

HUMAN RIGHTS WATCH

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February 3, 2006

President Kurmanbek Bakiev
Dom Pravitelstva
Bishkek 720003
Kyrgyz Republic

Dear President Bakiev,

We are writing to you today to express our deep concern about several steps taken by your government that appear intended to interfere with the work of nongovernmental organizations (NGOs) in Kyrgyzstan. These steps include a plan announced recently by the minister of justice to investigate all NGOs operating in Kyrgyzstan that receive foreign funding, and the misuse of administrative measures and criminal charges against several NGOs that work on human rights and democracy building, in apparent retaliation for their positions on sensitive issues.

We urge you to put a stop to the Ministry of Justice's proposed measures and to reaffirm your commitment to a civil society free of unjustified government interference.

On January 24, Minister of Justice Marat Kaipov publicly instructed the ministry's registration department to launch an investigation of all NGOs operating in Kyrgyzstan that receive foreign funding. In a speech to senior Ministry of Justice staff, Minister Kaipov specifically called on the registration department to determine which NGOs funded from abroad might threaten Kyrgyzstan's national security and implied that government support should go to those NGOs that advance Kyrgyzstan's development. At no point did Minister Kaipov define the kind of NGO activity that would be considered a "threat" by auditors, nor did he explain the criteria by which government investigators would determine whether groups were advancing the development of Kyrgyzstan. It was also not made clear why matters related to threats to national security were deemed the purview of the Ministry of Justice rather than law enforcement or national security bodies.

In response to concerns raised by Kyrgyz NGOs, Minister Kaipov stated that the proposed measures were intended to fight "religious extremism." But this vaguely worded proposal would leave ample room for government officials to arbitrarily determine which NGOs were threats, and which did not advance Kyrgyzstan's development. Human Rights Watch is concerned that decisions would be made on the basis of the degree of loyalty or support an NGO provides to your administration and that the vetting process would be little more than a political litmus test.

About seven thousand NGOs operate in Kyrgyzstan today. With few local sources of funding, many of these groups rely on funding from foreign sources,



including the United Nations, the Organization for Security and Cooperation in Europe, and private donor organizations and foundations. If Minister Kaipov's proposal is accepted and there is an audit of all NGOs in the country that receive foreign funding, the essential work of these civil society groups will come to a grinding halt. Energy that activists would have otherwise spent caring for the needy, advocating for justice, and helping people to obtain basic and fundamental assistance, would instead be taken up with defending themselves in the face of government probes.

Minister Kaipov's proposal should be seen in the context of increasing hostility toward NGO work by governments in the region and efforts by these governments, particularly the Russian government, to discredit NGOs by portraying them as proxies of Western governments. Also, several countries in the region have adopted highly restrictive NGO laws and misused administrative regulations and criminal charges in a highly selective manner against NGOs that are perceived as critical of government policies. These measures have had devastating results for civil society and the prospects for reform in the region. Minister Kaipov's recent proposal, if implemented, would be consistent with some of the most regressive and authoritarian trends in the region.

Minister Kaipov's initiative was met with consternation and concern on the part of civil society groups. A number of NGOs appealed to you and to Prime Minister Kulov asking you to stop this initiative, as it would imperil Kyrgyz civil society. We join this call, and share these groups' concerns that by going forward with the investigation the Ministry of Justice would be overstepping its role in regulating NGOs that is set out in legislation governing NGOs.

Minister Kaipov's initiative came as several cases of persecution of NGO workers have come to light. A prominent rights defender, Maxim Kuleshov, has been brought up on criminal charges in apparent retaliation for his work protesting the use of torture by Kyrgyz law enforcement agencies. Kuleshov is from Tokmok district in Chui province and is a member of Peace, Light, Culture, a Kyrgyz human rights group that is affiliated with the Voice of Freedom network supported by the US-based group Freedom House.

On December 2, 2005 Kuleshov conducted a peaceful demonstration against torture in Kyrgyzstan. According to him, police stopped the protest by switching off microphones and other equipment. Kuleshov filed a complaint about the police actions. Anarkul Koshokbaev, head of Tokmok Department of Interior (OVD) Public Security Division, objected to the content of Kuleshov's complaint and to his allegations expressed in that complaint and elsewhere about the use of torture by Kyrgyz police, and filed an individual criminal complaint against Kuleshov, accusing him of defamation (article 127 of the Kyrgyz Criminal Code) and insulting the honor and dignity of the Kyrgyz police (article 128 of the Kyrgyz Criminal Code). Two court hearings have already taken place; the third hearing was cancelled twice due to Koshokbaev's failure to appear. Observers who have followed his case closely believe that Kuleshov was targeted for prosecution to force him to limit his human rights activities and to discourage others from complaining about police actions.

Other Kyrgyz NGOs have also reported increased government pressure during recent weeks. Edil Baisalov, head of the election monitoring group The Coalition for Democracy and Civil

Society, reported that Kyrgyz authorities have begun to subject NGOs to more frequent audits and investigations. He noted that his own group had been targeted in the last month by both the Tax Inspectorate and the government's Social Security Fund; no violations were found.

Other groups have been unable to clear long-standing obstacles to their operations. Most notably, the Kyrgyz Committee for Human Rights (KCHR) remains unregistered. The KCHR was stripped of its registration under the Akaev government for politically motivated reasons, when an alternate group was granted registration under the same name. It is illegal in Kyrgyzstan for two groups with the same name to be registered, so KCHR was denied re-registration. After your government came to office, relevant authorities have not responded to KCHR's efforts to restore its registration.

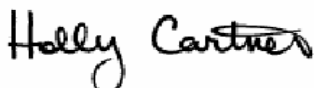
Your government came to office on the promise of reform and a commitment to democracy, openness and respect for fundamental human rights; civil society is essential for fulfilling that promise, and autonomy is essential for the functioning of civil society. But the actions described above undermine rather than foster civil society and have shocked the community of NGOs in Kyrgyzstan.

We are particularly concerned about the implications that these new policies will have for the vital work of Kyrgyzstan's human rights defenders. The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sets forth the standards by which the international community assesses states' treatment of rights defenders. We take this opportunity to bring to your attention two of the principles enshrined in this document. Article 1 of the declaration states clearly that, "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Article 2 stipulates that each state has a responsibility and duty to create all conditions necessary to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all human rights and fundamental freedoms in practice.

We call on you to stop attempts to intimidate and silence NGOs in retaliation for their criticism of government policies and actions and to establish an environment in which civil society can operate freely.

Thank you for your attention to this important issue. We look forward to an ongoing and productive dialogue with you on this matter and other human rights issues of mutual interest.

Sincerely,

A handwritten signature in black ink that reads "Holly Cartner". The signature is written in a cursive, slightly slanted style.

Holly Cartner
Executive Director
Europe and Central Asia division