrested Protestors to Police Station Attackers," BBC Monitoring International Reports, 16 May 2003.

⁷ See Asel' Otorbaeva, "Diadyushka, zdrastvyiute, ia vasha tetia," *Vechernii Bishkek*, 12 September 2003.

⁸ The United Nations has since taken a leading role in funding the Kyrgyz ombudsman's office (New York: UN Development Program), <http://www.undp.kg/english/programs.phtml>?4.

⁹ "Age, Ethnic Profile of Newly Elected Parliament," BBC Summary of World Broadcasts, 24 March 2000 (from *Slovo Kyrgyzstana*, Bishkek, 21 March 2000), available in Lexis-

Nexis.

¹⁰ "Second Periodic Reports of States Parties, Kyrgyzstan" (New York and Geneva: United Nations Committee on the Elimination of Discrimination against Women [CEDAW], 7 October 2002), CEDAW/C/KGZ/2.

¹¹ "Kyrgyz Said Tackling Trafficking in People After US Warning," BBC Monitoring, 20 December 2002 (from Kyrgyz-Press International News Agency, Bishkek, 19 December 2002).

¹² "Second Periodic Reports" (CEDAW), 22.

¹³ See, for example, L.M. Handrahan, "International Human Rights Law and Bride Kidnapping in Kyrgyzstan," Eurasia Insight (New York: Eurasianet, 28 January 2000), www.eurasianet.org; Claire Wilner, "Letter from Kyrgyzstan: It's That Time of Year, When Wife-Stealers do their Rounds," *Manchester Guardian Weekly*, 25 December 2002, 16.

¹⁴ Handrahan, "International Human Rights Law and Bride Kidnapping in Kyrgyzstan."

¹⁵ Evgenii Smirnov, "Russkie v Kyrgyzii: 'ischezayushii vid?'" (Washington, D.C.: Eurasia Foundation, 5 November 2002), <http://eurasia.org.ru>.

¹⁶ For more on the law making Russian an official language and Kyrgyz efforts to stem Russian emigration, see Viktoriia Panfilova, "V Kirgizii otnyne mozhno govorit' po-russki. I byt' pri etom gosudarstvennym sluzhaschim," *Nezavisimaia gazeta*, 25 December 2001, 4. For more on Russian dissatisfaction with Kyrgyz governance, see Eric McGlinchey, "Paying for Patronage: Regime Change in Post-Soviet Central Asia," (Princeton: Princeton University, Ph.D. dissertation, 2003), 198.

¹⁷ "Slavianskii diaspora: Den' nezavisimosti Kyrgyzstana—ne prazdnik etnicheskikh rossiian," AKIpress, 2 September 2003.

¹⁸ Eric McGlinchey, "Powerless in Kyrgyzstan" (RFE/RL, 13 July 2000).

¹⁹ Alisher Khamidov, "Ethnic Uzbeks Stoke Unrest in Southern Kyrgyzstan," Features (Eurasianet, 26 June 2002), <http://www.eurasianet.org>.

²⁰ Rustam Karaev, "Za spinoi oppozitsii," *Vechernii Bishkek*, 26 May 2003.

²¹ For more on Hizb ut-Tahrir, see their website, <http://www.hizb-ut-tahrir.org>.

²² See, for example, "President strani Askar Akaev pozdravil musul'man Kyrgyzstana so sviaschennym prazdnikom Kurman ait," *Vechernii Bishkek*, 12 February 2003.

²³ Charles Carson, "Kyrgyzstan: Hizb ut-Tahrir Accused of Increased Militancy" (RFE/RL, 3 March 2003).

²⁴ A. Galich, "Islam . . . s listovkoi," *Slovo Kyrgyzstana*, 15 August 2003, 12.

²⁵ "Kyrgyz Courts Pass 'Lenient' Decisions on Banned Islamic Party," BBC Monitoring International Reports, 7 August 2003 (from *Slovo Kyrgyzstana*, Bishkek, 29 July 2003), available in LexisNexis.

²⁶ Interview with Marat Ukushev, former adviser to the Kyrgyz President on legal affairs and currently the chair of the Sverdlovsk regional court (Bishkek, June 2003).

²⁷ Interviews with members of the political opposition and independent NGO activists (Kyrgyzstan, 1999–2003).

²⁸ "Tochka v 'kakangeite,'" *Vechernii Bishkek*, 23 January 2001.

²⁹ "Prigovor obzhalovan v tolpe: Kyrgyzskaia oppozitsia razgromila gorodskoi sud," *Kommersant*, 15 October 2002, 11.

³⁰ *Kyrgyz Republic*, Country Reports on Human Rights Practices – 2002 (U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, 31 March 2003), <http://www.state.gov/g/drl/rls/hrrpt/2002/18374.htm>.

³¹ See McGlinchey (2003), 211.

³² Interviews of Bishkek businessmen, summer 2003; Business Environment and Enterprise Performance Survey (BEEPS) of Kyrgyz firms (Washington, D.C.: World Bank, 2002), <http://info.worldbank.org/governance/beeps/front.htm>. For a summary of BEEP's data, see *Transition Report, 2002* (London: European Bank for Reconstruction and Development [EBRD]), ch. 2.

³³ For more on the Aksy trials, see, "Officials Charged over Kyrgyz Riots Acquitted on Appeal," BBC Monitoring International Reports, 20 May 2003 (from *Slovo Kyrgyzstana*, Bishkek, 20 May 2003), available in LexisNexis. For more on public perceptions of the judiciary, see McGlinchey (2003), 190–216.

³⁴ See Khamidov (18 October 2002).

³⁵ See the Ar-Namys Web site, <http://www.ar-namys.org/>, for more on this view.

³⁶ For a more extensive discussion of this strategy of rule, see McGlinchey (2003), ch. 6.

³⁷ "Kyrgyz Deputy Premier Says Corruption Impacting on Country's Economy," BBC Monitoring of International Reports, 20 February 2003 (from KOORT, Bishkek, 20 February 2003) and 24 March 2000 (from *Slovo Kyrgyzstana*, Bishkek, 21 March 2000).

³⁸ BEEPS data are available online: <http://info.worldbank.org/governance/beeps/front.htm>.

³⁹ "Kyrgyz Deputy Premier Says Corruption Impacting on Country's Economy" (BBC).

⁴⁰ "Kyrgyz Republic Country Assistance Evaluation" (Washington, D.C.: World Bank, Operations Evaluation Department, 12 November 2001), 5.

⁴¹ *Kyrgyzstan's Political Crisis: An Exit Strategy*, Asia Report No. 37 (Brussels: International Crisis Group, 20 August 2002), 1.

⁴² "Kyrgyz President Declares War on Corruption," BBC Monitoring of International Reports, 31 March 2003 (from KOORT, Bishkek, 31 March 2003).

⁴³ Interviews with Kyrgyz students and medical professionals, 1998, 1999–2000.

⁴⁴ "Assessing and Promoting Fiscal Transparency: A Report on Progress" (Washington, D.C.: International Monetary Fund [IMF], 5 March 2003), 24.

⁴⁵ Ibid.

⁴⁶ On parliamentary oversight, see, for example, "Kyrgyz Parliament's Upper House Approves First Reading of 2004 Budget Bill," BBC Monitoring International Reports, 14 October 2003; "Kyrgyz MPs Pass 2003 Draft Republican Budget in First Reading," BBC Monitoring International Reports, 24 October 2002.

⁴⁷ Interview with Tatiana Popova, Karakol, Kyrgyzstan, 13 April 2000.

⁴⁸ "Assessing and Promoting Fiscal Transparency" (IMF).

⁴⁹ "Kyrgyz Republic Country Assistance Evaluation" (World Bank), 5.

⁵⁰ Interview with Emil Aliev, leader of Ar-Namys (Bishkek, June 2003).

⁵¹ "Kyrgyz Opposition Congress Criticizes President's Domestic Policy," BBC Monitoring International Reports, 5 September 2003 (from *MSN*, Bishkek, 26 August 2003).

⁵² "Kyrgyz Republic Parliamentary Elections" (OSCE), 15.

⁵³ A. Otorbaev, "Vyibori-2000, Protsessi, protsessi," *Vechernii Bishkek*, 10 March 2000.

⁵⁴ Interview with members of the original constitutional council, Edil Baisalov and Emil Aliev, Bishkek, Kyrgyzstan, June 2003.

⁵⁵ Interview with Baisalov and Aliev. See also "Kyrgyz Republic Constitutional Referendum" (OSCE).

⁵⁶ Erlan Satybekov, "Samozvantsi," *Vechernii Bishkek*, 31 January 2003.

⁵⁷ "Kyrgyz Republic Constitutional Referendum" (OSCE), 6.

⁵⁸ See, for example, "Kyrgyz Republic: Parliamentary Elections, 20 February & 12 March

2000" (Warsaw, OSCE, 10 April 2000).

⁵⁹ Interview with Emil Aliev, leader of Ar-Namys (Bishkek, June 2003). For the Kyrgyz state's account of the events, see Azamat Kasybekov, "Pokhishchenie," *Vechernii Bishkek*, 3 February 2003. See also "Transcaucasia and Central Asia Report" (RFE/RL, 10 February 2003).

⁶⁰ *Central Asia Report* (RFE/RL, 6 February 2003).

⁶¹ Bruce Pannier, "Kyrgyzstan: Publisher Undaunted by Closure of 'Moya Stolitsa'" (RFE/RL, 23 June 2003).

⁶² Interview with Edil Baisalov.

⁶³ For more on the Coalition's case and other similar cases, see Rachel Denber, "Kyrgyzstan: Letter to President Akaev Regarding Kyrgyz NGOs" (HRW, 7 October 2003), <http://www.hrw.org>.